

Independent Civilian Observer's Report*

Evaluation of the integrity and impartiality of SPVM's investigations into allegations of criminal acts made by Indigenous persons in Québec against police officers

Phase 2 of the Investigations

M^e Fannie Lafontaine, Attorney and Independent Civilian Observer
August 21, 2020 (amended version submitted on September 27, 2020)

* Translated from the French original and authoritative version.

Quebec City, August 21, 2020

Brigitte Pelletier
Deputy Minister
Deputy Minister's Office
Ministère de la Sécurité publique
2525 boulevard Laurier, 5th Floor
Tour des Laurentides
Québec City, Québec G1V 2L2



Dear Ms. Pelletier,

On November 4, 2015, I was appointed independent civilian observer by the Québec government to examine and evaluate the integrity and impartiality of investigations conducted by Service de police de la Ville de Montréal into allegations of criminal acts committed by Sûreté du Québec police officers in the Vallée-de-l'Or regional county municipality against Indigenous women. On November 15, 2016, I submitted a report with my observations and findings on the investigation of complaints received by SPVM up to April 5, 2016 (Phase 1). My report was made public in its original French version the following day, November 16, 2016.

On April 5, 2016, SPVM's mandate was officially expanded to include any criminal allegation made by an Indigenous person against a police officer from a police force other than SPVM (Phase 2). Now that the Phase 2 investigations have been completed, I am pleased to submit my report. It contains my observations and findings on SPVM's investigations into allegations received between April 6, 2016, and September 17, 2018, when Bureau des enquêtes indépendantes (BEI) took over the investigation of any new criminal allegations against a police officer when the victim is Indigenous. It also contains proposals regarding the objectives of my mandate, which are to enhance public and Indigenous confidence in criminal investigations involving police officers, to heighten the perception of integrity and transparency in this process, and to promote respect for the rights of victims. I thank you in advance for following up on the study and adoption of my proposals.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'F' followed by a long horizontal line that ends in a small loop.

Fannie Lafontaine

Independent Civilian Observer
Lawyer, full professor at the Faculty of Law, Université Laval, and holder of the Canada Research Chair on International Criminal Justice and Human Rights

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ABBREVIATIONS, ACRONYMS, AND DEFINITIONS

AFNQL	Assembly of First Nations Quebec–Labrador
BEI	Bureau des enquêtes indépendantes
CALACS	Centre d’aide et de lutte contre les agressions à caractère sexuel
CAVAC	Centre d’aide aux victimes d’actes criminels
CERP	Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services
Cr.C.	<i>Criminal Code of Canada</i>
DCPP	Director of Criminal and Penal Prosecutions
DNP	Internal Affairs and Professional Standards Division
ÉNPNQ	École nationale de police du Québec
MSP	Ministère de la Sécurité publique
NIMMIWG	National Inquiry into Missing and Murdered Indigenous Women and Girls
NPJSQ	Native Para-Judicial Services of Quebec
OIPRD	Office of the Independent Police Review Director
P.A.	<i>Police Act</i>
Police officer involved	Police officer whose conduct during a police intervention, custody, or other circumstances may constitute a criminal act
Protocol	Independent Civilian Observer Protocol
QNW	Quebec Native Women Association.
RCM	Regional county municipality
RCMP	Royal Canadian Mounted Police
SIU	Special Investigations Unit
SPVM	Service de police de la Ville de Montréal
SPVQ	Service de police de la Ville de Québec
SQ	Sûreté du Québec
TRC	Truth and Reconciliation Commission of Canada
Witness police officer	Police officer who saw the conduct of a police officer involved or who has relevant information on the matter

SUMMARY

This report is the culmination of five years of work at the intersection of two fundamental societal issues: criminal investigations involving police officers and the resulting fears of bias and impunity, and the broken relationship of trust between Indigenous peoples and police services.

The role of independent civilian observer entrusted to me—a precedent in Québec—had as its starting point the courageous and troubling unveiling of police abuse in 2015 by Indigenous women of Val-d’Or. The revelations of the Indigenous women of Val-d’Or have encouraged Indigenous persons all over Québec to denounce police abuse. Since then, nearly 200 criminal investigation files have been opened concerning allegations made by Indigenous persons in Québec against a police officer (98 files investigated by SPVM (*Service de police de la Ville de Montréal*) in phases 1 and 2 and 100 files opened by BEI (*Bureau des enquêtes indépendantes*), not counting “independent investigations”¹). These numerous denunciations, as well as the continuing examples of police abuse reported in the media across the country, demonstrate the extent of the problem of police violence against Indigenous peoples and the urgency of providing guarantees of integrity and impartiality that can give Indigenous peoples confidence in investigations concerning police conduct.

This report presents my findings as an independent civilian observer appointed by the Government of Québec to assess the integrity and impartiality of the investigations conducted by SPVM into allegations of criminal acts allegedly committed by police officers from other police forces against Indigenous persons throughout Québec. It covers Phase 2 of these investigations. The Phase 1 report was made public on November 16, 2016.

This summary briefly discusses my findings on the integrity and impartiality of SPVM’s Phase 2 investigations. It also summarizes the 25 proposals I make in the report with regard to the objectives of my mandate, which are to enhance public and Indigenous confidence in criminal investigations of police officers, to heighten the perception of integrity and transparency of this process, and to promote respect for the rights of victims.

The facts

My mandate was carried out in the midst of a series of distinct events that concerned the relations between Indigenous peoples and police services. This first section sets out these events chronologically so as to clarify the respective mandates of the various actors involved.

On **October 22, 2015**, Radio-Canada’s program *Enquête* broadcast a report on Indigenous women who denounced acts of sexual violence and abuse of power perpetrated by police officers in the regional county municipality (RCM) of Vallée-de-l’Or.² The events described sparked public outrage in both Indigenous communities and the population in general.

¹ The distinction between “criminal investigations” and “independent investigations” and the role of BEI is explained in the introduction.

² Dupuis, Josée, “Abus de la SQ: les femmes brisent le silence,” *Radio-Canada – Enquête* (October 22, 2015), online: <<http://ici.radio-canada.ca/tele/enquete/2015-2016/episodes/360817/femmes-autochtones-surete-du-quebec-sq>>.

On **October 23, 2015**, Ministère de la Sécurité publique (MSP) entrusted SPVM with the responsibility of investigating criminal offences allegedly committed against Indigenous persons³ by Sûreté du Québec (SQ) police officers of the Vallée-de-l'Or RCM.

On **November 4, 2015**, the premier announced that the SPVM investigation would be monitored by an independent civilian observer to alleviate public concern and skepticism about police officers being called upon to investigate their peers. I was mandated to do so. My mandate was to examine and evaluate the integrity and impartiality of SPVM's investigations. Its purpose was to build public trust in the impartiality of the police investigations, enhance the perception of the process's integrity and transparency, and strengthen confidence in the respect for victims' rights.

From **October 23, 2015, to April 5, 2016**, a total of 38 complaints were investigated by SPVM. They constituted "Phase 1" of the investigations. The allegations concerned 31 victims,⁴ of whom 24 were women.⁵ The crimes under investigation were mainly sexual offences (15 files) and allegations of forcible confinement (9 files), referring to "*cures géographiques*" or "starlight tours," which consist of transporting individuals against their will to remote locations and abandoning them there "to sober up." The other cases involved allegations of assault or other types of varying allegations, some of which did not concern police officers or were more of a deontological or disciplinary nature.

On **March 31, 2016**, a second report was broadcast by *Enquête*.⁶ It once again featured women from the Vallée-de-l'Or RCM who reported police abuse, but also Indigenous women from other regions of Québec, including Maniwaki, Sept-Îles, and Schefferville. The report also revealed an inadequate complaints process that promoted a sense of police impunity.

On **April 5, 2016**, MSP expanded SPVM's mandate to include any criminal allegation made by an Indigenous person against a police officer anywhere in Québec.

³ "Indigenous" refers to First Nations, Métis, and Inuit. See Canada, National Inquiry into Missing and Murdered Indigenous Women and Girls, *Lexicon of Terminology*, June 1, 2019, online: <https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/MMIWG_Lexicon_FINAL_ENFR.pdf>. For the purposes of this report, it refers collectively to the First Nations and Inuit. As for the Inuit, we note that "Inuk" refers to an individual (singular) and "Inuit" refers to individuals and the people (plural). Although Office québécois de la langue française recommends that "Inuit" (proper noun) and the adjective "Inuit" (examples: Inuit people, an Inuk, an Inuit, Inuit culture) should agree in gender and number as per the practice in French, I will use the terms "Inuk" and "Inuit" invariably in this report in order to respect the usage and preferences of the Inuit.

⁴ Section 2 of the *Criminal Code*, R.S.C. 1985, c C-46 (hereinafter "Cr.C.") defines "complainant" as "the victim of the alleged offence." For this report I have used "victim" instead of "complainant," as I did for the Phase 1 report. Legally, I agree with Justice Beverly McLachlin that "the term 'complainant' is more consistent with the presumption of innocence of the accused than the term 'victim'" (*R. v. Seaboyer*; *R. v. Gayme*, [1991] 2 SCR 577, p. 633). Assuming that the accused did not commit a crime—that is, in the absence of a crime—there can legally be no victim. However, in a social context, whether or not charges have been laid in court does not diminish the seriousness of the experience or erase the need for support and compassion. Since this report deals simultaneously with social and legal issues, the term "victim" seems more appropriate to me, and still in keeping with the spirit of SPVM's investigations, which were conducted on a "we believe you" basis, regardless of the victim's ability to remember certain details or, for example, her state of intoxication at the time of the events.

⁵ Some victims report more than one event.

⁶ Dupuis, Josée and Anne Panasuk, "Le silence est brisé," *Radio-Canada – Enquête* (March 31, 2016), online: <<http://ici.radio-canada.ca/tele/enquete/2015-2016/segments/reportage/6143/enquete-femmes-autochtones-surete-du-quebec-police>>.

June 27, 2016 marked the official start of work by BEI, a specialized police force created on May 9, 2013, with adoption of the *Act to amend the Police Act as concerns independent investigations*.⁷ Its primary mandate is to investigate when a person other than a police officer on duty dies, sustains a serious injury, or is injured by a firearm used by a police officer during a police intervention or while in the custody of a police force.⁸

On **August 3, 2016**, the federal government announced the establishment of the National Inquiry into Missing and Murdered Indigenous Women and Girls (NIMMIWG) to examine the systemic causes of all forms of violence against Indigenous women and girls, not only in cases of missing or murdered victims, but also in cases of sexual violence, child abuse, domestic violence, intimidation, harassment, suicide, or self-harm.⁹ The final report was released on June 3, 2019, and contained a large number of Calls for Justice concerning police services.¹⁰ A separate report for Québec also issued important Calls for Justice directed to the police.¹¹

On **October 4, 2016**, MSP used its authority under sections 289.3 and 289.6 of the *Police Act*¹² (hereinafter “PA”) to entrust BEI with responsibility for investigating any alleged sexual offences committed by on-duty police officers.¹³ This meant that SPVM would no longer investigate complaints of that nature. However, SPVM investigators continued to investigate all other crimes allegedly committed against Indigenous victims by police officers in Québec.

On **November 16, 2016**, my report as an independent civilian observer on Phase 1 of SPVM’s investigations with respect to the integrity and impartiality of the 38 investigation files was made public.¹⁴ The report concluded that the investigations were conducted with integrity and impartiality, but stressed that police investigations are only a partial response in cases of profound social crisis marked by more collective and systemic issues. It also made a number of more general findings on the investigation of criminal allegations against police officers, which will be discussed again and in more detail in this report. Following publication of this report and announcement by the Director of Criminal and Penal Prosecutions (DPCP) that charges would be laid in only 2 of the 37 files (one of the 38 files in Phase 1 was transferred to Phase 2),¹⁵ the Québec government began a series of meetings with Indigenous leaders.

⁷ *An Act respecting independent police investigations*, SQ 2013, c 6.

⁸ *Police Act*, CQLR, c P-13.1, Section 287.1, Subsection 1.

⁹ NIMMIWG, “Our Mandate, Vision, Mission,” online: <<https://www.mmiwg-ffada.ca/fr/mandate/>>.

¹⁰ Canada, National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, vols. 1a and b, Ottawa, 2019, online: <https://www.mmiwg-ffada.ca/final-report/> [NIMMIWG, Final Report, vols. 1a and b].

¹¹ Canada, National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: A Supplementary Report on the National Inquiry into Missing and Murdered Indigenous Women and Girls (KEPEK-QUÉBEC)*, Vol. 2, Ottawa, 2019, online: <https://www.mmiwg-ffada.ca/final-report/> [NIMMIWG, Québec Report].

¹² *Police Act*, *supra* note 8.

¹³ This mandate was officialized on February 14, 2018, with the coming into force of Section 289.1, Subsection. 2 PA

¹⁴ The original report in French, the English translation, and the translation of the executive summary in Anishinabe are available on the MSP website: <<http://www.securitepublique.gouv.qc.ca/index.php?id=994#c104498>>.

¹⁵ Radio-Canada, « Décision du DPCP à Val-d’Or : entre colère et incompréhension » *Radio-Canada* (18 novembre 2016), en ligne : <<https://ici.radio-canada.ca/nouvelle/1000753/decision-du-dpcp-a-val-dor-entre-colere-et-incomprehension>>.

On **December 21, 2016**, the Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services in Québec: Listening, Reconciliation, and Progress (CERP or Viens Commission) was created. Chaired by the Honourable Jacques Viens, the Commission was tasked with shedding light on systemic issues that characterize the relationship between Indigenous peoples and certain public services in Québec, including police services. Its report, released on September 30, 2019, made a series of recommendations for concrete and sustainable corrective actions to be implemented by the Government of Québec and Indigenous authorities to prevent or eliminate all forms of violence and discriminatory practices, including in police services.¹⁶

On **September 17, 2018**, MSP used its authority under sections 289.3 and 289.6 P.A. to entrust BEI with all allegations of a criminal nature made by an Indigenous person against a police officer, thereby officially terminating Phase 2 of the investigations conducted by SPVM. However, in the following months, SPVM would go to complete numerous investigations it had already initiated.

This report contains my observations and conclusions on the impartiality and integrity of the Phase 2 investigations, i.e., those concerning complaints received by SPVM between April 6, 2016, and September 17, 2018, when responsibility for investigations into Indigenous criminal complaints against police officers was entrusted to BEI.

Highlights of Phase 2 Investigations

Phase 2 comprised 61 investigations. The complaints were made by 32 men and 37 women.

Several cases of alleged assault were investigated. There were also many cases of sexual violence. However, there were fewer than in Phase 1 because, as should be recalled, since October 4, 2016, BEI has been the organization responsible for all investigations into alleged sexual offences by police officers in the course of their duties. However, SPVM would continue to have jurisdiction until September 17, 2018, for crimes of a sexual nature that occurred while police officers were not on duty, as well as for all other types of criminal allegations involving Indigenous persons.

The nature of the other allegations investigated varied, as illustrated below. It should be noted that some investigation files may in fact include various offences, which is why the count is higher than the total number of files investigated in Phase 2.

- Sexual violence (18 cases)
- Assault (32 cases)
- Forcible confinement (3 cases)
- Intimidation (2 cases)
- Threats (3 cases)
- Harassment (2 cases)
- Obstruction (3 cases)
- Forgery (3 files)
- Mischief (2 cases)

¹⁶ Québec, Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services: Listening, Reconciliation, and Progress. *Final Report*, Government of Québec, 2019 (Commissioner Jacques Viens), on p. 238, online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Rapport/Rapport_final.pdf> [Viens Report].

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- Other (6 files)

The Phase 2 investigations were geographically distributed as follows:

- Côte-Nord (17 files)
- Nord-du-Québec (15 files)
- Abitibi-Témiscamingue (11 files)
- Outaouais (4 files)
- Lanaudière (3 files)
- Montérégie (3 files)
- Mauricie (3 files)
- Gaspésie–Îles-de-la-Madeleine (2 files)
- Capitale-Nationale (2 files)
- Other (1 file outside Québec)

Police officers from various police forces were investigated by the SPVM team:

- Sûreté du Québec (19 cases)
- Eeyou Eenu Police Force (8 cases)
- Kativik Regional Police Force (6 cases)
- Uashat Mak Mani-Utenam Police Force (5 cases)
- Manawan Police Force (4 files)
- Service de police de la ville de Québec (2 cases)
- Listuguj Police Department (2 cases)
- Former Schefferville municipal police force (2 files)
- Lac-Simon Police Force (1 file)
- Pessamit Police Force (1 file)
- Kitigan Zibi Police Department (1 file)
- Wemotaci Police Force (1 file)
- Timiskaming First Nation Police Force (1 file)
- Former Sept-Îles municipal police force (1 file)
- Other: unknown police force, civilians, correctional officers (5 files)

Of the 61 Phase 2 files, criminal charges were laid against 4 individuals (3 police officers and 1 ex-police officer). In two cases, DPCP authorized information laid to obtain a peace bond. The files in question and follow-up with respect to the judicial process are mentioned in Section 2.1 of the report. The decision whether or not to lay criminal charges rests with DPCP, and this decision-making process is outside my mandate of assessing the integrity and impartiality of police investigations, which occur prior to the DPCP decision.

Mandate prerequisites

Never before in Québec has an independent civilian observer been entrusted with monitoring police investigations of police. For their work to be successful and credible, a certain number of essential conditions must be met. For example, I was provided with full access to the evidence at every step of the

investigation. I also had the opportunity to meet with anyone able to provide observations and information on the investigation (subject to restrictions on direct contact with victims, witnesses, police officers involved, and police officer witnesses). I had sufficient resources to complete the mandate. I was greatly assisted by meticulous, dedicated, competent professionals without whom I would not have been able to effectively accomplish the monumental task of independently monitoring this investigation of extraordinary scope and complexity. They are **Christine Santerre**, specializing in criminal and penal law (Phase 2); **Isabelle Picard**, an anthropologist and a member of the Huron-Wendat Nation (Phases 1 and 2); and **Edith-Farah Ellassal**, specializing in criminal law and criminal and administrative investigations (for Phase 1 and the first part of Phase 2). I also benefited from the invaluable assistance of **Catherine Savard**, a Master of Laws student who brilliantly assisted me in the final phase of writing the report. I would also like to warmly thank **Camille Lefebvre** and **Olivier Lacombe**, doctoral and master’s students respectively, for their invaluable assistance in finalizing the bibliographical elements of this report, as well as my esteemed colleague **Érick Sullivan** for the layout.

Summary of the evaluations and proposals with regard to the 23 Protocol indicators

The integrity and impartiality of SPVM’s investigations are assessed based on a review of 23 indicators compiled in the “Independent Civilian Observer Protocol” (Protocol).¹⁷ These indicators were used to identify and analyze how SPVM practices promote public confidence in police investigations on police, where public confidence has traditionally been low, particularly when the victims are Indigenous. They also reflect the minimum conditions for institutions in charge of investigating the police to be viewed as legitimate and worthy of confidence on the part of the public and Indigenous peoples in particular: transparency, full Indigenous participation, representativeness of Indigenous peoples, and training based on cultural competence and safety.

All the indicators in the Protocol were evaluated separately from one another. They are divided into three categories:

- (A) Consistent application by SPVM of a rigorous established investigation process
- (B) Consideration of the Indigenous context and the sexual nature of the allegations
- (C) Absence of conflict of interest, real or apparent

While assessments were positive in Phase 2 for most indicators in my protocol, some issues critical to public confidence in police-on-police investigations remain problematic. The main concerns expressed with respect to SPVM’s work are transparency towards victims and affected communities—which also concerns DPCP—Indigenous representation on the investigation team, and training based on cultural safety. I note, however, that SPVM devoted considerable investigative resources and took into account the unique requirements of its mandate to investigate police in an Indigenous context. Having said that, the lessons learned from this particular mandate entrusted to SPVM and the independent civilian observer point to major shortcomings in the system now in place through the BEI to investigate the police when the victim is Indigenous.

¹⁷ See the Protocol in [Appendix B](#).

Proposals have thus been made in relation to several critical issues related to the investigation of police officers in an Indigenous context. Reasons and justifications are given in the report for each proposal.

A) Consistent application of a rigorous established investigation process

The first category of indicators aims at examining whether SPVM consistently applies an established and rigorous investigative process. It provides a check on the integrity of the process and the impartiality of SPVM's work. My main concern is to ensure that the same procedure is followed no matter who the victim is (in this case an Indigenous person) and no matter who is the subject of the complaints (police force members). Investigators are expected to apply the same investigative process they would if the alleged crimes had been committed by civilians.

Indicator 1: Promptness of the investigations

The promptness of the investigations is a critical issue. Excessively long response times can hinder the resolution of crimes and undermine public confidence in the investigating authorities. For this indicator, I have comments not only on the duration of the SPVM investigation, but also after, when the file is forwarded to DPCP for review. These comments are necessary since, at this stage, SPVM remains involved in the file, albeit in a more partial manner. In some cases, the investigators conduct additional investigations at the request of the prosecutor and, in most cases, they assist the prosecutor in informing the victim of the decision whether or not to lay criminal charges.

On the whole, SPVM investigations are carried out within a reasonable period of time. While some delays between the commission of the alleged acts and the opening of the investigation file are sometimes observed, there are acceptable reasons for these in the case of complex and geographically wide-ranging investigations. SPVM also makes satisfactory efforts to reach the victim when circumstances make contact more difficult. On average, the SPVM investigation is completed in 4.6 months (138 days). The table in [Appendix E](#) sets out the timing of the entire process in more detail, from when the complaint is filed to when DPCP's final decision is reached. The duration of each SPVM investigation is indicated. These investigation times are quite reasonable.

Despite this, victims sometimes had to wait many months before being informed of the final outcome of their case due to the time required for analysis by DPCP. The time between when the SPVM investigation file was submitted to DPCP and a decision was reached whether or not to lay criminal charges averaged 9.3 months (279.5 days). 41% of files required more than 365 days for analysis by DPCP. This raises questions about the resources available to victims to be kept informed during this process and the obligations of investigators and DPCP in this regard. I address this issue in my analysis of [Indicator 19](#).

BEI does not keep statistics and makes no commitments regarding the timelines for criminal investigations, i.e., investigations that concern an allegation of a sexual nature against a police officer on duty at the time of the incident and those concerning allegations made by an Indigenous person. Such reluctance is surprising inasmuch as investigation speed is essential, particularly in the case of sexual allegations, since once the victim feels ready to begin the reporting process, it is important to act quickly. In addition, trust in policing is difficult to rebuild with Indigenous peoples, and delays in processing complaints are intrinsically related to this lack of trust.

To improve the promptness of investigations and thereby enhance public confidence:

- **Proposal 1:** That BEI keep public statistics on investigation times for criminal investigations (allegations of a sexual nature and allegations from Indigenous victims) and commit to completing investigations within a maximum of 6 months, save in exceptional circumstances.

Indicator 2: Courteous and respectful behavior

To measure this indicator I reviewed audio and videotapes of the interviews. All interviews with victims are taped except, of course, when victims withdraw their complaints and no interviews take place. When the police officers involved are met with, the interview is videotaped. This is a practice that should be made systematic in investigations concerning the police. This is in fact a legal requirement in some jurisdictions.

I can confirm that all interviews were conducted in a manner that was courteous and respectful toward the victims. The investigators understood and were sensitive to the sociocultural context and specific reality of the Indigenous victims and witnesses. They didn't seem to have any preconceived ideas about what happened and took the victim seriously. Interviews with accused police officers were conducted with an open and understanding yet firm and uncompromising attitude.

In order to properly assess the attitude adopted towards victims and the police officers involved and to ensure that a thorough investigation is carried out:

- **Proposal 2:** That interviews with victims and police officers involved be videotaped in any criminal investigation involving allegations of criminal acts against police officers.

Indicator 3: Presence of highly qualified investigators

The investigators assigned by SPVM had the training and experience required for this type of investigation. The members who were assigned to the Phase 2 investigations had between 20 and 30 years of experience at SPVM. They were mainly from the Major Crimes Division. Their skills and expertise were obvious in the interviews I had the opportunity to view, particularly in their interactions with the victims.

It should be noted that police investigator qualifications were evaluated here without regard to specific training on Indigenous cultures and realities, and that such training, even today, is not yet very thorough at the police training institute, École nationale de police du Québec (ÉNPQ). I address this issue in my analysis of Indicator 13. Suffice it to mention here that at the beginning of Phase 1 investigations, SPVM investigators received customized training on these subjects. The Phase 2 investigators, who are the same as in Phase 1, therefore took this training in the fall of 2015.

Indicator 4: Appropriate intervention commensurate with the gravity of the incidents under investigation

This indicator measures the seriousness with which SPVM treats complaints and ensures that appropriate means are deployed to conduct thorough and rigorous investigations. It refers to the investigative process

used to deal with complaints of serious incidents, including sexual incidents, made by people from different Indigenous nations, in a context of very low levels of trust in the police.

In Phase I, the SPVM management team quickly implemented a comprehensive approach that took into account the complexity of the issues in the field. Multidisciplinary resources were called upon, senior management traveled to Val-d'Or and the surrounding area to conduct information campaigns, communications were used to promote transparency, etc. I am of the opinion that such a comprehensive approach should also have been used in Phase 2 in certain regions, particularly in the Côte-Nord and Nord-du-Québec, not only because of the high number of complaints from these regions, but also because of the social and cultural contexts that called for a specific approach. Thus, I am of the opinion that SPVM's intervention was appropriate and commensurate with the seriousness of the events under investigation, but that it could have taken better account of the social and cultural particularities of each nation concerned in order to promote cultural safety and confidence in the community.

In terms of individual investigations, SPVM's response was appropriate and commensurate with the seriousness of the events under investigation. Substantial financial and human resources were used, experienced investigators were deployed in sufficient numbers, the investigative means necessary to establish the truth were employed, necessary travel was undertaken, and a victim-centered approach was adopted. I note, however, that due to remoteness, on certain occasions investigative leads may not have been pursued and methods had to be adapted. While I can confirm that the investigations were no less rigorous when steps had to be skipped or adjusted and that the efforts deployed were appropriate and commensurate with the seriousness of the events, there is no doubt that distance had an impact on the investigative process.

Indicator 5: Investigative methods and approaches similar to those used for crimes of the same gravity committed by civilians

SPVM did not take a different approach in its investigations because the people who were the subjects of the complaints were police officers, except as pertains to specific provisions of the *Police Act* and except for a special procedure for communicating with police officers through their police force's liaison officer in the case of investigative requests and inquiries involving that police force.

My discussions with SPVM officials, local stakeholders, and Indigenous representatives, as well as notes and recordings I consulted of interviews with police officers, whether they were witnesses or involved in the incidents, lead me to conclude that SPVM's investigative methods and approaches were the same as those used for crimes of similar gravity committed by civilians. Existing guidelines were followed and a victim-centered approach was taken.

Indicators 6 and 7: Measures taken to isolate police officers and restrict communication (recent incidents); check on measures taken by other police forces to isolate police officers and restrict communication (past incidents)

These two indicators are both aimed at protecting the integrity of the investigation and minimizing contamination of evidence and collusion between witnesses. While this is important for civilian witnesses, it is even more important for the police officers involved and the police witnesses. These

measures are essential to counter the “blue wall of silence,” which refers to the perception that police officers are often reluctant to betray a colleague or reveal questionable police actions.

For criminal investigations into recent events, the police force involved must take immediate measures: isolate the police officers involved and the police witnesses, keep them from communicating with each other, and require them to independently prepare accurate, detailed, and complete accountings of the facts. As an independent civilian observer, my role was to verify what actions SPVM took to ensure compliance by the police force involved in the incident, from the outset and for the duration of the investigation. For past events, nothing can be done by investigators to prevent communication between police witnesses and implicated officers that may have occurred several months or years previously. The question that must therefore be asked in the current investigation is what SPVM did to restrict contact and communication between the police officers involved prior to their interviews with SPVM investigators.

For both recent and past incidents, I have concluded that SPVM’s approach was satisfactory under the circumstances. SPVM took appropriate measures to restrict communication by police officers prior to their interviews. However, its limited powers in this regard are insufficient to prevent any risk of communication between police officers and witnesses or any risk of contamination of the evidence. This is not unique to SPVM investigations and reflects a more general problem in investigations on police officers, including those conducted by BEI.

I note a major inconsistency in the legal provisions surrounding investigations by BEI. While there are rules regarding non-communication between police officers for independent investigations, there are no rules for criminal investigations, which, it should be recalled, relate to any allegation of a sexual offence committed by a police officer on duty and allegations of a criminal nature against police officers in all cases where the victim or complainant is Indigenous. I find it highly problematic that the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes* has not been amended to take account of BEI’s broadened mandate in relation to criminal investigations. It is inconceivable that in the case of criminal investigations, no rules on isolation and non-communication regulate BEI’s powers, the duties of witnesses and implicated police officers, and the obligations of directors of police forces involved. BEI’s mandate must be formalized in the P.A. to adapt the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes* to the criminal investigations now under its responsibility, in particular as regards the obligations of police witnesses and implicated officers. The same holds true for other P.A. rules that concern BEI.

In order to address legislative inconsistencies and adapt the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes* to the criminal investigations now under BEI’s responsibility, in particular as regards the obligations of witness and involved police officers:

- **Proposal 3:** That Section 289.1 of the *Police Act* be amended to formalize BEI’s mandate regarding allegations of a criminal nature against police officers in all cases where the victim or complainant is a First Nations or Inuit person.
- **Proposal 4:** That Section 289.4 of the *Police Act* be amended so that the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes* may apply to criminal

investigations falling within the remit of BEI that are not independent investigations as referred to in the first paragraph of Section 289.1.

- **Proposal 5:** That the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes* be amended so that the obligations of non-communication and isolation imposed on police officers implicated in the event, police officers who witnessed the event, and the director of the police force involved in the event apply, adapted as necessary, to criminal investigations.

In addition, I note significant shortcomings in the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes* concerning BEI's powers to require compliance with the rules of non-communication and the lack of penalties in the event of failure to comply with the rules. The *Regulation* does not provide for sanctions in case of violation of the rules by the police officers or witnesses involved or by the director of the police force involved.

In view of the importance of compliance with these rules for maintaining public confidence in investigations concerning police officers, criminal sanctions should be provided for in the *Regulation*:

- **Proposal 6:** That the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes* be amended to provide for sanctions when police officers or the directors of the police forces involved fail to comply with the obligations set out in the *Regulation* regarding non-communication between witness and involved police officers.

Indicator 8: Rank of investigators who conduct interrogations

In some cases, SPVM detective sergeants interviewed officers of the same or higher rank. No special treatment was given, and difficult or uncomfortable questions were asked. Investigators conducted their search for the truth in their dealings with the police officers involved, without fear or favor, in an objective and uncompromising manner.

Indicator 9: Respect for the fundamental rights and obligations of witness and involved police officers

In all cases where investigators met with involved police officers in Phase 2 of the investigation, Section 263 P.A. was respected: the police officers were informed that they were the subject of a complaint and received the usual warnings (right to remain silent and right to counsel), in addition to being informed that they were not required to make a statement regarding the complaint against them. Each interview in which police officers were questioned as suspects during the investigation was recorded on video, and my analysis after viewing them is shown in the assessment charts in Appendix F. I observed no irregularities in how the questioning was conducted, which was fully compliant with the rules provided for by law.

As for police witnesses, they were fairly quickly notified of their status in the investigation. Some were assisted by a lawyer during the interrogation, while others consulted a lawyer beforehand. All personal notes of police witnesses and all reports relating to the examination of the complaint, if any, were forwarded with the original file. I note, however, that in a number of files, there were no personal notes

of police witnesses at all. This is problematic, as the practice of note-taking is vital to the proper administration of criminal justice. Particularly when an investigation concerns police behavior, the absence of contemporaneous notes of events by the police officers who witnessed or were involved is likely to reinforce the perception of the existence of a law of silence on the part of police officers to protect each other. I would also add that while note-taking and note-keeping are a standard police obligation in some police forces, there do not seem to be any penalties for failing to comply with this obligation. The application of such sanctions by police force directors, when notified of a breach of duty to cooperate, would greatly strengthen police accountability mechanisms and enhance public trust in them.

Indicator 10: Seriousness and thoroughness of the investigation

I confirm that significant efforts were made by the SPVM team to establish the facts and identify those responsible for the alleged acts. Generally speaking, the investigations were carried out seriously and thoroughly. Appropriate methods were adopted by the SPVM team to investigate the facts and identify the person(s) responsible. When the victim was unable to specify the date of the reported event or the identity of the police officer involved, the investigators took all reasonable steps to find out this information and different methods of identification were used, which points to the seriousness of the investigation. I am satisfied with the steps that SPVM investigators took to identify police officers who were the subject of complaints. Suspects could not be identified in only 4 of the 61 files in Phase 2 investigations.

Investigators followed up appropriately on DPCP requests for further investigation. I note, however, that in some cases, the remoteness between Montreal and the location of the alleged incidents meant that investigators did not return to further refine their investigation, including to interview witnesses who could have shed light on events. My role as an independent civilian observer is to assess the integrity and impartiality of the investigation. It is not to perform the investigation in SPVM's stead and I cannot interfere. The evaluation of the sufficiency of the evidence is the responsibility of DPCP, which among other things must decide whether or not it allows for a criminal prosecution to proceed. In cases where further investigation was not requested by DPCP, I am of the view that the integrity of SPVM's investigation was not compromised, and I defer to DPCP as the authority with sole responsibility to assess the sufficiency of the evidence gathered.

With respect to the questioning of the police officers involved, while they were subject to the same guidelines as in Phase 1, I note that a different approach appears to have been taken in Phase 2. In 15 files, SPVM issued no invitation to the police officer involved to meet. According to the explanations provided by SPVM, these files concerned situations where the DPCP team, in assessing the evidence submitted, had concluded that there was no criminal act, or insufficient evidence, and that meeting with the police officer involved would have no bearing on its conclusions. In these cases, the police officer was not asked by SPVM to provide a statement.

By not inviting police officers to comment on facts alleged against them, the SPVM investigators deprived themselves of explanations that might have advanced the investigation or, conversely, confirmed it was impossible to prove the crime beyond a reasonable doubt. I believe that when police officers are investigated, they should be systematically asked to provide a statement to investigators when the evidence raises a reasonable doubt that a crime has been committed.

To ensure that investigations involving police officers are thoroughly conducted:

- **Proposal 7:** That when police officers are investigated, including by BEI in its criminal investigations, they be systematically invited to provide a statement to investigators when the evidence leaves reasonable doubt that a crime has been committed.

B) Consideration of the Indigenous context and the sexual nature of the allegations

This second set of indicators is intended to determine whether SPVM adequately considered the Indigenous context and the sexual nature of the allegations. The indicators are thus intended to test how SPVM adapted its intervention to take into account the sexual nature of many of the complaints. Most of these indicators point to the importance of using a victim-centered approach to make victims feel safe and at ease cooperating with SPVM investigators. Furthermore, for the investigation to be properly conducted, SPVM had to take into account the Indigenous context within which it was asked to intervene. Indicators are thus aimed at verifying whether SPVM took this into account, particularly by adopting an approach based on cultural competence and safety.¹⁸

Indicator 11: Transparency of the investigative process with Indigenous communities

Unlike in Phase 1, no formal travel was undertaken in Phase 2 to meet with members of the communities affected by the inquiry across Québec. The presence of SPVM management and multidisciplinary team in the affected region was aimed at forging ties with partners and local communities and informing them of the investigative process and its progress, and lack of such contact in Phase 2 could only have a negative impact on the transparency of the investigative process. There is no doubt that SPVM's overall approach in Val-d'Or during Phase 1 was exceptional and that it was not realistic to take an approach of similar scope in all the other regions where investigations took place during Phase 2. That being said, some regions could have benefited from a more sustained and comprehensive approach by SPVM, with tensions between law enforcement and Indigenous peoples continuing and confidence in investigations on police lacking. For these reasons, my conclusions on this indicator are mixed.

Transparency is central to the notion of public confidence in police investigations on police. It is especially important when Indigenous victims are the source of the complaint. This was true for SPVM and it is equally true for BEI. I believe that Indigenous peoples and the general public have very high legitimate expectations of BEI informing them of their investigations into allegations by First Nations and Inuit people. I consider it of crucial importance that changes to increase BEI's transparency be made quickly, in order to improve negative perceptions of its objectivity and impartiality and to strengthen its legitimacy. I believe that BEI's transparency can be increased by keeping more revealing statistics of its investigations and by publishing reports on its criminal investigations when DPCP decides not to lay charges.

¹⁸ See section 3.2 of the report; Expert Panel on Policing in Indigenous Communities, *Towards Peace, Harmony and Well-being: Policing in Indigenous Communities*, Council of Canadian Academies, Ottawa, 2019, online: <<https://cca-reports.ca/wp-content/uploads/2019/04/FullReport-Toward-Peace-Harmony-and-WellBeing.pdf>>.

To increase BEI's transparency, contribute to the fight against systemic discrimination and racism, and harmonize BEI practice with that of other police forces in the country:

- **Proposal 8:** That BEI collect and make public data on the ethnic origin and Indigenous identity of individuals and police officers involved in their investigations.

An analysis of the transparency obligations of other independent bodies shows one thing: by failing to disclose any information whatsoever on criminal investigations files into allegations of sexual assault or following a complaint by an Indigenous person, BEI has one of the worst records in Canada in terms of transparency. It should be required to report in detail on its investigations when DPCP decides not to lay criminal charges. A detailed summary of the investigations carried out by BEI would allow the public to know the facts surrounding the police intervention and the means used to uncover the truth, judge how thorough and serious the investigation was, and better understand the decision not to lay charges. There is also nothing stopping BEI from collaborating with DPCP to include in its report a summary of the reasons for not pressing charges. The public would then be in a better position to judge how impartially and independently BEI conducted its investigations, which I believe would significantly boost confidence in this investigative procedure, which operates in a context of broad and well-documented distrust on the part of the public in general and of Indigenous peoples in particular.

So that the public knows the facts underlying BEI's investigations, understands the means used to uncover the truth, can judge how thorough and serious the investigation was, and gain a better understanding of the decision not to lay charges:

- **Proposal 9:** That the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes* be amended so that the director is required to release a detailed report on any investigation it has conducted, whether an independent or a criminal investigation, when DPCP makes the decision not to lay charges against the police officer(s) involved.

To provide an immediate boost to BEI's transparency at a time of high expectations and low confidence, without waiting for this regulatory change:

- **Proposal 10:** That the BEI director undertake without delay to provide the public with detailed reports on investigations into criminal allegations of a sexual nature or where the victim is Indigenous, in all cases where DPCP does not authorize criminal prosecution.

Indicator 12: Establishment of a climate of trust with the victims

The team of investigators, most of whom were specialized in sexual assault, made considerable effort to establish a climate of trust with the victims. Their training and experience were evident in their approach. They took the time to gather victims' versions of events. They answered victims' questions and conducted interviews in civilian attire. Victims were consulted to ensure that the meeting place was suitable. Where a police station was chosen, it was in all cases a station belonging to a different police force than the one involved in the complaint, and I found no victims who experienced visible discomfort from the location.

Indicator 13: Investigators’ training on Indigenous cultures and realities

All SPVM investigators and detective lieutenants assigned to Phase 2 investigations attended a four-hour training session on Indigenous realities. I found the people who provided this training to be competent and successful at sensitizing investigators to key issues. That being said, this training in itself is insufficient to enhance the cultural competence of SPVM investigators in the broader Phase 2 framework. The syllabus was extremely ambitious in relation to the length of the course, which should have been a few hours longer. And given that Phase 2 covered a variety of geographic areas and victims from different Indigenous nations, I believe that new training should have been provided to address the cultural and social particularities of the different nations with which SPVM was to interact.

More generally, the issue of training police officers (including future police officers) on the sociocultural realities and issues facing Indigenous communities is paramount. Current training, where it exists, is sporadic and insufficient. Thus, I add my voice to the many calling for action and reiterate with them the importance for police forces and ÉNPQ to include in their training programs content developed in collaboration with Indigenous authorities and dealing with the needs and characteristics of First Nations and Inuit and with cultural safety. I applaud certain government initiatives in this regard and hope that the results and changes in police training will be significant and publicized.

While the training of all police officers and police apprentices is essential, increased training is even more necessary for investigators called upon to investigate criminal allegations by Indigenous people against police officers. Thus, I reiterate the finding from my Phase 1 report that any mechanism for dealing with Indigenous complaints against police officers should provide meaningful training on Indigenous realities and cultures to all those involved. This training must be founded on an approach of cultural competence and safety. In my opinion, the training must not only deal with the history and the social and cultural realities of each Indigenous nation in Québec (and not “Indigenous peoples” generically and without distinction), but must also include a component specifically aimed at how to conduct criminal investigations in an Indigenous environment or when the victim is Indigenous.

BEI is now responsible for investigating all allegations of a criminal nature against a police officer in Québec when the victim is an Indigenous person. It must therefore implement the recommendations that have been repeated time and time again, and develop and provide mandatory training programs for all its investigators aimed at fostering cultural sensitivity, competence, and safety while respecting the cultural diversity of the Indigenous nations with which investigators are called upon to work.

Furthermore, I consider it essential that BEI, in collaboration with Indigenous stakeholders, develop a best practices guide on criminal investigations for when the suspect is a police officer and the investigation takes place in Indigenous environments, with a view to cultural safety, that is to say, adapted to the different local realities. Formalizing the process and disclosing it would help to reassure the public and overcome the current perception that investigations involving police officers do not provide the required impartiality, especially when the victim is Indigenous.

To improve training for BEI investigators on Indigenous cultures and realities:

- **Proposal 11:** That, in partnership with Indigenous organizations and experts, a mandatory training program be developed and delivered for all BEI investigators aimed at fostering cultural sensitivity, competence, and safety while respecting the cultural diversity of Indigenous nations.
- **Proposal 12:** That BEI, in collaboration with Indigenous organizations and experts, develop a best practices guide for investigators conducting investigations in Indigenous environments or where the victim is Indigenous.

Indicator 14: Adequate representation of Indigenous community members on the investigation team

In Phase 2, one of the two Indigenous investigators assigned to the SPVM team in Phase 1 was fully reintegrated into the team. She carried out tasks similar to those of SPVM investigators and provided them with the benefit of her investigative expertise and knowledge of Indigenous communities. Her involvement ended in June 2017. Without calling into question the quality and extent of the role played by the external Indigenous investigator, my assessment of this indicator is mixed. SPVM once again missed an opportunity to integrate Indigenous officers from its own ranks, if only in an ad hoc manner as it did with external Indigenous officers. I understand that the immediate response was to involve investigators trained in sexual assault and to put together a multidisciplinary team adapted to the circumstances of fall 2015. Yet it seems essential to me that in investigations in an Indigenous environment, Indigenous investigators should be included to the extent possible.

I would also like to point out that, as of the date of this report, BEI has still not hired an Indigenous investigator. In my opinion, there are three main obstacles that slow the hiring of Indigenous investigators at BEI.

A first obstacle is that BEI has not yet developed an equal access employment program and is not explicitly subject to the *Act respecting equal access to employment in public bodies*. BEI's failure to be included in this act appears to be an oversight. BEI is in fact a specialized police force under the PA, yet it is the only provincial police force not subject to the act. Having an equal access employment program governed by this act and supervised by the Human Rights Commission is, I believe, essential to promoting the recruitment of Indigenous employees at BEI.

So that BEI is subject to the *Act respecting equal access to employment in public bodies* and thus required to have an equal access employment program, thus promoting the representation of members from Indigenous communities on the investigation team:

- **Proposal 13:** That Section 2 of the *Act respecting equal access to employment in public bodies* be amended so that it applies to BEI.

Notwithstanding the above-suggested amendment, given the time it will take to follow through on it, and in accordance with the *Charter of Human Rights*, BEI should implement immediate measures to promote the hiring of Indigenous people. Section 289.10 P.A. provides that “the investigators are appointed on

the recommendation of the director of the Bureau. When making a recommendation, the director must encourage parity between investigators who have never been peace officers and those who have.” Similarly, Section 9 of the *Regulation respecting the selection procedure and the training of investigators of the Bureau des enquêtes indépendantes* provides that the selection committee shall “analyze the candidates’ files and short-list the candidates who, in its opinion, meet the requirements mentioned in the recruitment notice, taking into account in particular the number of vacant positions, the number of candidates, and the requirement to encourage parity between investigators who have never been peace officers and those who have.”

Criteria provided for in an equal access employment program should be added to these selection criteria to address the under-representation at BEI of certain groups who face discrimination in employment, including Indigenous peoples:

- **Proposal 14:** That an equal access employment program be immediately developed and implemented at BEI in consultation with *Commission des droits de la personne et des droits de la jeunesse*. That this program’s measures and objectives for the recruitment of Indigenous persons be taken into account in the application of Section 289.10 P.A. and Section 9 of the *Regulation respecting the selection procedure and the training of investigators of the Bureau des enquêtes indépendantes*.

A second barrier to hiring Indigenous investigators appears to be the low number of candidates who apply. Traditional means of announcing openings at organizations such as BEI are often not enough to encourage and stimulate Indigenous applications. Given this, a proactive approach in collaboration with partners from all First Nations and Inuit communities and adapted to the local realities of these communities is essential to promote the recruitment of Indigenous investigators.

To help publicize openings at BEI to potential First Nations and Inuit applicants:

- **Proposal 15:** That a recruitment and communication strategy be developed at BEI for announcing openings to potential First Nations and Inuit applicants, in collaboration with partners from different communities and adapted to local realities.

A third potential obstacle concerns the procedure and criteria for selecting investigators. I believe these should be interpreted and reviewed to encourage the hiring of Indigenous candidates.

To promote the involvement of First Nations and Inuit people in the hiring process:

- **Proposal 16:** That Section 7 of the *Regulation respecting the selection procedure and the training of investigators of the Bureau des enquêtes indépendantes* be amended to provide for Indigenous representation on the selection committee for BEI investigators, on a permanent or ad hoc basis.

To promote full equality in employment, the selection criteria for investigators must be interpreted and assessed in a way that takes into account the realities of First Nations and Inuit people and recognizes their relevant knowledge and experience. The idea is not to “lower” the selection criteria or disregard the competencies required for the position. On the contrary, the point is to raise awareness that the current

selection criteria, when applied rigidly and from the perspective of the majority, can act as an obstacle to equal opportunity. It is about deconstructing colonial barriers and fully valuing Indigenous values, philosophies, and knowledge systems. This way of doing things differently challenges colonialist institutional perspectives and makes room for marginalized Indigenous perspectives. It is about valuing Indigenous cultures as inherently rich and carriers of competency.

To stimulate the hiring of Indigenous candidates within BEI so as to fully value Indigenous philosophies, values and knowledge systems:

- **Proposal 17:** That the selection criteria in Section 15 of the *Regulation respecting the selection procedure and the training of investigators of the Bureau des enquêtes indépendantes* be assessed with an approach of cultural competency, duly valuing the particular experience and knowledge of the Indigenous candidate, consulting if necessary a trustworthy person from the candidate's Indigenous nation.

That being said, legal constraints for hiring investigators lead to unavoidable delays, which may have a lasting impact on BEI's credibility with Indigenous peoples. Two years have already passed since BEI was first mandated to investigate allegations from Indigenous victims and yet no Indigenous investigator has been hired. Further delays are to be expected. Moreover, even once one or several Indigenous investigators have been hired, it will be difficult to assign them to all investigations involving Indigenous victims. For reasons of legitimacy, when police officers are investigated and the victims are Indigenous, it is crucially important that the investigative team have Indigenous members. My discussions with many Indigenous partners and with BEI indicate that it would be advisable to create specific positions without delay to allow for Indigenous presence and assistance when a BEI case involves an Indigenous victim.

To allow for Indigenous presence and assistance when a BEI case involves an Indigenous victim, for cultural safety reasons and to increase the legitimacy of such investigations:

- **Proposal 18:** That positions of "Indigenous civil advisor" be immediately created to ensure an Indigenous presence in investigations that involve an Indigenous victim. The roles and skills required should be determined in consultation with Indigenous representatives.

Indicator 15: Availability of interpretation and translation services to members of Indigenous communities who are interviewed

SPVM did not systematically offer interpretation or translation services into the victim's native tongue. In Phase 2, however, I did not note any major communication problems. The Indigenous victims spoke either English or French as their mother tongue or as a second language at a level that enabled an interview of this nature to be held. I therefore conclude that SPVM should have systematically offered translation or interpretation services to Indigenous victims and witnesses, but that the failure to do so did not materially affect the integrity of its investigations to determine the truth.

To remove communication barriers between investigators and victims when the victims are Indigenous and to promote cultural safety:

- **Proposal 19:** That BEI systematically offer translation or interpretation services to Indigenous victims and witnesses.

Indicator 16: Support for victims and communication of useful information on psychological support services and assistance and protection services

SPVM's guidelines call for the team to make telephone contact with the victim as soon as possible. This allows support resources to be put in place if necessary, such as social workers or other support professionals as well as immediate family. SPVM has taken the necessary steps to ensure that victims are supported in the investigative process.

However, if there is nothing to prevent a support person from attending interviews with the investigator in which the facts of the complaint are to be discussed, it is customary for this type of interview to take place with the victim alone. Most of the time, the victim could get support before and after the interviews. While I welcome the fact that SPVM has relaxed the usual practice in order to allow some victims to be accompanied during the interview, most of them would have undeniably preferred to be accompanied during the interview, but resigned themselves to accept the usual practice. Some victims asked to have someone with them, while others did not explicitly request so. I note, however, that SPVM did not proactively offer victims the opportunity to be accompanied, except in a few specific cases. After discussing the matter with numerous experts, I have become convinced that justice professionals need to question these procedures so as to ensure that the legal process is adapted to the specific cultural characteristics of Indigenous communities. In cases involving complaints against police officers, the purpose of victims being accompanied is more specifically to reduce Indigenous victims' fears about the police investigative process. A criminal investigation conducted in a culturally safe way when the victim is Indigenous must, in my opinion, allow the victim to be accompanied at all stages, including during the interview with the investigators on the facts that gave rise to the complaint. BEI policies in this regard are not known, and it can only be assumed that investigators follow the regular practice.

To encourage feelings of safety and physical and psychological well-being in victims when a police officer is the subject of the complaint:

- **Proposal 20:** That BEI proactively offer and allow Indigenous victims who file complaints against police officers to be accompanied by a support person of their choice (with the exception of potential witnesses) during the interview with investigators on the facts of the case.

Indicator 17: Interview conducted by a female investigator when the victim expresses such preference (sexual assault allegations)

Unlike in Phase 1 when almost all interviews were conducted by a female investigator when the allegation was of a sexual nature, fewer female investigators conducted such interviews in Phase 2. Many of the investigators were trained to intervene in sexual assault cases, and all acted with seriousness, tact, and sensitivity. In the cases where a female victim was interviewed by a male investigator, I note that no concerns were raised in this regard and that no victims asked to be interviewed by a female investigator.

Given the specialized expertise and experience of SPVM investigators in sexual assault cases, I am satisfied that this indicator is being met. However, I would reiterate that asking the victim whether they prefer a female or male investigator at the first telephone contact is good practice in the context of allegations of a sexual nature and should be applied whenever possible.

Indicator 18: Treating the victim with understanding, empathy, courtesy, and respect for their privacy

I confirm that all interviews were conducted in a manner that was courteous and respectful toward the victims. SPVM investigators did not appear to have any preconceived ideas about the events and took the victims seriously. The socio-cultural context and the particular circumstances of the victims who filed complaints seem to be taken into account by the investigators. They were attentive to any discomfort or emotion that arose during the interviews and took an “I believe you” starting point. Despite the investigators’ respectful, empathetic, and courteous behavior, some victims appeared to experience discomfort during their interviews. Uneasy feelings felt by an Indigenous victim during an interview with a police officer can be explained by a general distrust of police, especially if their complaint involved police officers, but also by cultural differences that could lead to misinterpretation on both sides. These normal and understandable reactions did not appear to be caused by inappropriate behavior by investigators.

Victims also expressed disappointment, bitterness, distress, or anger when DPCP informed them that criminal charges would not be laid against their aggressor due to a lack of evidence or otherwise. Such an outcome can certainly and understandably spur these kinds of feelings, which can also be exacerbated by the long lapse between the initial interview with SPVM investigators and the announcement of the decision by DPCP.

Indicator 19: Explaining to the victim the conduct of the police investigation and the legal process and keeping the victim informed of decisions made in the case

The information provided to victims by SPVM during investigations was satisfactory. The investigators met again with some victims in cases of a sexual nature, with DPCP present, which helped to create a bond of trust with the victim and to clarify the course of the proceedings. When DPCP announced its final decision whether or not to authorize prosecution, DPCP and SPVM teamed up and, where possible, traveled to the victim’s community to inform them of the decision. I am therefore satisfied with how SPVM kept victims informed about the investigations and about decisions whether to prosecute.

Having said that, I do see some gaps in the flow of information to victims between the time the SPVM investigation was completed and the time DPCP made its decision whether or not to lay charges. Victims had sufficient contact with investigators during the investigation, but from the moment SPVM informed them that their files were now in the hands of DPCP, they found themselves in a kind of informational wasteland. And as discussed under Indicator 1, Phase 2 files took on average 9.3 months (279.5 days) after SPVM filed its investigative report for DPCP to announce whether criminal charges would be laid. In fact, 41% of cases took more than 365 days. These long waits can cause great suffering to victims and lastingly undermine their confidence in the justice system, particularly when they have no news on the progress of their case during this period.

The time it took DPCP's committee of three prosecutors to process files in Phase 2 reveal major shortcomings in the respect for the right of victims to be kept informed of the progress of the investigation. While the investigator serves as a point of contact during the police investigation, once the file is in the hands of DPCP, victims are left without word about their cases until DPCP announces its decision about laying charges or not, unless the victims personally contacts CAVAC or generally the DPCP's office. This is likely to be a recurring problem in BEI investigations.

Even when there is an honest, impartial, timely, and transparent police investigation, victims' lack of information and long delays during DPCP analysis process can permanently undermine Indigenous victims' confidence in the justice system as a whole. I therefore believe that DPCP would benefit from clarifying the obligations of prosecutors to provide information to Indigenous victims who make a complaint against a police officer. I have had the opportunity to raise this concern with DPCP. It has indicated to me that it intends to include in its guidelines obligations of information of prosecutors to Indigenous victims who have filed complaints against police officers, from the early stage of analysis of the file, and to review the guidelines to take into account the mandate BEI received on September 17, 2018, with respect to allegations against a police officer involving an Indigenous person. I welcome these intended inclusions.

To clarify prosecutors' obligations of information to Indigenous victims who file complaints against police officers during the analysis stage and to ensure that the applicable guidelines reflect all aspects of the BEI mandate:

- **Proposal 21:** That DPCP guidelines be amended to provide for prosecutors' obligations of information to Indigenous victims in cases involving criminal allegations against police officers from the early stage of analysis as to whether or not to lay criminal charges. The guidelines should provide that each case be handled from start to finish by a single prosecutor to ensure maximum continuity and appropriate follow-up. Cases of this nature should be assigned to a prosecutor who has received meaningful and specific training on Indigenous cultural safety.

Inappropriate behavior by a police officer may contravene various different rules, all of which provide for separate complaint processes and result in different sanctions. The information provided to victims of such behavior on the various remedies available to them is piecemeal and confused, hindering their access to justice.

The *Police Act* imposes a duty on every police officer to report to their director any conduct that may constitute a crime or a breach of ethics.¹⁹ Furthermore, police force directors have an important obligation to inform citizens in writing of their possible recourse in matters of police ethics.²⁰ However, no sanctions are levied on directors who fail to comply with this obligation, which does not seem conducive to me to ensuring victims are aware of the remedies available to them.

In most cases, SPVM failed to formally inform the victim in writing of their recourse in matters of police ethics. SPVM is not the only police force not complying with the obligation under Section 12. The

¹⁹ Sec. 260 PA.

²⁰ *Code of ethics of Québec police officers*, CQLR, c. P-13.1, r. 1, s. 12 (hereinafter "CEQPO").

practice appears to be widespread and the obligation of information is occasionally ignored or misunderstood by police forces.

The failure of SPVM and other police forces to comply with sections 260 P.A. and 12 CEQPO are evidence of the general lack of knowledge of these provisions and how little heed is paid by police directors to the officers' obligations to condemn breaches and of their own obligation of information to victims. These issues are central to public confidence in the mechanisms put in place to ensure police accountability. In addition to the existing sanctions that must be applied, BEI and other police forces must adopt measures to raise awareness and educate their staff about these crucial obligations.

Under Section 150 of the PA, the limitation period for filing a complaint with the Police Ethics Commissioner is one year from the date of the event or knowledge of the event giving rise to the complaint. This is a short limitation period, as victims of police misconduct may be reluctant to file complaints because of the trauma experienced and fear of reprisals. The problem may also be exacerbated if an Indigenous victim lives in an isolated community with poor communications infrastructure. Furthermore, the time required by DPCP to analyze each file means that by the time the decision is handed down, the one-year time limit for filing a complaint has often expired.

To remedy current failures in the interaction between police investigations and ethics remedies:

- **Proposal 22:** That section 150 P.A. be amended to extend the limitation period for filing a police ethics complaint to three years.

The issues discussed above are a symptom of a deeper problem regarding access to information for victims of police misconduct. The distinctions between remedies are poorly understood by victims and many stakeholders, who do not always know which door to knock on. Admittedly, BEI has its own hotline for Indigenous victims, and the Ethics Commissioner conducts its own information campaigns, but it is extremely difficult for the public to find their way around. Victims of abusive police behavior should not have to bear the burden of deciding whether it constitutes a criminal offence (and therefore call BEI), ethical misconduct (and make a complaint to the Commissioner), or a disciplinary offence (and make a complaint to the police department of the offending officer). As the year 2020 draws to a close, I again note the lack of joint efforts to clarify and publicize the various complaints mechanisms and to facilitate access to them.

To allow for better information to be passed on to victims and to ensure increased support for them throughout the complaint process against members of police forces:

- **Proposal 23:** That a “single-window” solution, reachable through different technological tools, be created in collaboration with Indigenous representatives for victims to submit complaints against police officers, whether on criminal, ethical, or disciplinary matters, and to be informed of the various forms of recourse available and of the local resources available to provide assistance.
- **Proposal 24:** That Ministère de la Sécurité publique conduct an information and awareness campaign among Indigenous populations regarding the complaint processes against police officers.

C) Absence of conflict of interest, real or apparent

The issue of conflict of interest is central to the notion of impartiality in investigations. These indicators aim to verify whether there are real or apparent conflicts of interest between the members of the SPVM investigation team and the police officers or witnesses involved, the victims, other witnesses, or members of the management team at the station under investigation.

Indicators 20 to 23: Existence of professional, family, or social ties, present or past; presence of investigators who have already been police officers or otherwise employed by SQ; presence of investigators who have already been police officers or otherwise employed by another police force concerned by the investigation; any other factor likely to undermine an investigator's appearance of impartiality

My assessment of the conflict of interest indicators for Phase 2 of the SPVM investigations is favorable. I confirm, on the basis of all the information at my disposal, that there are no conflicts of interest, real or apparent, between the members of the SPVM investigation team and the police officers involved, police witnesses, victims, other witnesses or, more generally, the police forces involved in the investigations. All members of the SPVM team involved in Phase 2 investigations, including members of senior management, signed in front of a witness a *Conflict of Interest Declaration*. No conflict of interest situations were declared with respect to Indicators 20 to 22, and I find no factors that could undermine the appearance of impartiality of an SPVM investigator (Indicator 23). I note, however, that although adequate measures were put in place to ensure that allegations were communicated in the strictest confidence within SPVM and to minimize fears of interference, the appointment of SQ director Martin Prud'homme as interim head of SPVM during Phase 2 created for many an appearance of conflict of interest that may have negatively affected, for a time at least, perceptions as to the impartiality of Phase 2 investigations.

I note that at BEI, the notion of conflict of interest with regard to investigators is more limited, although not restrictive. Knowing that at least half of BEI investigators are ex-police officers, it seems imperative to me that the notion of conflict of interest be clarified to include situations where investigators would be called upon to take part in investigations involving members of police forces of which they were previously members. This is, in my opinion, an essential measure to enhance public confidence in its impartiality.

To increase public confidence in BEI and avoid conflicts of interest arising from situations where police officers are called upon to take part in investigations concerning members of police forces of which they were previously members:

- **Proposal 25:** That Section 8 of the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes* be amended to extend the notion of conflict of interest to situations where investigators are called upon to take part in investigations involving members of police forces of which they were previously members.

Conclusion

Accusing police officers requires great courage on the part of Indigenous victims, who have every reason to believe the system will not deal with their complaints with integrity and impartiality. But it is even more difficult when the local context makes them feel intimidated or threatened. This was the case in Val-d'Or in particular, where, while investigations were being conducted by SPVM, actions by SQ police officers or by their union were creating a feeling of fear among many First Nations members.

While investigations on police officers when the victim is Indigenous have undergone positive changes since the “Val-d'Or crisis” of 2015, the system put in place through BEI still suffers from serious shortcomings that are likely to undermine its legitimacy and lastingly affect public confidence in it. BEI is unacceptably opaque and unrepresentative. It is, however, a young institution with the potential to become a leader in Canada in the way investigations on police are conducted when the victim is Indigenous, if there is the political will to effect change.

The targeted proposals in this report are inseparable from the more fundamental objectives they seek to achieve: transparency, full Indigenous participation and representation, and training based on cultural competence and safety. I would further note that while these principles are essential to the conduct of an honest, impartial, and legitimate criminal investigation, they must also guide the work of DPCP, which is the ultimate and discretionary arbiter of whether or not to lay criminal charges. Shortcomings at this critical stage in the justice process can undermine the confidence of Indigenous victims in the justice system as a whole.

It is therefore my hope that this report and the proposals it contains will be taken into account in any legislative review process concerning police forces and BEI, by the *Comité consultatif sur la réalité policière* and by the mechanism established by government and Indigenous representatives for the implementation of the Viens Commission's Calls for Action and NIMMIWG's Calls for Justice. I ask the Deputy Minister of Public Security to ensure follow-up of the study and adoption of the proposals contained in this report.

INTRODUCTION

This report presents my findings as an independent civilian observer appointed by the Government of Québec to evaluate the integrity and impartiality of investigations conducted by SPVM into allegations of criminal acts committed by police officers from other police forces against Indigenous people throughout Québec. It relates to Phase 2 of these investigations, i.e., those dealing with allegations received by SPVM between April 6, 2016, and September 17, 2018. My Phase 1 report, which covers the investigation of allegations from the start of the investigation on October 23, 2015, to April 5, 2016, was released on November 16, 2016.

A) Phase 1 of the investigations: Observations and measures implemented

On October 23, 2015, Ministère de la Sécurité publique (MSP) tasked SPVM with investigating criminal offences allegedly committed by SQ police officers of the Vallée-de-l'Or RCM. Many of these allegations mention sexual violence. The government's decision to entrust the investigations to SPVM was announced the day after Radio-Canada's *Enquête* program broadcast a first report featuring Indigenous women from the Val-d'Or region and neighboring communities.²¹

On November 4, 2015, the Québec premier announced that the SPVM investigation would be monitored by an independent civilian observer and assigned the mandate to me.²² The decision came at a time of social crisis and was intended to increase the trust of the victims, the Indigenous communities affected, and the public in the SPVM police investigation of its SQ colleagues.

On November 15, 2016, I submitted a first report to MSP.²³ It was made public the following day.²⁴ That report set out my findings as to the integrity and impartiality of the first 38 SPVM investigations (Phase 1). More specifically, it covered allegations received up to April 5, 2016. In addition to the original French version, the report is available in English²⁵ and the summary has been translated into Anishinabe.²⁶

²¹ Dupuis, Josée and Anne Panasuk, *supra* note 6.

²² Québec, Secrétariat aux affaires autochtones, press release, "The premier of Quebec Philippe Couillard announces measures to improve the living conditions of Aboriginal women," November 4, 2015, online: <https://www.autochtones.gouv.qc.ca/centre_de_presse/communiqués/2015/2015-11-04-en.asp>.

²³ Québec, *Independent Civilian Observer's Report: Evaluation of the integrity and impartiality of SPVM's investigations of allegations of criminal acts committed by SQ police officers against Indigenous women in Val-d'Or and elsewhere. Phase 1 of the Investigations*, November 15, 2016 (Fannie Lafontaine), online: <<https://www.securitepublique.gouv.qc.ca/fileadmin/Documents/ministere/rapports/rapport-observatrice-independante-enquete-spvm-sq-en.pdf>>.

²⁴ Québec (Public Safety), "Le ministère de la Sécurité publique rend public le rapport de l'observatrice civile indépendante," November 16, 2016, online: <<http://www.securitepublique.gouv.qc.ca/ministere/salle-presse/communiqués/detail/13581.html>>.

²⁵ Québec, *Independent Civilian Observer's Report: Evaluation of the integrity and impartiality of SPVM's investigations of allegations of criminal acts committed by SQ police officers against Indigenous women in Val-d'Or and elsewhere. Phase 1 of the Investigations*, November 15, 2016 (Fannie Lafontaine), online: <<https://www.securitepublique.gouv.qc.ca/fileadmin/Documents/ministere/rapports/rapport-observatrice-independante-enquete-spvm-sq-en.pdf>>.

²⁶ Québec, *Mi oowe tac masinaikan e ikitomakak e ickwa mikitcikatek : Nta kikenimakaniowak SPVM epitci kwaiak ntakikentamowakwen kaki iciinactaonikowatcin anicinapekwen Val d'Or ikiwe takoniwewinik SQ. Mi oowe nitam ka nta kikenticikatek Phase 1 icinikate*, November 15, 2016, (Fannie Lafontaine), online:

The indicators in the Protocol, which I used to carry out my mandate in Phase 1, all received a positive general rating despite a few concerns in certain respects. I therefore concluded that the investigations were conducted with integrity and impartiality. However, due to the particular context of the investigations in the first phase—the social crisis exacerbated by the revelations, Indigenous peoples’ lack of trust in the police, a potential pattern of discriminatory behavior towards Indigenous people, and systemic racism within law enforcement—I stressed that while criminal investigations are essential, they are not enough to shed light on the more collective and systemic issues uncovered by the allegations.

I made some important observations about:

- The urgent need to protect and support victims
- The need to quickly clarify how complaints from an Indigenous person against police officers will be handled in the future and to conduct an information and awareness campaign among First Nations members regarding this process
- The importance of adequate representation of Indigenous peoples in this process and of training using a competency- and cultural safety-based approach
- The need for a comprehensive strategy to address the issue of training for non-Indigenous police officers on the socio-cultural realities and issues specific to Indigenous peoples
- The need to shed light on the underlying causes of allegations against police officers of sexual violence and abuse of power as well as on the potential existence of a pattern of discriminatory behavior against Indigenous people, which indicates systemic racism within the police against Indigenous people
- The need for a formal and immediate consultation process between the government, police forces, and Indigenous organizations to identify measures to complement the criminal investigation conducted by SPVM and highlight more collective and systemic issues

After reviewing my report, the Government of Québec undertook consultations with Indigenous peoples, which led to the creation of the Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services—“CERP” or “the Viens Commission”—in December 2016.²⁷ The Commission was tasked with ascertaining the facts, studying the issues, and recommending concrete, effective and sustainable measures to be implemented by the Government of Québec and by Indigenous authorities to prevent or eliminate “any form of violence or discriminatory practices or differential treatments in the provision of the following public services to Indigenous peoples in Québec,”²⁸ including police services. The Viens Commission report was released on September 30, 2019. It highlights the systemic racism inherent in Québec’s public services and lists 142 calls for action with a view to improving the relationship between Indigenous peoples and these services. While the report was

https://www.securitepublique.gouv.qc.ca/fileadmin/Documents/ministere/rapports/rapport-observatrice-independante-enquete-spvm-sq-sommaire-al_01.pdf.

²⁷ D. 1095-2016 dated December 21, 2016, 2 G.O. II, 24 (institution of the Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services in Québec: Listening, Reconciliation and Progress).

²⁸ Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services in Québec: Listening, Reconciliation and Progress, *Mandate*, online: <https://www.cerp.gouv.qc.ca/index.php?id=11&L=1>.

welcomed by numerous groups, including Indigenous groups, others were critical of its failure to examine in depth the issue of relations between Indigenous peoples and the police, recalling the events in Val-d'Or that prompted the report in the first place.²⁹

In the aftermath of the Viens report, in December 2019 the government pledged to adopt the United Nations Declaration on the Rights of Indigenous Peoples, which safeguards Indigenous rights, including the right to non-discrimination.³⁰

B) Phase 2 of the investigations: Expanding the mandate of the SPVM

On April 5, 2016, SPVM's mandate was expanded to include the entire province.³¹ The government's announcement came a few days after *Enquête* released a second report that once again featured women from the Vallée-de-l'Or RCM but also included Indigenous women from other regions of Québec.³² A broader mandate meant that SPVM would have to investigate any allegations against police officers from police forces other than its own when the victim was Indigenous. Allegations against SPVM officers were submitted to Service de police de la Ville de Québec (SPVQ).

Under the expanded mandate, MSP also requested that SQ identify all criminal allegations filed in the past ten years by Indigenous women that involved one of its agents and send it to SPVM for processing and analysis. Complaints that the Director of Criminal and Penal Prosecutions (DCPP) had already ruled on or that had been closed following consultation with the DCPP were excluded from this request. SQ forwarded a total of five cases to SPVM filed in the past 10 years. None involved SQ officers. They only involved Indigenous police that the SQ was initially assigned to investigate. In four of these investigations, the alleged events took place between January 29, 2016, and April 2, 2016, shortly before the SPVM mandate was expanded. The SQ investigations had either not started or had not been completed.

The government also tasked Native Para-Judicial Services of Quebec (SPAQ) with assisting victims who wanted to file a complaint against police officers. A new hotline (1-888-844-2094) was created for victims who planned to go through SPAQ.

²⁹ See Quebec Native Women, press release, "Indigenous Women Forgotten by the Public Inquiry Commission Report" (September 30, 2019), online: <<https://www.faq-qnw.org/en/news/indigenous-women-forgotten-by-the-public-inquiry-commission-report/>>; Isabelle Picard, "Rapport de la Commission Viens : et les femmes?" *La Presse* (October 2, 2019), online: <<https://www.lapresse.ca/debats/opinions/2019-10-02/rapport-de-la-commission-viens-et-les-femmes/>>; Ligue des droits et libertés, "Commission Viens : Le gouvernement doit assumer ses responsabilités" (September 30, 2019), online: <https://liguedesdroits.ca/wp-content/fichiers/2019/09/communique_commission_viens_ldl_20190930.pdf>.

³⁰ United Nations Declaration on the Rights of Indigenous Peoples, Res. 295, UNGAOR, 61st Sess., Supp. no. 49, UN doc. A/RES/61/295, 46 ILM 1013 (2007).

³¹ Croteau, Martin, "Policiers et autochtones : Québec élargit l'enquête à toute la province," *La Presse*, April 5, 2016, online: <www.lapresse.ca/actualites/politique/politique-quebecoise/201604/05/01-4967926-policiers-et-autochtones-quebec-elargit-lenquete-a-toute-la-province.php>.

³² Dupuis, Josée and Anne Panasuk, *supra* note 6.

In Phase 2, 61 cases were investigated by SPVM. These additional investigations were subject to the same observation process as Phase 1 to verify their integrity and impartiality. The context for the Phase 2 investigations was different from Phase 1 because a large number of investigations focused on events that took place outside the Vallée-de-l'Or RCM. As specified below, the investigations involved alleged events reported in nine regions of Québec. Most cases came from three regions: Côte-Nord, Nord-du-Québec, and Abitibi-Témiscamingue.

C) Official transfer of investigative authority from SPVM to BEI

Phase 2 investigations relate to allegations received by SPVM between April 5, 2016, and September 17, 2018. After that date, BEI was tasked with investigating all criminal allegations made by an Indigenous complainant against a police officer in the performance or non-performance of their duties.

BEI was created on May 9, 2013, with the adoption of the *Act to amend the Police Act as concerns independent investigations*.³³ Its creation responds to calls from the public for investigations involving police officers to be conducted with no apparent conflict of interest and in full transparency, impartiality, and objectivity. BEI officially started its investigative activities on June 27, 2016.

In October 2016, following the events in Val-d'Or, the Minister of Public Security used his authority under sections 289.3 and 289.6 of the *Police Act* (hereinafter "P.A.") to task BEI with all investigations relating to an alleged sexual offence committed by an on-duty police officer. A legislative amendment on February 14, 2018, officialized this mandate.³⁴ Notably, a second paragraph was added to Section 289.1 P.A. providing that BEI would henceforth investigate all allegations concerning a criminal offence of a sexual nature committed by a police officer in the performance of his duties.³⁵

Since October 2016, investigations into alleged criminal offences of a sexual nature committed by police officers in the performance of their duties, including when the victim is an Indigenous person, have been assigned to BEI rather than to the SPVM team assigned to Phase 2 of the investigations.³⁶ BEI's mandate was expanded again on September 17, 2018. The Minister used his authority under sections 289.3 and 289.6 P.A. to task BEI with all investigations regarding criminal allegations made by an Indigenous complainant against a police officer, on or off duty.³⁷ This expansion of BEI's powers ended SPVM's mandate for Phase 2 of the investigations. It should be noted that an SPVM detective sergeant, who was part of the investigation for all of phases 1 and 2, was assigned temporarily to BEI to share best practices developed over the years in this investigation.

³³ *An Act to amend the Police Act as concerns independent investigations*, supra note 7. The *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes*, c P-13.1, r 1.1, came into force on the same date.

³⁴ *Act to Increase the Jurisdiction and Independence of the Anti-Corruption Commissioner and the Bureau des enquêtes indépendantes and Expand the Power of the Director of Criminal and Penal Prosecutions to Grant Certain Benefits to Cooperating Witnesses*, SQ 2018, c 1.

³⁵ *Ibid.*, Section 35.

³⁶ The number of such cases investigated by BEI is set out below.

³⁷ Québec, Ministère de la Sécurité publique, press release, "Allégations criminelles contre des policiers : nouveau processus de traitement des plaintes formulées par des membres des Premières nations et des Inuits," August 9, 2018, online: <www.fil-information.gouv.qc.ca/Pages/Article.aspx?idArticle=2608094824>.

To sum up, BEI currently has the power to investigate four types of events in two categories:

1) *Independent investigation*

- When a person dies, sustains a serious injury, or is injured by a firearm used by a police officer during a police intervention or while the person is in police custody³⁸

2) *Criminal Investigation*

- Any allegation concerning a criminal offence of a sexual nature committed by an on-duty police officer³⁹
- Any allegation of a criminal nature against police officers in all cases where the victim or complainant is a First Nations or Inuit person.⁴⁰
- At the request of the Minister, any other investigation into allegations of a criminal offence committed by a police officer⁴¹ and, in exceptional cases, any other event involving a peace officer that is related to their functions.⁴²

BEI's mandate with respect to Indigenous peoples is especially important. BEI was created to allay public fears about police investigating police. People took issue with the apparent conflict of interests, the lack of transparency regarding the investigations, and the lack of impartiality and objectivity of the police forces conducting the investigations.⁴³ These fears and lack of trust are even more acute among First Peoples and are the main reason why an independent civilian observer was appointed to this SPVM investigation. It was not just about police investigating police, but also about investigating incidents with Indigenous victims. Throughout this report, I will draw on my findings in this particular context to propose measures that will improve and strengthen BEI's investigations involving Indigenous people.

According to data provided by the BEI director, between October 2016 and September 17, 2018, BEI led 33 investigations in response to allegations of a sexual offence committed by an on-duty police officer, 18 of which were filed by an Indigenous complainant or victim. As of July 13, 2020, only one investigation was still ongoing. Of the 32 completed investigations, 15 were closed by the BEI director, some in consultation with the DCP, as permitted under the *Police Act* if the BEI director considers the allegation to be frivolous or unfounded.⁴⁴ Of these, 7 involved an Indigenous complainant. The 17 cases forwarded to the DCP resulted in criminal charges against 1 police officer. The complaint was filed by an Indigenous victim. Only some of this information can be found on the BEI website. My findings relate only to cases investigated by SPVM. Besides the above, I have no other information about cases investigated by BEI during my mandate for Phase 2.

³⁸ *Police Act*, *supra* note 8, Section 289.1, para. 1.

³⁹ *Ibid.*, Section 289.1, para. 2.

⁴⁰ *Ibid.*, Section 289.6.

⁴¹ *Ibid.*, 289.6.

⁴² *Ibid.*, 289.3.

⁴³ Bureau des enquêtes indépendantes, *History*, online: <<https://www.bei.gouv.qc.ca/home/organization/history.html>>.

⁴⁴ See Section 289.1, para. 2, P.A: "An investigation must also be conducted if the Bureau des enquêtes indépendantes is notified of an allegation against a police officer concerning a criminal offence of a sexual nature committed in the performance of duties, unless the director of the Bureau considers the allegation to be frivolous or unfounded, after consulting, if the director finds it necessary, the Director of Criminal and Penal Prosecutions."

Between September 17, 2018, and July 13, 2020, BEI led 82 investigations following allegations of a criminal offence committed by a police officer when the complainant or victim was an Indigenous person. Of these, 22 involved an alleged sexual offence. As of July 13, 2020, 26 investigations were still ongoing and 24 investigations, 6 of which involved an Indigenous complainant, had been closed by the director because they were considered frivolous or unfounded, with or without input from the DCP. 32 completed investigations have been forwarded to the DCP: 6 were still under analysis as of July 13, 2020, 23 did not result in charges, and the DCP brought charges against 3 police officers. 1 case involves a sexual offence. As BEI does not issue press releases when it opens or closes a criminal investigation, and as its investigation reports are not made public, Indigenous communities and the general public have very little information to help them understand and assess BEI's criminal investigations. I'll come back to that.

On June 3, 2019, NIMMIWG submitted its final report. The federal government launched NIMMIWG in 2016 to investigate and report on the systemic causes of all forms of violence against Indigenous women and girls, including sexual violence, child abuse, domestic violence, bullying, harassment, suicide, and self-harm.⁴⁵ There was a separate report for Québec.⁴⁶ The National Inquiry produced 231 calls for justice, many of which are police-related.⁴⁷

Such is the backdrop for this report on Phase 2 of the investigations. There have been many observations, and plenty of recommendations have already been made regarding the relationship between Indigenous people and certain public services in Québec. I have carefully considered these findings and have formulated my proposals accordingly. Where previous findings seemed essential to my mandate, I have restated them here. As an independent observer, I was tasked with making specific observations regarding police investigations of police, particularly those involving an Indigenous victim. Consequently, I have come up with clearly defined proposals that I hope can be implemented quickly and in a targeted manner, rather than becoming the subject of endless discussions on how to solve the issues they address.

The first part of this report explains the mandate that was entrusted to me and presents the observation Protocol I developed to evaluate the integrity and impartiality of SPVM's investigations. It also sets out the key conditions for an independent civilian observer's evaluation of a police investigation of other police officers.

The second part is a general overview of the investigations. It includes statistics on the nature of the criminal allegations behind the complaints received, which region the complaints came from, and the police forces the suspects worked for as well as information on the criminal charges laid in certain cases. Here I also describe the organizational structure and the methods SPVM used to carry out its mandate.

In the third part, I present the outcome of the evaluation of SPVM's integrity and impartiality in its investigations, based on the 23 indicators of the Protocol. The evaluation takes into account both the general investigative process put in place by SPVM and the circumstances of each individual case. Throughout this section, I put forward proposals in line with the objectives of my mandate. The proposals

⁴⁵ NIMMIWG, "Our Mandate, Our Vision, Our Mission," online: <<https://www.nmiwg-ffada.ca/mandate/>>.

⁴⁶ NIMMIWG, Quebec report, *supra* note 11.

⁴⁷ NIMMIWG, Final report, vols. 1 a) and b), *supra* note 10.

aim to ensure transparency, integrity, and impartiality in the process (now entrusted to BEI) of investigating police officers when the victim is an Indigenous person and thus strengthen public trust. The analysis charts for each case can be found in the appendix, along with the observer’s mandate, the Independent Civilian Observer Protocol, the Conflict of Interest Declaration signed by members of the SPVM investigation team, the disclosure form used by SPAQ, and a table that sets out the timing for each stage in the investigation. The appendices and the summary are an integral part of this report.

PART I – MANDATE AND OBSERVATION PROCESS

A) Introduction to the mandate

The full text of my mandate can be found in [Appendix A](#) of this report. My mandate was to examine and evaluate the integrity and impartiality of SPVM's investigations. The objectives of the civilian and independent monitoring process are:

- Increase public confidence in the impartiality of police investigations
- Increase the perception of the integrity and transparency of the process
- Build confidence in the respect for victims' rights

Some usual restrictions to preserve my independence and allow the criminal investigation process I am monitoring, but not conducting, to proceed as it should are part of the mandate. These restrictions prohibit me from coming into direct contact with the victims, police officers subject to allegations, or witnesses and from being present in the room during interviews or interrogations conducted by the investigators. Lastly, I cannot interfere in the investigations conducted by the SPVM investigators.

B) Observation process

This independent civilian observation of a police-on-police investigation, launched in November 2015 at the beginning of SPVM investigations, is the first of its kind in Québec. As there was no precedent to draw on, the notions of “impartiality” and “integrity” had to be clarified, and a clear protocol founded on best practices had to be developed. The protocol developed in Phase 1 was applied to Phase 2, unaltered. However, the 23 indicators have been numbered consecutively for ease of understanding. The Protocol can be found in [Appendix B](#) of this report.

The purpose of the Protocol is to establish the guiding principles for the observation process and determine the procedure for evaluating SPVM's work. My assessment of SPVM is based on 23 indicators used to objectively measure the integrity and impartiality of its investigations. These indicators were taken from the practices in other civilian observation or monitoring processes and on rules or practices developed by independent bodies with authority to investigate potentially criminal incidents involving police officers. To develop this work tool, I also drew on invaluable discussions with various bodies and individuals having expertise related to my mandate. I held a number of consultations to gather opinions on the investigation process in Indigenous communities, on the support available to Indigenous women who are victims of sexual violence, and on investigations of one police force by another.

Independent civilian observation of the integrity and impartiality of the SPVM investigations relates to the general investigation process set up by SPVM. It also includes an individual assessment of each case under investigation. To that end, I created charts which allow for a thorough and accurate assessment of the Protocol's impartiality and integrity indicators. These assessment charts include:

- **General information** specific to each case (date and source of the complaint, nature of the allegations, the home police force of the officer involved, if applicable, dates and locations of the events, etc.). The information provided is detailed enough to determine the nature of the case and

how the investigation was conducted, without violating confidentiality nor revealing the victim's identity or undermining in any way the legal proceedings that could follow the investigation.

- An analysis of the **indicators** that relate to the consistent application of an established and thorough investigation process at all stages as well as the specific context of the investigation (Indigenous context and allegations of a sexual nature).

For each indicator, specific sub-indicators support the assessment process and make it more precise. Each indicator is assessed independently of the others. The individual analysis grids are found in [Appendix F](#).

For the purpose of assessing each case individually, I had access to all the evidence collected by SPVM and to all records at every step in the investigation process. SPVM gave me hard disks (updated as the investigation progressed) with a full copy of their own investigation file, which included:

- Digital files for each case, as sent to the DCPD:
 - A “summary of the facts” written for the DCPD, summarizing the evidence and the stages of the investigation
 - Follow-up to the additional investigations requested by the DCPD
 - All interviews with victims, civilian witnesses, witness police officers, and police officers involved⁴⁸
 - All correspondence relating to the case, including requests submitted to SQ or other police forces
 - Exhibits and expert testimonials, as applicable
- Working copies of each case, including certain additional elements such as notes from investigators, emails, and miscellaneous requests
- The investigation team's travel records and other administrative matters related to assignments
- Photos and the compilation of lineups
- Conflict of interest declarations
- Information about the management of the investigation, including investigation plans, notes and reports from the anthropologists or Indigenous liaison officers assigned to the investigation
- Original records from SQ or other police forces
- Daily reports, and then weekly reports from July 2016 onwards, for senior management and progressive logs
- All documents and investigation management records (human and financial resource data, original investigation files from SQ or other police forces involved, data from calls to the SPVM and SPAQ hotlines, lists and contacts of partners mainly in Val-d'Or, lists and contacts of partners in Val-d'Or and elsewhere, research reports by the investigation team's anthropologists,

⁴⁸ All the victim interviews were filmed apart from one, with some justification. All interviews with the police officers involved were filmed as well. There are audio recordings of most of the interviews with civilian witnesses and police witnesses, although the law only requires them to give their statements in writing.

work conducted by Les Survivantes program agents and the Aboriginal liaison officer, contact information for designated interpreters, etc.)

In addition to full unrestricted access to the investigation files, I had frequent contact with members of the investigation team at all levels, including the SPVM deputy director in charge of the investigation team and the police detective supervising the investigation. Whenever I had a concern or needed clarifications, I asked numerous questions, which were promptly answered.

Moreover, as set out in my mandate and subject to restrictions on direct contact with the victims, police officers involved, witness police officers, and other witnesses, I was able to meet with anyone who had information relevant to the evaluation of the integrity and impartiality of SPVM's investigation. I met with numerous organizations and individuals in carrying out my mandate, either to obtain information on and impressions of SPVM's investigation process (e.g., social workers in contact with the victims or communities, Band Council members, etc.), to discuss best practices for independent civilian monitoring of a police-on-police investigation (e.g., Québec Ombudswoman, academic experts, civil society organizations, etc.), or to work towards the objective to "increase the perception of the integrity and transparency of the process" set out in my mandate by providing information on their role and the criminal investigation process and discussing the issues specific to the context of the investigation (including the Indigenous context and sexual violence allegations).

In fulfilling my mandate, I acted impartially, independently, and objectively, impervious to external pressures or influences. I also maintained the confidentiality of the information I learned from studying SPVM's investigation files. These principles guarantee that the observation process is credible and help fulfill its objectives.

C) Mandate prerequisites

i. Unrestricted access to the entire investigation team

I had direct and frequent access to members of the investigation team, at all levels. My many contacts with all these different people were essential for me to be able to report on the impartiality and integrity of the SPVM investigation. I sent SPVM numerous requests for information and had frequent contact with the investigation team when necessary, so I could properly and carefully follow all the steps in the investigation.

I saw this opportunity to talk openly with SPVM during the investigation to avoid or address possible irregularities as the obvious approach to take in carrying out my mandate. The idea was not to silently observe and wait for a false move and then condemn it, but rather to examine how the investigation was being conducted in real time and work together to ensure maximum compliance with the impartiality and integrity indicators. Because the main objective of the independent observation was to enhance public confidence, it would have been contradictory to allow avoidable irregularities to occur, to say the least. This approach allowed me to be transparent with SPVM on the observation indicators and promoted the adoption of measures to align the investigation process with the indicators. I also consulted with organizations involved in police investigation processes (DCPP, Commissaire à la déontologie policière, and BEI) to discuss issues of concern to them in relation to the shared objectives of transparency, integrity, and impartiality.

As in Phase 1, **in Phase 2 I had the full cooperation of everyone on the investigation team. I received a prompt and appropriate response to all my requests, and SPVM took a proactive approach to apprising me of information relevant to my mandate and the ongoing investigations.** I was also informed in real time of situations where the investigators had doubts or concerns about the proper conduct of the investigation. My relationship with each investigation team member was respectful and professional, just as in Phase 1.

I found no irregularities that would compromise the impartiality of the investigation, nor did I notice any failure by SPVM to cooperate fully. In such cases, according to my mandate I would have had to notify the Deputy Minister of Public Security right away. As with my observation of the Phase 1 investigations, I did not need to use this clause of my mandate Phase 2.

ii. Transparency of the process and the observation results

In Phase 1, I met with dozens of individuals and organizations to introduce and explain my mandate, its objectives, its limits, and the way I intended to carry it out. I proceeded the same way in Phase 2. I saw some people and organizations again and I also met new ones. The interested parties knew how to contact me and knew that I was available at any time to listen to their concerns or answer their questions.

As for Phase 1, the Phase 2 report must be distributed widely to ensure transparency of the observation results and to fulfill the mandate objectives of increasing the public's and Indigenous people's confidence in police-on-police investigations. So that it can be read and understood by as many people as possible, I have asked for the report to be translated into English. Considering the significant proportion of victims from certain Indigenous nations, I also requested that the summary be translated into Anishinabe, Innu, Inuktitut, Atikamekw, and Eeyou.

iii. Appropriate resources to carry out the task

I had the appropriate resources to carry out the mandate, the scope of which grew tremendously given the expansion SPVM's remit to include all of Québec and all police forces.

To observe each case individually, I personally had to watch the police interviews from start to finish and carry out a thorough, in-depth analysis of each stage of the investigation process and each piece of evidence. To prevent mistakes, to obtain a different perspective and Indigenous expertise, and to confirm my assessment, the cases were also assessed by my legal advisors and my special advisor, all of whom were subject to the same confidentiality and impartiality requirements:

- **Christine Santerre**, specialist in criminal and penal law (Phase 2)
- **Isabelle Picard**, anthropologist and member of the Huron-Wendat Nation (phases 1 and 2)
- **Edith-Farah Elassal**, specialist in penal law and criminal and administrative investigations (for Phase 1 and the first part of Phase 2)

I was greatly assisted by these meticulous, dedicated, and competent professionals, without whom I would not have been able to effectively accomplish the monumental task of independently monitoring

this investigation of extraordinary scope and complexity. I owe them a depth of gratitude for their exemplary work, their advice, and their friendship. Any errors or inaccuracies, however, are solely my own.

I also benefited from the invaluable assistance of **Catherine Savard**, a master's in law student who provided rigorous support in the final phase of drafting the report. Her meticulous research and writing skills and tireless enthusiasm were critical during the final sprint, and for that I am sincerely grateful. I would also like to warmly thank **Camille Lefebvre** and **Olivier Lacombe**, doctoral and master's students respectively, for their priceless assistance in finalizing the bibliographical elements of this report, as well as my esteemed colleague **Érick Sullivan** for his work on layout.

PART II – OVERVIEW OF PHASE 2 INVESTIGATIONS

As a short reminder, SPVM’s mandate was created on October 23, 2015, when MSP put SPVM in charge of the investigations into criminal offences allegedly committed by SQ police officers of the Vallée-de-l’Or RCM unit against Indigenous women. Phase 1 involved investigations of complaints received up to April 5, 2016. On April 5, 2016, SPVM’s mandate was officially extended to all police forces in Québec and from April 6, 2016, to September 17, 2018, SPVM led 61 investigations (Phase 2), which are the subject of this report.

Part II of this report is a general overview of the cases that were investigated in Phase 2 (2.1). It sets out the organizational structure and the means SPVM used to fulfill its mandate (2.2).

2.1. OVERVIEW OF ALL CASES

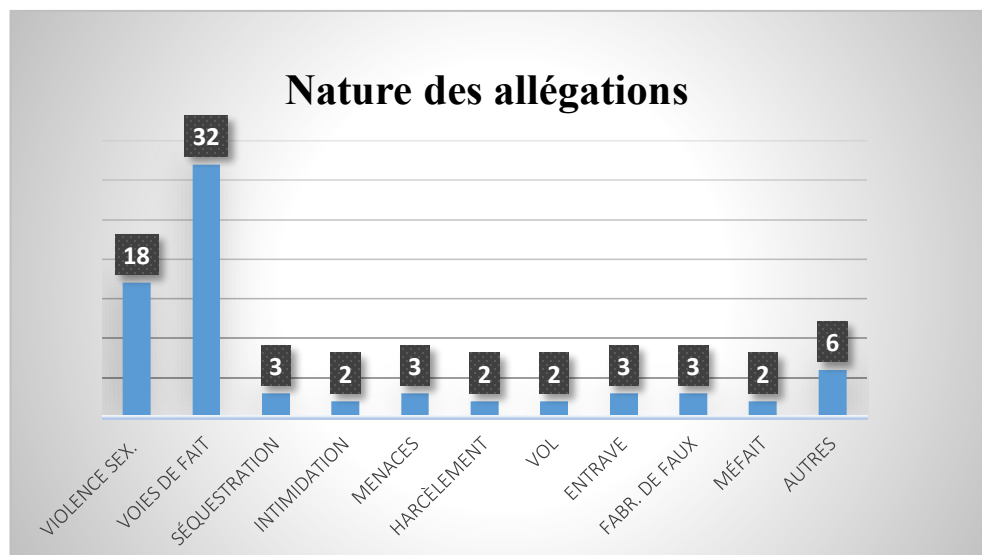
Phase 2 of the investigations consists of cases 39 to 99. Case 23 in Phase 1 was transferred to Phase 2 because the suspect was involved in another complaint filed in the second phase and the investigations were complementary. I evaluated the case in my Phase 1 report but I am including it again here because some of the steps in the investigation were completed after my first report was submitted and because it is part of Phase 2 for both SPVM and DCCP. Case 85 was assigned to BEI on the day of the incidents, May 5, 2017, because the allegations involved serious injury to the victim. However, CERP disclosed the allegations to SPVM a few months later, on November 3, 2017, unaware that BEI had already been entrusted with the case. It was agreed that SPVM did not need to continue the investigation already completed by BEI and submitted to the DCCP. Therefore Case 85 is not included in Phase 2 of the investigations led by SPVM.

Thus, there are a total of 61 cases in Phase 2.

In contrast to Phase 1, where the majority of victims are women, Phase 2 includes complaints from 32 men and 37 women. Complaints received by SPVM come from a variety of sources:

Source of complaints	Number of cases
Transferred from SQ	20
<i>Past 10 years</i>	5
<i>Other cases transferred by SQ</i>	15
SPAQ	11
Transferred from police forces other than SQ	7
Second <i>Enquête</i> report	6
SPVM interviews with victims and witnesses	4
SPVM disclosure line	2
Val-d’Or Native Friendship Centre	2
Calls to an SPVM investigator directly	2
MSP	4
BEI	1
CAVAC	1
CERP	1

Several cases of alleged assault were investigated. There were also many cases of sexual violence. However, there were fewer than in Phase 1 because on October 4, 2016, MSP used its authority under sections 289.3 and 289.6 P.A. to entrust BEI with all investigations into alleged sexual offences by on-duty police officers. SPVM would nonetheless continue to lead investigations into crimes of a sexual nature that occurred while police officers were not on duty as well as all other types of allegations. SPVM also investigated a few cases of alleged kidnapping, referring to “starlight tours” that consist of dropping individuals off in remote areas and leaving them there “to sober up.” There were various other types of allegations, such as threats, harassment, theft, forgery, intimidation, etc.



*It should be noted that a single investigation case may include more than one offence, which is why the number above is higher than the total number of cases investigated in Phase 2. No translation available.

As a reminder, most Phase 1 cases (32 out of 38) took place mainly in the Vallée-de-l'Or RCM. The Phase 2 investigations were geographically distributed as follows:

<p>Côte-Nord (17 cases)</p> <ul style="list-style-type: none"> Sept-Îles (8) Schefferville (4) Uashat (2) Maliotenam (2) Pessamit (1) <p>Mauricie (3 cases)</p> <ul style="list-style-type: none"> Wemontaci (2) La Tuque (1) 	<p>Nord-du-Québec (15 cases)</p> <ul style="list-style-type: none"> Waskaganish (3) Oujé-Bougoumou (2) Kuujuak (2) Kuujjuarapik (2) Mistassini (1) Kangirsuk (1) Salluit (1) Lebel-Sur-Quévillon (1) Chissasibi (1) Chibougamau (1)
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Abitibi-Témiscamingue (11 cases)	Capitale-Nationale (2 cases)
Val-d'Or (7)	Wendake (1)
Senneterre (2)	Québec (1)
Lac-Simon (1)	
Timiskaming (1)	Lanaudière (3 cases)
	Manawan (3)
Outaouais (4 cases)	Gaspésie-Îles-de-la-Madeleine (2 cases)
Maniwaki (4)	Listuguj (2)
Montérégie (3 cases)	Other (1 case)
Kahnawake (2)	Punta Cana, Dominican Republic (1)
Sorel (1)	

A total of 56 out of 61 cases dealt with offences allegedly committed by police officers. In five cases, the subject of the investigation was recorded as “Other” category, i.e., their identity could not be established (two cases) or they were a correctional officer (one case)⁴⁹ or a civilian (two cases).⁵⁰ In Phase 2, police officers from different police departments were investigated by the SPVM team:

Police department	Number of cases
Sûreté du Québec	19
Eeyou Eenou Police Department	8
Kativik Regional Police Force	6
Uashatmak Mani-Utenam Police Department	5
Manawan Police Department	4
Kahnawake Peacekeepers	2
Québec City Police Department (SPQC)	2
Listuguj Police Department	2
Former Schefferville Municipal Police Force	2
Lac-Simon Police Department	1
Pessamit Police Department	1
Kitigan Zibi Police Department	1
Wemotaci Police Department	1
Timiskaming First Nation Police Department	1
Former Sept-Îles Municipal Police Force	1
Other: unknown police force, civilians, correctional officers	5

⁴⁹ Following the disclosure of a victim alleging assault by correctional officers from the Sept-Îles detention center and considering that the victim had already filed a complaint in three Phase 2 cases, MSP tasked SPVM with investigating the incident.

⁵⁰ Both cases involved the same civilian suspect. In one of the Phase 1 cases, a victim filed a complaint against a police officer. During the interview with SPVM, she also mentioned criminal acts allegedly committed against her by a civilian (a member of the clergy). This disclosure led to a new, separate case, Case 23, to prevent the victim from being redirected to another police department. In Phase 2, a second victim filed a complaint against the same civilian, justifying the opening of Case 57 to ensure consistency in the investigation.

Of the 56 out of 61 cases where the suspect(s) was/were a member of a police force, 32 involved a police officer who was on duty at the time of the events. In one case, the victim was unable to say whether the police officer was on duty.

The majority of the investigations concern events that are believed to have occurred recently. The following is a breakdown of the cases by decade in which the events giving rise to the complaint allegedly took place:

- **1960–1969:** 2 cases
- **1970–1979:** 0 cases
- **1980–1989:** 6 cases
- **1990–1999:** 3 cases
- **2000–2009:** 2 cases
- **2010–2015:** 7 cases
- **2016–2019:** 41 cases

Of the 61 Phase 2 cases, criminal charges were laid against 4 individuals (3 police officers and 1 former police officer). In two cases, the DCPD authorized the laying of information with a view of obtaining a peace bond. Case statuses and their eventual outcome, if applicable, are set out in the table below. More details can be found in the files at the registries of the courthouses in question.

	Home police force	Court district & case	DCPD authorization date	Criminal charge(s)/ Recognizance	Case status
#44	Manawan Police Department * Police officer also charged in Case 63, but with a different victim.	Joliette District 705-01-095777-167	13-07-2016	1) Recognizance (Art. 810.1, <i>Criminal Code</i>)	Due to failure to comply with recognizance, the subject was accused of a breach of conditions under Article 145(3) of the <i>Criminal Code</i> . See below, Case 63, #705-01-097547-162.
#56 ⁵¹	Eyou Eyou Police Department	Abitibi District 614-01-001413-174	29-03-2017	1) Sexual assault with a weapon (Art. 272(1)(a)(2)(b), <i>Criminal Code</i>) 2) Obstruction of justice (Art. 139(2), <i>Criminal Code</i>) 3) Sexual Assault (Art. 271(a), <i>Criminal Code</i>)	Convicted on August 19, 2019, on the second count, but acquitted on the first and third counts. Sentence handed down on February 20, 2020: suspended sentence, 2 years of probation and 125 hours of community service.

⁵¹ In connection with this case, three new charges were laid in Case 614-01-002735-195: 1) obstruction of justice (Art. 139(2) of the *Criminal Code*); 2) breach of promise (Art. 145(5.1)(a) of the *Criminal Code*); 3) breach of promise (Art. 145(5.1)(a) of the *Criminal Code*). The investigation was conducted by the Eyou Eyou Police Department, as the events allegedly occurred after SPVM’s Phase 2 investigations. The police officer pled guilty to the third count on December 9, 2019, and the sentence was handed down on February 20, 2020: suspended sentence, 2 years probation, and 25 hours of community service.

#63	Manawan Police Department	Joliette District 705-01-097547-162	25-11-2016	1) Breach of conditions (Art. 145(3), <i>Criminal Code</i>)	Guilty plea on June 1, 2018, on the count of breach of condition and indecent acts Sentence imposed on July 20, 2018: conditional discharge and two years of probation.
		Joliette District 705-01-097546-164	25-11-2016	1) Indecent acts (Art. 173(1)(b), <i>Criminal Code</i>) 2) Sexual Assault (Art. 271, <i>Criminal Code</i>)	
#68	Kativik Regional Police Force	Abitibi District 635-01-017552-184	15-11-2018	1) Assault causing bodily harm (Art. 267, <i>Criminal Code</i>)	Trial scheduled for December 2 and 3, 2020.
#71	Cross-complaint involving a Kahnawake Peacekeepers police officer and a former police officer.	Longueuil District 505-01-148832-179	05-03-2017	1) Assault (Art. 266, <i>Criminal Code</i>)	Convicted at trial on December 5, 2017; Suspended sentence, 18 months of probation, and community service.
#74	Québec City Police Department (SPQC)		08-08-2017	1) Recognizance (Art. 810, <i>Criminal Code</i>)	Compliance with recognizance for the entire duration, i.e., 12 months.

*The information in this table is current as of July 24, 2020.

This background information on Phase 2 shows the broad scope of the investigations. The following section outlines the means SPVM used to fulfill its investigative mandate.

2.2. OPERATIONAL STRUCTURE AND MEANS USED

On November 3, 2015, SPVM adopted an investigation plan to carry out what was initially called the “Val-d’Or project.” Subject to my comments in the next few pages, the plan was generally maintained in Phase 2. The plan objectives, which also apply to Phase 2, were as follows:

- Shed light on all cases in such a manner as to provide the DCPD with full and objective evidence
- Help the public feel safe
- Establish a relationship of trust between the public and SPVM

The plan set out an operational structure to meet these objectives. Many different resources were allocated to the project in Phase 1, as reported in my November 2016 report. SPVM launched a large-scale multidisciplinary operation. Under the leadership of the deputy director and assistant director, the core team consisted of interviewers. It was supported by a number of other teams, namely the research, *Les Survivantes* program, community relations, internal affairs and professional standards, support, and communications teams.

Substantial resources were still committed in Phase 2, but as discussed below, some of the teams working alongside the investigators had little or no involvement during this phase.

As of December 31, 2018, the number of resources allocated to Phase 2 corresponded to nearly 14,000 hours worked. This number includes the contribution of civilians and senior management. The cost of Phase 2 was \$1,322,872.48, including travel expenses.⁵²

A) Investigation team

The initial Phase 2 team was the same as in Phase 1, with nine detective sergeants, including three women, and an investigator from the Odanak Abenaki Police Force. The team was led by an inspector and a commanding officer, under the supervision of two assistant directors, while two lieutenant detectives acted as regular investigation supervisors. This team gradually became smaller as the needs of the investigations changed. Starting in April 2016, a single lieutenant detective supervised the investigations, and the investigation team shrank over time: five detective sergeants in September 2016, four in January 2017, three in June 2017, and then only one starting in April 2018. An inspector, a commander, and a deputy director complete the chain of command for Phase 2.

The majority of investigators and lieutenants came from the SPVM Major Crimes Division. More specifically, some were with the Sexual Assault Section. **Detective Lieutenant Yannick Parent-Samuel and Detective Sergeant Carl Thériault, who remained in charge of the investigations for the duration of phases 1 and 2, provided valuable assistance throughout and have become true experts in investigations that involve Indigenous communities.** Detective Sergeant Carl Thériault was loaned to BEI to share his expertise during the transition in September 2018.

Only one Indigenous police officer was part of the Phase 2 investigation team, and only for a short period of time. As a reminder, MSP announced in December 2015 that two Indigenous police officers would join the Val-d'Or project team. Phase 1 was already underway. One was Abenaki and belonged to the Odanak Abenaki Police Force, while the other was Cree and belonged to the Mistassini Eeyou Eenou Police Department.

At the start of Phase 2 in April 2016, SPVM contacted these two investigators to reassign them to the next phase. The Eeyou Eenou police officer was unable to join SPVM due to family obligations. His superior then contacted MSP to arrange for a replacement on the investigation team. In late April 2016 MSP told SPVM that this Indigenous police officer was not being replaced. The Abenaki officer joined the investigation team again in late April 2016, once MSP and her home police force had worked out the financial aspects of her assignment. She continued to work for SPVM on a regular basis until the end of December 2016, after which she was involved in the investigations as needed. As an aside, and this is something I will come back to, there were no Indigenous SPVM police officers on the team.

⁵² As a reminder, as of November 3, 2016, the number of resources allocated to Phase 1 corresponded to nearly 11,000 hours worked. This number includes the contribution of civilians and senior management (commander and inspector). As of October 31, 2016, the cost of Phase 1 totaled \$1.1 million, including travel expenses.

All the investigators, including the Odanak police officer, did much the same work. Their main task consisted of gathering evidence by interviewing the victims, civilian witnesses, and police officers. They also obtained the necessary corroborations, conducted further investigations, and drafted the required reports.

The senior managers associated with the investigation also changed in Phase 2. Deputy Director Didier Deramond (the SPVM number two), who oversaw all SPVM Phase 1 investigations and some for Phase 2, and who helped me enormously, left his position in September 2017 to take on new challenges. He was replaced by a new deputy director, Simonetta Barth, who was also a great help in my work. She would be ultimately accountable for investigations in the remainder of Phase 2. In March 2017 an SPVM deputy director who had been involved in overseeing investigations since the beginning of Phase 1 was suspended for allegations unrelated to the investigations and therefore left the Val-D'Or project team.⁵³

B) Research team

At the start of Phase 1, SPVM had a Research and Planning Section whose mission was to support and guide key decisions made by the police force. Two experts from this section were assigned to the Val-d'Or project as soon as it was set up in the fall of 2015. They were both anthropologists by training, and one of them was also a demographer.

In Phase 1 they were instructed to go to Val-d'Or to meet with local partners and then advise the investigators on which partners to choose and how to proceed. Part of their role was also to share their expertise and conduct a literature search on the various issues specific to SPVM's mandate.

The anthropologists took part in SPVM's initial work in November 2015, holding some 30 interviews in the Val-d'Or area with individuals and organizations in various fields of expertise (health network, social services, Direction de la protection de la jeunesse, university network, and other services for non-natives, Indigenous people, and Métis). Once this work was completed, they shared their expertise and findings with other SPVM members involved in the investigations. These interviews were held in January and February 2016 with the commander in charge, the supervisors, the Indigenous liaison officer, community officers, and some investigators.

In February 2016, the anthropologists produced a research report on social conditions in the Val-d'Or area entitled *Enquête sociale à Val-d'Or et ses environs*.⁵⁴ This report is a well-researched and well-documented study on, among other things, the approach advocated by SPVM, the specific context in Val-d'Or, relations between Indigenous peoples and the police, and other problems or issues inherent to such an investigation.

⁵³ He was later cleared of all charges: see Radio-Canada, "L'ex-directeur adjoint du SPVM poursuit la Ville de Montréal pour 1,75 M\$," *Radio-Canada* (December 17, 2019), online: <<https://ici.radio-canada.ca/nouvelle/1438009/police-montreal-bernard-lamothe-poursuite-spvm-philippe-pichet>>. These facts are unrelated to the investigations conducted under this special SPVM mandate regarding Indigenous people's allegations against police officers from other police forces. Mr. Lamothe's involvement in Phase 1 was significant and positive.

⁵⁴ Julie Rosa, Valérie Courville, and Michelle Côté, *Enquête sociale à Val-d'Or et ses environs. Research Report*, SPVM, Montreal, February 2016, online: https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-708.pdf.

In Phase 2, SPVM did not send any anthropologists out into the field. However, the ties forged with partners in the Val-d'Or region during Phase 1 had a positive impact on the second phase, with 11 cases from Phase 2 involving events alleged to have taken place in the Vallée-de-l'Or RCM and the surrounding area. In my opinion the Phase 2 investigations in other regions of Québec benefited from the fact that the anthropologists had shared their expertise and findings with the investigation team in Phase 1, which helped the police investigators take into account the specific context of Indigenous communities and to work with Indigenous peoples in urban areas.

On the other hand, **because the anthropologists and other SPVM resources were not sent elsewhere, such as Sept-Îles and Schefferville (12 cases) and Nord-du-Québec (15 cases), it was difficult to take the local and cultural particularities of these communities into account.** Consideration of each community's circumstances is part of the cultural competence that should be developed in investigations such as this. It also helps to promote the cultural safety of the Indigenous people involved in investigations. The remoteness of certain regions, particularly Côte-Nord and Nord-du-Québec, was undoubtedly a major challenge for SPVM and demonstrates the practical limitations of investigations by Montréal police throughout the province. SPVM specifically mentioned to me the logistical difficulty of sending significant resources to regions far from Montréal. That being said, research reports on the Anishinabe and Cree communities in the Val-d'Or area provided valuable insight during Phase 1, and it would have been helpful to have had similar reports for the other nations involved in Phase 2.

C) Les Survivantes program

Two police officers from the *Les Survivantes* program who have expertise in sexual violence were brought on board at the start of Phase 1. The program was set up in 2010 to train the various experts who work with victims of sexual exploitation. It also aims to raise awareness and educate victims about the resources available to help them get out of the situation they are in.⁵⁵ The officers' mandate consisted of identifying and establishing close ties with local resources and the communities. To avoid overlap, it was agreed that the agents would meet with community and institutional organizations working with vulnerable groups while the anthropologists focused on organizations in the health and university network.

Like the anthropologists, the officers from the *Les Survivantes* program were not involved in the Phase 2 investigations. My comments above about the research team also apply to the lack of involvement of these officers in Phase 2. **While the links it established in Val-d'Or are to be commended, SPVM would have benefited from the expertise of the two *Les Survivantes* police officers to establish informed and meaningful relationships with individuals and organizations specializing in sexual violence elsewhere in Québec, particularly in regions where numerous investigations were being carried out in Phase 2.** The local resources that could have been used to assist and support victims come to mind in particular. However, I am pleased to note that investigators in the field established contacts with local resources on as-needed basis.

⁵⁵ The program was originally established for women caught in the vicious circle of prostitution and other forms of sexual exploitation in Montréal. See Mensales, Josée, Diane Veillette, and Guillaume Corbeil, *Pour l'amour de mon pimp... : six survivantes se racontent*, 2015. Montréal, Publistar.

D) Community relations team

At the start of Phase 1, an Indigenous liaison officer was tasked with helping the investigation team establish ties with the various organizations that serve Indigenous communities in both Montréal and Val-d'Or. His involvement helped foster an understanding of Indigenous realities to allow for more appropriate interventions by the investigators. More generally speaking, the officer's work sought to bring SPVM and the Indigenous communities closer together and establish a relationship of trust. Contacts were established with community stakeholders and police chiefs in Lac-Simon and Pikogan as well as with leaders and other members of these two communities.

Unfortunately the liaison officer's position was not renewed in Phase 2. His contribution would have been beneficial to the team because the investigations took place in nations that were very different from one another and where SPVM's mandate was not as well known as it was in Val-d'Or. In my opinion, a more comprehensive approach, as seen in Val-d'Or and neighboring communities during Phase 1, should have been adopted in Phase 2. However, I am pleased to note that investigators established ad hoc contacts on an as-needed basis with police chiefs and with leaders and members of communities where events under investigation are alleged to have taken place.

E) Internal Affairs and Professional Standards Division

The Internal Affairs and Professional Standards Division (DNP) has expertise in investigating and charging police officers. At the beginning of Phase 1, the DNP received cases forwarded by SQ and worked with the Major Crimes Division to set up the multidisciplinary team. The DNP's input also consisted of supporting the SPVM investigation team with the criminal investigation of police officers and ensuring that the relevant legal provisions were applied.

In Phase 1, the DNP was present in the field. Two meetings with leaders of Indigenous communities took place in the Vallée-de-l'Or. The objective was to present SPVM's mandate, how it would be executed, and the means that would be used. The meetings also served to reassure community members that the SPVM investigation was being conducted independently and to foster cooperation.

The DNP did not work in the field in Phase 2. However, it did cooperate with the SPVM investigation team on the various disclosure requests related to the events under investigation. The requests were mainly for police officer identification and photographs, work schedules, police reports, audiotapes of 911 calls, logging, etc. The DNP also liaised with the DCPD and sent notifications to MSP as required under Section 286 P.A.

In early 2017, a crisis hit the DNP when very worrying irregularities in the conduct of internal investigations within SPVM were revealed. As a result, a joint investigation team was created to take over the investigations into criminal allegations against SPVM police officers between 2010 and 2017. The team was led jointly by Madeleine Giaouque, BEI director at the time, and Yves Morency from SQ. The crisis also triggered an administrative investigation report on SPVM's Internal Investigations Division, submitted to MSP by Michel Bouchard on November 30, 2017.⁵⁶

⁵⁶ Québec, Ministère de la Sécurité publique, *Rapport d'enquête administrative sur la Division des affaires internes du Service de police de la Ville de Montréal*, Montréal, November 30, 2017 (Michel Bouchard), online:

The events that caused the crisis and the issues behind it were unrelated to the Phase 2 investigations and investigators, who were with the Major Crimes Division and were not investigating SPVM police officers. However, in view of the potential for public confusion, I immediately asked for the DNP's involvement to be discontinued in Phase 2. In March 2017, the deputy director confirmed to me that he had relieved DNP resources of their mandate in the "Val-d'Or project." In April 2018, the deputy director partially reinstated the division to maintain links with MSP. The mandate was entrusted exclusively to a chief inspector who signed the conflict of interest declaration and who presented no cause for concern either with respect to SQ or another police force. Although the internal crisis at SPVM may have been cause for concern, I have been given substantial reassurance and I am confident that the impartiality of the Phase 2 investigations was not affected.

F) Support team

In Phase 2, SPVM occasionally turned to external support units or agencies with specialized expertise. These include the Forensic Identification Section (for taking photographs and processing fingerprints), the Audio and Video Laboratory, the SPVM photography laboratory (for creating identification lineups), and Laboratoire de sciences judiciaires et de médecine légale (for expertise in DNA, fingerprints, and handwriting analysis).

G) Communications team

SPVM's Communications and Media Relations Section disseminated relevant information to the public, in French and English. Press releases were issued on June 7 and November 14, 2016, and concerned both Phase 1 and Phase 2. The goal was to keep the public up to date with the progress and conclusion of the Phase 1 investigations, the expansion of SPVM's mandate, and the role of SPAQ, and to encourage anyone wishing to provide information to contact the investigators.⁵⁷ However, no other press releases were issued thereafter. I'll come back to that.

H) SPVM hotline

At the start of Phase 1, SPVM set up a hotline for the public. With the goal of encouraging Indigenous people to report incidents involving police officers, 1-844-615-3118 was launched on October 27, 2015, and operated for the duration of Phase 2. The information collected was forwarded to the investigation team for processing and follow-up. In Phase 2, the same number was transferred to BEI.

SPVM promoted the hotline on its website and social networks. It was publicized in press releases and in the "Report an event" section of the SPVM website in Phase 2.⁵⁸ As in Phase 1, the use of social media

<https://www.securitepublique.gouv.qc.ca/fileadmin/Documents/police/publications/rapport_enquete_administrative_SPV_M_1.pdf>.

⁵⁷ Service de police de la Ville de Montréal, press release, "Rencontre de mise à jour concernant les enquêtes sur les allégations visant des policiers à l'égard d'Autochtones," (June 7, 2016), online: <<https://www.spvm.qc.ca/fr/Communiques/Details/13271>>; Service de police de la Ville de Montréal, press release, "Suivi de l'enquête sur les allégations visant des policiers à l'égard de plaignants et de plaignantes autochtones," (14 novembre 2016), online: <<https://spvm.qc.ca/fr/Communiques/Details/13432>>.

⁵⁸ See Service de Police de la Ville de Montréal, "Report an event," online: <<https://spvm.qc.ca/en/Pages/Report-an-event>>

was relatively limited. On Twitter, SPVM only posted the telephone number twice, on October 23, 2015 (Phase 1), and April 5, 2016 (Phase 2).⁵⁹ In addition, 1-844-615-3118 was publicized in video clips, which I will come back to.

At first the hotline was monitored daily from 7 a.m. to 7 p.m. A voice mailbox with a greeting in French and English was available outside of these hours. Not all the French content in the greeting was translated into English, and there were no special measures for taking calls in Indigenous languages in phases 1 and 2. Nor were callers systemically offered the assistance of an interpreter. **In my opinion, it is essential that the hotline henceforth operated by BEI be bilingual, that it have voicemail options in Indigenous languages, and that victims can talk to someone in their own language when their call is returned.** I note that NIMMIWG issued a call to justice on the topic of police services in Indigenous languages.⁶⁰ In Indicator 19 I will discuss the desirability of creating a “single-window” service to guide victims through the various options for recourse against police officers.

On January 6, 2017, the investigation team moved out of the enclosed workspace at SPVM that also had exclusive access to the hotline. From then on, calls were forwarded to the extension of one of the lieutenant detectives in charge of the team. Since the line was not dedicated solely to receiving tips from Indigenous persons, the greeting states that the caller has reached SPVM. Calls were received when the lieutenant was there to answer the phone and whenever he checked his messages. At first the hotline was very busy, but volume dwindled over time. The last call came in on December 8, 2017.

In Phase 2, 34 tips were received and processed by Val-d’Or project investigators. Six calls to the hotline led to investigation cases, while the other calls were simply requests for information on the process in general. Three tips concerning allegations against SPVM police officers were sent to SPVQ.

I) SPAQ hotline

As part of the expansion of SPVM’s mandate in April 2016, the government created a second hotline for Indigenous persons who wished to file a complaint against a police officer. SPAQ was tasked with operating it. The number, 1-888-844-2094, was available in English and French and supplemented the number set up by SPVM for Phase 1, 1-844-615-3118. A process was worked out for information received via the new hotline to be forwarded to SPVM for investigation when the victim so desired. A document entitled “Police Disclosure Form” (found in Appendix D) was used to transfer the information. In total, SPVM received 30 tips from SPAQ. Of these, 11 became official SPVM investigations and 3 became sexual assault cases transferred to BEI.

J) Video clips

To reach Indigenous communities, SPVM produced a series of video clips in Phase 1. At first the operation focused specifically on informing communities in the Val-d’Or area that investigators were in

⁵⁹ See the SPVM Twitter account, online: <<https://twitter.com/SPVM>>.

⁶⁰ See NIMMIWG, Final Report, Vol. 1(b), *supra note* 10, Call to Justice 9.3 (ii): “Ensure mandatory Indigenous language capacity within police services.”

their area to investigate events involving SQ police officers. The SPVM hotline number was publicized in the videos.

The first clips were created on October 30, 2015, in Atikamekw, Anishinabe, and French. Police officers from Indigenous police forces in Wemotaci, Pikogan, and Lac-Simon delivered the video message. On November 9, 2015, clips were produced in Inuktitut and Cree with the help of the Montréal Native Friendship Centre. Not until May 9, 2016, in Phase 2 of the investigations, was an English clip produced. A video in Innu was also made on the same day. These two clips reflect SPVM's broader mandate covering the entire province of Québec.

All of the videos were broadcast on SPVM's YouTube channel, which featured a special playlist entitled "Capsules autochtones."⁶¹ On April 5, 2016, during the launch of Phase 2, SPVM took to Twitter and included a link to the YouTube videos in a tweet in French.⁶² Another tweet on June 7, 2016, contained a link to an SPVM press release reminding people about the video clips and the link to access them.⁶³ SPVM also posted the videos in Innu and English on the Facebook account it created in September 2016.⁶⁴

As I stated in my Phase 1 report, **it was essential that these clips and the phone numbers be disseminated as widely as possible on social networks. Social media, where Indigenous people are particularly active, is the best platform for promoting a quick and easy way to report abuse by police officers.**⁶⁵ As I will have the opportunity to discuss later on with respect to Indicator 11 on the transparency of the investigation process for the Indigenous communities concerned, the lack of communication from SPVM during Phase 2 was problematic.

⁶¹ The Indigenous, French, and English language clips are still there. See the "Capsules autochtones" playlist on SPVM's YouTube account: *YouTube* <<https://www.youtube.com/playlist?list=PLhvbhIZG3rZkAUbB1pHRBSBZmBDTKUQsk>>.

⁶² Service de police de la Ville de Montréal, "Toute personne désirant communiquer avec les enquêteurs du SPVM à ce sujet : 1-844-615-3118 bit.ly/1SNMw5j <https://twitter.com/secpubliqueqc/status/717407895118344192?s=20>," (April 5, 2016, at 3:06 p.m.), online: <<https://twitter.com/SPVM/status/717428162494332928>>.

⁶³ Service de police de la Ville de Montréal, "Rencontre de mise à jour concernant les enquêtes sur les allégations visant des policiers à l'égard d'Autochtones. <http://bit.ly/1U6juPe>" (June 7, 2016, at 3:56 p.m.), online: *Twitter* <<https://twitter.com/SPVM/status/740271188170018817>>.

⁶⁴ See the YouTube section of the @SPVMpolice Facebook account, online: <<https://www.facebook.com/SPVMpolice/>>.

⁶⁵ Lafontaine, *supra* note 23.

PART III – EVALUATION OF THE 23 INVESTIGATION INTEGRITY AND IMPARTIALITY INDICATORS

The indicators from the Independent Civilian Observer Protocol are grouped into three categories. The first focuses on assessing the consistent application of a rigorous established investigation process at every step of the investigation (3.1). The second seeks to determine whether the specific context of the investigation assigned to SPVM was duly taken into consideration. The Indigenous context in which the investigations took place and the sexual nature of many of the allegations are discussed here (3.2). The third set of indicators are used to determine whether or not there were apparent, potential, or real conflicts of interest within the SPVM investigation team (3.3).

Some indicators are general in scope and are useful for evaluating the integrity and impartiality of the investigation process set up by SPVM. Others are used to assess each case in Phase 2 individually. I should add that some indicators focus on both the integrity and impartiality of the investigations, while others concentrate only on one or the other.

As with my evaluation of the Phase 1 investigations, my observation is based on an examination of all the documents and information SPVM made available to me: daily and weekly reports, table of events, executive summaries, audio and video recordings of interviews (with the victims, civilian witnesses, witness police officers, and police officers involved), written statements, investigation reports, factual details, etc.

In my Phase 1 report I addressed in detail the importance and basis of each of the 23 indicators used to evaluate the integrity and impartiality of investigations. I've reiterated the most important points in boxes.

Next comes an evaluation of each of the indicators. I mention the issues raised as part of the investigations, but do not discuss each investigation in detail. However, on a few occasions I refer to specific situations in certain cases to illustrate a point. The indicator evaluations and specific information on each case can be found in [Appendix F](#). I aim to be transparent (to provide the public with as much information as possible) but at the same time, I must comply with confidentiality requirements.

Throughout this part of the report, I also make proposals relating to various indicators. These proposals are meant to improve the investigation process, now under BEI, when Indigenous victims make criminal allegations against police officers. The end goal is to sustainably boost the public's confidence in such investigations.

3.1. CONSISTENT APPLICATION OF A RIGOROUS ESTABLISHED INVESTIGATION PROCESS

The indicators of the first category examine whether SPVM consistently applied an established and rigorous investigative process. It allows to verify the integrity of the process and the impartiality of SPVM's work. My main concern was to ensure that the same procedure was followed no matter who was the victim (in this case Indigenous persons) and no matter who was the subject of the complaints

(police officers). Investigators were expected to apply the same investigative process they would if the alleged crimes had been committed by civilians. I will come back to this.

In police investigations, impartiality means in particular the absence of bias and prejudice for or against the individuals involved in the events. It looks at the real impact that such prejudice may have in the course of an investigation. Because prejudices are rarely openly expressed, mechanisms must be put in place to address their potential effects. A rigorous investigation process applied equally to everyone is a valuable indicator for measuring impartiality and the appearance of impartiality. Other elements must be checked in order to take into account that this concept focuses on individuals. I will come back to this point in Section 3.3, which deals with conflicts of interest.

INDICATOR 1 : PROMPTNESS OF THE INVESTIGATIONS

Excerpt from the Phase 1 investigation report, pp. 53–54

The issue of timeliness is critical. This was pointed out by many different people, especially in the context of a criminal investigation targeting police officers, and this assessment criterion is always included in best practices for the independent observation of investigations like this. Many Indigenous families in Canada have also complained about how slow police investigations are. Excessively long response times can make it more difficult to solve crimes and undermine the public's confidence in the authorities carrying out the investigation. This is certainly the case for current incidents. For past incidents, it is also a very important issue.

The European Court of Human Rights has defined certain principles for the effective investigation of complaints against the police. One such principle is promptness, defined as follows: “the investigation should be conducted promptly and in an expeditious manner in order to maintain confidence in the rule of law.”

[...]

An analysis of the timeliness of the investigation for each case requires an assessment of the time between the receipt of the complaint and the opening of the file, how soon the investigators first contacted the victim after the complaint was made, and how soon the initial and subsequent interviews, if any, were held. It also requires an assessment of how promptly all the other stages of the investigation were launched, in particular, interviews with civilian and police witnesses, requests made to SQ, lineups, the collection of evidence, etc.

(References omitted)

In this report, I comment not only on the length of the SPVM investigation, but also on the length of the stage that followed, when the case was forwarded to the DCPD for review. These comments are necessary since, at this stage, SPVM remained involved in the case, albeit partially. In some cases, the investigators conducted additional investigations at the request of the prosecutor and, in most cases, they assisted the prosecutor in notifying the victim of the decision whether or not to lay criminal charges.

A) Length of the SPVM investigation

Most investigation cases concerned past incidents, and SPVM systematically opened an investigation following receipt of a complaint.⁶⁶ A few, however, dealt with incidents that were current while Phase 2 was ongoing. For some of these cases, there was a lag between the date of the alleged acts and the opening of the investigation case. SPVM provided the following explanations for the time it took to open an investigation, which relate to situations clearly beyond SPVM's control:

Case 86

The alleged events occurred during the night of December 8–9, 2017. The Eeyou Eenou Police Department transferred the case to SQ on December 12, 2017, and, on the same date, sent notice to MSP pursuant to Section 286 P.A. The case wasn't handed over to SPVM until December 18, 2017, and the investigation was launched the next day, December 19, 2017.

Case 87

The alleged events occurred on September 18, 2017. A police investigation was conducted by the Eeyou Eenou Police Department, the home force of the officer involved. The police department director was not informed of the officer's conduct until October 25, 2017. A notice under Section 286, P.A., was sent to MSP on November 3, 2017. SPVM did not receive the case, along with Case 86, until December 18, 2017, and the SPVM investigation began the next day, December 19.

Cases 89–90

The alleged events occurred on January 4 and 14, 2018, and were reported to the SQ captain on the latter date. It was not until three days later, on January 17, 2018, that the SQ DNP sent the case to SPVM. The investigation was opened by SPVM that same day. A report dated January 16, 2018, however, shows that SQ had begun an investigation to verify the course of events before the case was forwarded to SPVM, considering that the situation was not clear as to which police force should be responsible for the investigation. The SQ DNP finally forwarded the case to SPVM upon MSP's recommendation.

Case 99

On July 11, 2018, the victim went to the SQ police station to file a complaint regarding events that had occurred a few days earlier, on July 8. The SQ DNP did not notify SPVM about the case until September 11, 2018. The heads of SPVM, BEI, and MSP held discussions to establish the standards and responsibilities of each organization with respect to the Val-d'Or project. In the end, it was decided that the SPVM team would proceed with the investigation without the involvement of the BEI team. The case was officially transferred to SPVM on October 26, 2018.

In most cases, initial contact was made promptly with the victim by telephone, either immediately or a few days after the case was opened. In 19 of the 61 cases, the formal interview with the victim took place soon after the investigation was opened, i.e., within two weeks. In certain cases, it took longer for the victim and other witnesses to meet with the SPVM investigators. Sometimes there was a delay because

⁶⁶ See the table in [Appendix E](#).

the victim was hard to reach by telephone, email, or mail. In all cases, contact was attempted within seven days of opening the investigation.

The following are examples of situations where it took longer to contact or meet with the victim or certain witnesses for the first time:

Case 62

The complaint was filed on October 26, 2016, and the interview with the victim was conducted on January 18, 2017. To explain the delay, SPVM said it was difficult to make an appointment with the victim, who did not want to receive phone calls at home that might alert others in the household. The victim was also not certain she wanted to follow through with the complaint, so the investigator gave her time to make a decision. She finally decided to meet with SPVM investigators in January 2017.

Case 79

The complaint was filed on July 17, 2017, and a meeting with the victim took place soon thereafter. However, witness interviews were conducted later, on October 10, 2017. Since the victim's safety was not at risk, SPVM said that everything after the initial meeting was scheduled based on staff availability due to summer vacations.

Case 80

The complaint was filed at the end of July 2017 and interviews with the victim and witness police officers were conducted on October 11, 2017. The investigator on the case kept in close telephone contact with the victim, who also filed complaints in three other cases. During this time, the victim was incarcerated. The time it took to collect evidence for the various cases was also a factor in the delay. Interviews were scheduled according to the availability of staff and the victim.

Cases 89–90

The alleged events were reported to the SQ captain on January 14, 2018. The case was sent to SPVM on January 17, 2018. The victim was contacted on January 18, but the first meeting was not until February 12, 2018. SPVM said the victim's lack of availability and indecision about whether to proceed with the complaint were factors in the delay. Moreover, evidence had to be collected and examined before the meetings with police officers, scheduled for March 6, 2018. After these meetings, other witnesses were added to the case. Meetings with these new witnesses were scheduled for March 15. Last, SPVM explained that two other meetings were scheduled for later, on March 29 and May 10, 2018, due to witness police officers' lack of availability.

Case 99

The complaint was filed on July 11, 2018, at the SQ police station. The case was not forwarded to SPVM until October 26, 2018, due to uncertainties about which organization was responsible for the investigation, just as BEI's new mandate was beginning. SPVM, BEI, and MSP spent several weeks discussing what each organization was responsible for. The victim was difficult to reach and did not return calls. In the end, he did not show up for his scheduled appointment with SPVM.

In my opinion it is satisfactory for the meeting with the victim to take place within two weeks, as long as initial phone contact was made quickly. The explanations for longer periods of time are acceptable for complex investigations covering a large area. SPVM made satisfactory efforts to reach the victim when circumstances made contact more difficult.

All the other stages in the investigation were, in general, completed within a reasonable period of time given the complexity and the special nature of the investigations (certain facts dated back many years), the remoteness, the distrust of certain victims or witnesses, the amount of travel required, etc.

“The duration of SPVM investigations in Phase 2 is therefore highly satisfactory, particularly given the remoteness and complexity of certain investigations.”

On average, SPVM investigations were completed in 4.6 months (138 days). The table in Appendix E sets out the timing of the entire process in more detail, from when the complaint was filed to when the DCPD made a final decision. The duration of each SPVM investigation is indicated. These investigation times are perfectly reasonable. In comparison, BEI pledged to send at least 70% of its reports to the DCPD within nine months of opening an independent investigation.⁶⁷ According to data from BEI’s official register that was up to date as of

July 14, 2020, and confirmed in an email from the BEI director, 31 independent investigation reports have been submitted to the DCPD since April 1, 2019. The average length of these independent investigations—from the date they were opened to the filing of the case with a prosecutor’s office—was 6.8 months.⁶⁸

BEI does not keep statistics regarding the delays related to criminal investigations (that is, those involving allegations of a sexual nature against a police officer on duty at the time of the incident and those involving allegations made by an Indigenous person). The director explained to me by email that such statistics would be “meaningless, given the diversity of the investigations (nature of the offence, date, difficulties in tracing witnesses, *Criminal Code* provisions, etc.)” However, in its public service statement, BEI pledges to “take reasonable steps to locate each complainant and victim and contact them as soon as possible.”⁶⁹

BEI’s reluctance to commit to timelines and keep statistics on criminal investigations is astonishing, particularly when it comes to investigations of sexual allegations, since once the victim feels ready to begin the process, it is important to act quickly. In fact, support organizations for female victims of sexual violence point out that women lose confidence in the justice system because it is so slow. These women do not want to relive the trauma for the months or years it may take for their case to go through the court.⁷⁰ Of course, some of these delays, which are inherent to the judicial system, are

⁶⁷ Bureau des enquêtes indépendantes, *Déclaration de services aux citoyens 2019*, p. 9, online: <https://www.bei.gouv.qc.ca/fileadmin/documents/publications/Declaration_de_services_aux_citoyens_2019.pdf>.

⁶⁸ Daniel Renaud, “De grandes ambitions pour le nouveau patron du BEI,” *La Presse*, July 9, 2020, online: <https://www.lapresse.ca/actualites/justice-et-faits-divers/2020-07-09/de-grandes-ambitions-pour-le-nouveau-patron-du-bei.php?fbclid=IwAR1vc8q2qnhokYMLGY7Z3abUtK9IPogFc3u9In_deGu0S47LDoPIUfEkAU>.

⁶⁹ Bureau des enquêtes indépendantes, *Déclaration de services aux citoyens 2019*, *supra* note 67 on p 10.

⁷⁰ See, e.g., Canada, House of Commons, Standing Committee on the Status of Women, “Taking Action to End Violence Against Young Women and Girls in Canada” (March 2017) (Chair: Marilyn Gladue), p. 87, online: <<https://www.ourcommons.ca/Content/Committee/421/FEWO/Reports/RP8823562/feworp07/feworp07-e.pdf>>.

beyond the control of the police. That said, a timely and proper initial investigation can only help to increase victims' confidence in the police process.

Police investigations inevitably raise public suspicion, and perceptions of police impunity may be partly based on the length of the investigation process: "In general, there is a very legitimate public perception that when it comes to police accountability, feet are dragged."⁷¹ Regulated timelines that are made known to the public can help boost public confidence in police investigations.

Confidence in policing is even more difficult to rebuild with Indigenous peoples. The amount of time it takes to process complaints is undoubtedly a factor in this lack of confidence. Indigenous victims "felt that they were not taken seriously, or even that they were treated differently or treated with contempt or indifference by the police authorities because they are Indigenous."⁷² As documented by NIMMIWG, "Indigenous women and girls who had reported family violence and sexual assault were critical of the scarcity of support services, and especially of the slowness and indifference with which their complaints were handled. In many cases, that increased the women's mistrust of the Quebec justice system and dissuaded them from breaking their silence."⁷³

The police officers implicated in BEI investigations also have a strong interest in their speedy completion.⁷⁴

Each incident is unique, and the time it takes to complete an investigation depends on many factors, including the size and location of the scene, the number of officers involved, the number of other witnesses, the need for and reliance on specialized reports, and the need for expert advice. That said, reasonable time limits can accommodate these particularities, and longer periods may be justified for some complex cases. Recently enacted Ontario legislation (not yet in force at the time of this report) provides that the Special Investigations Unit (BEI's counterpart), which investigates sexual assaults, has up to 120 days to complete an investigation and issue a public notice. Otherwise, the director must make a public statement explaining the delay.⁷⁵

Proposal 1

That BEI keep public statistics on investigation times for criminal investigations (allegations of a sexual nature and allegations from Indigenous victims) and commit to completing investigations within a maximum of 6 months, save in exceptional circumstances.

⁷¹ Remarks by Harsha Walia, Executive Director of the BC Civil Liberties Association, as reported in Carrie Tait and Ian Bailey, "Drawn-out investigations into police misconduct delay justice for victims, watchdogs say," *The Globe and Mail* (June 10, 2020), online: <<https://www.theglobeandmail.com/canada/british-columbia/article-drawn-out-investigations-into-police-misconduct-delay-justice-for/>>.

⁷² NIMMIWG, Quebec Report, *supra note* 11, on p. 111.

⁷³ *Ibid.*, p. 120.

⁷⁴ See the position recently stated by the president of Fraternité des policiers et policières de Montréal: Yves Francoeur, "Délais déraisonnables et dénis de justice," *La flûte* 76:1, pp. 10–11, online: <<http://www.fppm.qc.ca/medias/publications/lafute-76-no-1.pdf>>.

⁷⁵ *Special Investigations Unit Act*, 2019, S.O. 2019, c. 1, Schedule 5 (not in force), Section 35, online: <<https://www.ontario.ca/laws/statute/19s01#BK36>>.

The duration of SPVM investigations in Phase 2 is therefore highly satisfactory, particularly given the remoteness and complexity of certain investigations.

However, many victims might have felt the time between the opening of the investigation and the DCP's final decision as to whether charges would be pressed was very long. In some cases, more than 24 months went by between the SPVM investigators' initial interviews with the victims and the final meeting with DCP prosecutors when the victims were notified of the investigation outcome (see [Appendix E](#)).

B) DCP analysis times

In Québec, as in a number of other jurisdictions, the decision whether charges should be laid is up to prosecutors in the DCP's office. They must act independently of the police forces carrying out the investigations. The decision to prosecute is made following a thorough examination of the evidence gathered and sent to the DCP by the police forces.

“Although SPVM’s investigation times were perfectly reasonable, victims sometimes had to wait many months before being informed of the final outcome of their case due to DCP analysis times.”

SPVM submitted Phase 2 cases to a special DCP committee as they were completed by the investigation team. In Phase 1, final decisions were shared with victims at the very end, once all investigations had been completed. The DCP's reasoning for this was to help prosecutors see the big picture and to allow for the fact that certain police officers concerned by allegations and presumed victims could be involved in more than one case. This decision was also justified by the fact that the vast majority of the cases came from the Val-d'Or region and many of them were associated with report broadcast on the TV program *Enquête*.

The process was different in Phase 2, where the committee issued final decisions as each case was reviewed, and once the DCP had finished reviewing their case, victims were notified individually of the decision whether or not to lay charges. This is commendable because for a long time it was not clear how long Phase 2 would take and it would have been unacceptable to keep victims waiting. This was also necessary because the geographical area covered was bigger.

In addition, to streamline how cases were processed compared to Phase 1, the DCP considered the usual decision-making process, i.e., decisions made by one local prosecutor rather than by a committee of three. But in the end the DCP agreed with MSP that for Phase 2 cases, it would be best to use the same decision-making process as in Phase 1.

Analysis by a committee of dedicated, specifically trained prosecutors had the advantage of increasing the perception of objectivity and impartiality of the decision-making process. It also enhanced the merit of the final decision and ultimately made it more acceptable to victims and the community.

However, the DCP told me that this approach posed challenges in terms of work organization. I learned that the appointed prosecutors were usually not released from their other cases because of their experience, expertise, and proficiency. They had to juggle their busy schedules to discuss their points of view and reach an agreement on the outcome. According to the DCP, this process was likely to take much longer than the usual decision-making process. I am not convinced. While it is true that the

particular nature of the massive investigation led by SPVM called for a particular approach, DCPD as an organization had to ensure that the resources made available were able to process cases within a reasonable amount of time, especially given that Indigenous victims were filing complaints against police officers and confidence in the judicial system was very fragile.

The time between when the SPVM investigation case was submitted to the DCPD and a decision whether or not to lay criminal charges was reached averaged 9.3 months (279.5 days). The DCPD analysis took more than 365 days in 41% of cases.

	Average	0 to 91 days	92 to 182 days	183 to 273 days	274 to 364 days	365 days and over
Length of the SPVM investigation	137.9 days	21 cases (34%)	27 cases (44%)	9 cases (15%)	2 cases (3%)	2 cases (3%)
Length of the DCPD's analysis	279.5 days	15 cases (25%)	6 cases (10%)	7 cases (11%)	8 cases (13%)	25 cases (41%)

There does not appear to be any publicly available data on the average time it takes for the DCPD to analyze a police investigation report and decide whether criminal charges will be laid. However, on the basis of documents obtained under the *Access to Information Act*, a report produced by *Ligue des droits et libertés* and *Coalition contre la répression et les abus policiers* reveals that the DCPD took an average of 173 days to reach a decision in the independent BEI investigations completed as of August 27, 2019.⁷⁶ In its 2019–2023 strategic plan regarding victims in vulnerable situations, which includes victims of sexual assault, the DCPD pledges to reduce the average processing time from receipt of a request to the prosecutor’s decision whether or not to lay charges. The DCPD is committed to increasing the proportion of requests for prosecution that are processed within 34 days or less.⁷⁷ The concept of “vulnerable situation,” as defined in a DCPD directive, does not explicitly extend to Indigenous people who file complaints against police officers. I will come back to this in my analysis of Indicator 19.

Although SPVM’s investigation times were perfectly reasonable, victims sometimes had to wait many months before being informed of the final outcome of their case due to DCPD analysis time. This raises questions about the resources available to keep victims informed during this process and the obligations of investigators and the DCPD, an issue I address in the section on Indicator 19, below.

⁷⁶ Ligue des droits et libertés and Coalition contre la Répression et les Abus Policiers, *Bilan des trois premières années d’activités du Bureau des enquêtes indépendantes – Constats citoyens – Une commission parlementaire est nécessaire*, October 3, 2019, p. 23, online: <https://liguedesdroits.ca/wp-content/fichiers/2019/10/constat_rapport_bei_20191003.pdf>.

⁷⁷ Québec, Director of Criminal and Penal Prosecutions, *Plan stratégique 2019–2023*, Québec City, Government of Québec, 2019, pp. 12-13, online: <http://www.dpcp.gouv.qc.ca/ressources/pdf/01331_PL_strat_2019-2023.pdf>.

INDICATOR 2: COURTEOUS AND RESPECTFUL BEHAVIOR TOWARD VICTIMS, WITNESSES, AND POLICE OFFICERS

Excerpts from the Phase 1 Investigation Report, pp. 56–57

This indicator measures the behavior of investigators during interviews with victims, civilian witnesses, witness police officers, and the police officers involved. Courteous and respectful behavior shows understanding, empathy, and respect for the interviewee’s private life. This is particularly important in criminal investigations by police officers targeting other police officers, especially when the victims are from different sociocultural communities or are subject to vulnerability factors that might increase the perception of investigator partiality. The preconceived notion that investigators do not take victims seriously, treat them like children, discredit them, and treat colleagues who are suspects as colleagues in need of protection, is the main cause of suspicions about police investigations of police. The role of the independent civilian observer is vital in this regard, to offset the inherent perceptions of partiality in such investigations.

This aspect is an essential part of SPVM’s investigations. The initial contact with the victim is particularly important. The investigator carrying out these initial interviews must earn the trust of victims and make sure they do not feel judged or blamed. This is not about challenging or doubting the victim’s account. Rather, the investigation must be based initially on the belief that the facts reported by the victim are true. For sexual offences, victims who decide to report their attacker need to hear “I believe you.”

(Reference omitted)

This indicator is about how investigators behave toward all persons interviewed during the investigation: victims, civilian witnesses, witness police officers, and police officers involved. Other related indicators focus more specifically on the victim and will be discussed below (indicators 12 and 18).

To measure this indicator, I used video and audio interviews and information provided by anyone involved with the victim. I would start by saying that **the videos were essential to my work as an observer because I was forbidden from contacting the interviewees. Especially for interviews with victims and suspects, such recordings should be preferred and should even become standard in any criminal investigation into crimes allegedly committed by police officers.**

All interviews with victims were videotaped except, of course, when victims withdrew their complaints and no interviews took place. For one interview, the only recording was audio because the victim contacted the investigators in the evening and asked them to come to her home right away. **I confirm that all interviews were conducted in a manner that was courteous and respectful toward the victims.** I will have more to say about this later on (Indicator 18).

“I confirm that all interviews were conducted in a manner that was courteous and respectful toward the victims.”

Interviews with civilian witnesses were sometimes videotaped, although most were audio recordings. As with the victims, the SPVM investigators adopted a courteous and respectful attitude with civilian witnesses.

Last, **when investigators met with the police officers involved, the interview was videotaped. This should become standard practice in police investigations.** It is in fact a legal requirement in some jurisdictions.⁷⁸ All the interviews were conducted with an open and understanding yet firm and uncompromising attitude. However, to properly assess the attitude towards police officers involved and to ensure a thorough investigation, SPVM investigators would have had to interview all officers identified as part of the investigation. I will come back to this in more detail in Indicator 10, which deals with the seriousness and thoroughness of the investigations.

Proposal 2

That interviews with victims and police officers involved be videotaped in any criminal investigation involving allegations of criminal acts against police officers.

INDICATOR 3: PRESENCE OF HIGHLY QUALIFIED INVESTIGATORS

Excerpt from the Phase 1 Investigation Report, p. 35

The investigators assigned to an investigation of this magnitude must have the training and experience required to conduct it properly. The investigation into the events in Val-d'Or and elsewhere requires specific skills and attitudes due to its complexity and the fact that it is being conducted in Indigenous communities and involves many complaints of sexual abuse. The qualifications of the investigators are assessed with regard to whether they have the appropriate training and experience.

The people assigned at the beginning of the Phase 2 investigations were the same as those who participated in Phase 1. They had between 20 and 30 years of experience within SPVM and were mainly from the Major Crimes Division. However, the initial team became significantly smaller as the months went by, as mentioned above in the explanation of the organizational structure (Section 2.2), as the needs of the investigations changed.

⁷⁸ For example, in Manitoba, see *The Police Services Act*, ML 2009, c 32, C.C.S.M. c. P94, online: <https://www.canlii.org/en/mb/laws/stat/ccsm-c-p94.5/120724/attachment/p94.5.pdf>; *Independent Investigations Regulation*, Man. Reg. 99/2015, Section 13.

Like their colleagues in other organizations, the investigators were initially trained at ÉNPQ. They all held the rank of detective sergeant. Their training included courses on witness interview techniques, crime scene coverage, and preparing investigation summaries. Most had been trained in interrogation techniques, and several had completed the major crimes training in addition to being trained on sexual assault. One of them had even trained BEI investigators on sexual assault.

“I believe that the investigators deployed by SPVM had the level of training and experience required for this investigation.”

Therefore, **I believe that the investigators deployed by SPVM had the level of training and experience required for this investigation.** Their skills and expertise were obvious in the interviews I had the opportunity to view, particularly in their interactions with the victims.

Qualification as a police investigator is evaluated here without taking special training on Indigenous cultures and realities into account. It should be noted that even now, the ÉNPQ curriculum does not cover these issues in any depth. I will address this in my analysis of Indicator 13. Suffice it to mention here that at the beginning of the Phase 1 investigations, SPVM investigators received special training on these subjects. The Phase 2 interviewers, who were the same as those in Phase 1, completed this training in the fall of 2015.

INDICATOR 4: APPROPRIATE INTERVENTION COMMENSURATE WITH THE GRAVITY OF THE INCIDENTS UNDER INVESTIGATION

Excerpts from the Phase 1 Investigation Report, p. 36

The purpose of this indicator is to verify whether SPVM’s degree of intervention was adapted to the situation. The events alleged by Indigenous women that Radio-Canada made public in fall 2015 require investigation measures equal to the seriousness of the reported incidents. The Commission for Public Complaints Against the RCMP (CPC), replaced by the Civilian Review and Complaints Commission for the RCMP, has used this criterion in the past.

[...]

I also had to determine whether SPVM’s reaction was appropriate and commensurate under the circumstances. The circumstances are unique in that since the time the cases were transferred to SPVM, they have involved multiple complaints made in a particularly tense social context in Val-d’Or.

(References omitted)

This indicator measures the seriousness with which SPVM treated complaints and ensures that appropriate means were deployed to conduct thorough and complete investigations. It refers to the investigative process used to deal with complaints of serious incidents, including sexual incidents, made by people from various Indigenous nations, in a context where the level of trust in the police was very low. Were sufficient resources deployed to adapt to these realities in a culturally safe manner? This indicator also assesses whether each investigation case demonstrated appropriate intervention by the investigators with regard to the seriousness of the alleged offence and the particular circumstances of the events that took place and the people involved.

In Phase 2, 11 investigations once again focused on events that allegedly took place in Val-d’Or and the surrounding area, in a social context that was still tense.⁷⁹ The circumstances surrounding this second phase are all the more unique because of the numerous disclosures from other regions of Québec. What interests me here is how the SPVM machine with its various components and teams was activated to investigate each case and how these components and teams were connected, in the broader context of SPVM’s work in each region and each community.

The presentation above of the organizational structure and resources deployed by SPVM (Section 2.2) shows that significant financial and human resources were dedicated to Phase 2. An adequate number of experienced investigators were deployed. Proper investigative methods were used to establish the truth, the required travel was completed, and a victim-centered approach as used. In terms of individual investigations, SPVM’s response was appropriate and commensurate with the seriousness of the events.

I note, however, that on certain occasions some investigative leads—none absolutely decisive—have not been pursued, and that methods had to be adapted due to the remoteness of the cases. **I confirm that the investigations were no less thorough because of this, and that efforts were appropriate and commensurate with the events. That said, there is no doubt that distance had an impact on the investigative process.** Assessing the adequacy of the investigation is the responsibility of the DCP, as I discuss in relation to Indicator 10, below.

“[...] SPVM’s intervention was appropriate and commensurate with the seriousness of the events under investigation, but [...] it could have taken better account of the social and cultural specifics of each nation concerned in order to foster cultural safety and community confidence.”

In Phase 1, the SPVM management team quickly implemented a comprehensive approach that took the complexity of the issues in the field into account. Multidisciplinary resources were mobilized, senior management traveled to Val-d’Or and the surrounding area to conduct information campaigns, communications were used to promote transparency, etc. While the comprehensive approach used in Val-d’Or during Phase 1 had positive repercussions in Phase 2, I am of the opinion that the same approach should also have been used in Phase 2 in certain regions, particularly Côte-Nord (17 cases) and Nord-du-Québec (15 cases), not only because of the high number of complaints in these regions, but also because the social and cultural contexts called for a particular approach.

In the light of the above, I believe that SPVM’s intervention was appropriate and commensurate with the seriousness of the events under investigation, but that it could have taken better account of the social and cultural specifics of each nation concerned in order to foster cultural safety and community confidence.

⁷⁹ Radio-Canada, “Des femmes autochtones ont encore peur des policiers de la Sûreté du Québec,” (October 17, 2019), online: <<https://ici.radio-canada.ca/espaces-autochtones/1350261/des-femmes-autochtones-ont-encore-peur-des-policiers-de-la-surete-du-quebec>>. But see Jean-Philippe Robillard, “Les tensions commencent à s’apaiser à Val-d’Or,” *Radio-Canada* (June 5, 2017), online: <<http://ici.radio-canada.ca/nouvelle/1037977/tensions-blancs-autochtones-val-dor-apaisement>>.

INDICATOR 5: INVESTIGATIVE METHODS AND APPROACHES SIMILAR TO THOSE USED FOR CRIMES OF THE SAME GRAVITY COMMITTED BY CIVILIANS

Excerpt from the Phase 1 Investigation Report, p. 36

This indicator is fundamental to my assessment of the impartiality of the investigations as well as the integrity of the process applied by SPVM. What should be the focus, and what is a primary concern for the public, is the application of investigation methods and approaches similar to those used for crimes of the same gravity committed by civilians. This is precisely the reason why the Québec government established this independent civilian observation measure. The desire to treat civilians and police officers involved in the events in the same way during a criminal investigation has already been expressed by the Québec Ombudsman.

The conduct of the SPVM investigations must therefore comply with the guidelines usually applicable to Major Crimes Section investigators specialized in handling sexual assault cases. More generally, investigation practices should not deviate from those applied when civilians are under investigation.

(Reference omitted)

I confirm that the Phase 2 investigations generally did not differentiate based on the positions of the individuals subject to the complaints, apart from a much-needed communication mechanism that allowed SPVM to contact only the SQ liaison officer responsible for responding to requests and queries associated with the investigations involving SQ police officers. For officers from other organizations investigated by SPVM, a communication channel was generally established as needed between the lead investigator on the case at SPVM and the person in charge at the police station concerned.

Another distinction concerned how certain evidence was collected from witness police officers, who were required, pursuant to Section 262, para. 3 PA, “[to] provide a copy of all personal notes and reports relevant to the examination of the complaint.” This is different from routine investigations in Canada, where citizens generally have no obligation to cooperate with law enforcement authorities. In fact, in the absence of any legal requirement, no one is obliged to provide information to the police or to answer their questions.⁸⁰ I’ll come back to that in my evaluation of Indicator 9 on relationships with the police officers involved and the witness police officers.

“I conclude that SPVM’s investigation methods and approaches were similar to those used for crimes of the same gravity committed by civilians.”

With the exception of the differences noted above, **I conclude that SPVM’s investigative methods and approaches were similar to those used for crimes of similar gravity committed by civilians.** That conclusion is based on my discussions with SPVM officials, local stakeholders, and Indigenous representatives, as well as notes and recordings I consulted of interviews with police officers, whether they were witnesses or involved in the incidents. The investigation team also applied the investigation

⁸⁰ *R. v. Singh*, [2007] 3 SCR 405, para 27; *R. v. Grant*, [2009] 2 SCR 353, para 37.

techniques routinely used in allegations of major crimes. The existing guidelines were followed and a victim-centered approach was used.

INDICATOR 6: MEASURES TAKEN TO ISOLATE POLICE OFFICERS AND RESTRICT COMMUNICATIONS (FOR CURRENT INCIDENTS)

INDICATOR 7: CHECK ON MEASURES TAKEN BY OTHER POLICE FORCES TO ISOLATE POLICE OFFICERS AND RESTRICT COMMUNICATION (PAST INCIDENTS)

Excerpt from the Phase 1 investigation report, p. 37

This indicator is a traditional criterion of “independent investigations” and more generally, inherent to investigations of police officers. This type of measure seeks to avoid contamination of the versions of witness police officers and police officers involved in an intervention or detention during which civilians died or were seriously injured. This approach is similar to the best practices applied during investigations of civilians, where witnesses are quickly identified, isolated from one another, and interviewed.

(Reference omitted)

A) General remarks

These two indicators have the same objective: protect the integrity of the investigation and minimize contamination of evidence and collusion between witnesses. While this is important for civilian witnesses, it is even more important for police officers involved and witness police officers. The measures are essential to counter the “blue wall of silence,” which refers to the perception that police officers are often reluctant to betray a colleague or reveal questionable police actions.⁸¹ If a police officer who witnesses a criminal incident is able to contact a colleague involved in the incident before giving their version of events to an independent investigator, it clearly raises legitimate concerns of potential collusion and tends to undermine the integrity of the investigation.

The presence of two separate indicators, i.e., 6 and 7, can be explained by the special nature of the investigations conducted by SPVM, which differ from independent investigations in that they do not necessarily concern current incidents. In other words, an independent investigation is triggered as soon as an incident occurs, whereas a criminal investigation may also involve a past event.

⁸¹ Much has been written about this issue. For examples in public debates in Canada see, e.g., Kristin Annable and Vera-Lynn Kubinec, “Criminal consequences for police officers are rare when a civilian dies,” *CBC News (Manitoba)* (April 6, 2018), online: <<https://www.cbc.ca/news/canada/manitoba/deadly-force-police-criminal-charges-1.4607134>>; Christie Blatchford, “Mounties ran into Toronto’s blue wall of silence,” *The Globe and Mail* (January 20, 2004), online: <<https://www.theglobeandmail.com/news/national/mounties-ran-into-torontos-blue-wall-of-silence/article741231/>>; <https://journal.alternatives.ca/Canada-le-racisme-qu-on-feint-d-ignorer>>.

When criminal or independent investigations into current incidents are launched, immediate measures must be taken: the police officers involved and the witnesses police officers must be kept isolated from each other and must be prevented from communicating with each other, and they must be required to individually prepare accurate, detailed, and complete accountings of the facts.⁸² For BEI, as for a police department investigating another police force, such as SPVM in this case, these immediate measures can only be taken by the police force present at the scene at the time of the incident, which is also the home department of the police officer involved. While this is not ideal, there are practical limitations that prevent BEI, or SPVM in this case, from being present in all places at the exact moment when a criminal incident involving a police officer occurs. As an independent civilian observer, my role was to verify what actions SPVM took to ensure compliance by the police force involved in the incident, from the outset and for the entire duration of the investigation.

For past events, investigators are powerless to prevent communication that may have occurred several months or years previously between witness police officers and officers involved. The question we need to ask in the current investigation is therefore what did SPVM do to restrict contact and communication between the police officers involved prior to their interviews with investigators. I remind that my mandate does not extend to examining the measures SQ and the other police forces concerned may have taken at the time of the events. I am interested solely in what SPVM did or could do during its investigations.

B) Evaluation of actions taken by SPVM

Almost all the Phase 1 complaints involved past incidents, some of which had taken place many years previously. In Phase 2, numerous cases (41) involved recent events, including several that allegedly took place a few days before SPVM was assigned to the investigation.

The crucial issue of measures to prevent or limit communication between police officers involved and witness police officers was addressed with SPVM from the outset in my observation of the Phase 1 investigations. In early December 2015, the police detective in charge of the investigations contacted the SQ liaison officer to reiterate the importance of limiting the number of people who were given the list of witness police officers that SPVM was planning to meet with. The goal was to prevent, as much as possible, police officers from discussing the facts under investigation among themselves and thus prevent any undue influence on the versions as told to SPVM. This approach is in keeping with the specific context of Phase 1, when the majority of the SPVM interviews were conducted with officers from the Val-d'Or police station who were witnesses to or involved in the cases.

"I believe SPVM did everything it could to restrict communication between police officers prior to their interviews and I find no fault in SPVM's compliance with these indicators. Nonetheless, SPVM's limited power in this regard was insufficient to allay fears of collusion."

SPVM adopted other measures from Phase 1 in its investigation procedure. These were measures that it was in a position to control. In most cases, when the investigation team made contact with witness police officers, they set a very early interview date to limit opportunities for the police officers to discuss cases

⁸² The issue of notes will be addressed in my comments on Indicator 9, below. This section focuses on issues of preventing communication between police officers.

among themselves. Very few details were shared during the initial telephone call. Police officers were told why they needed to be interviewed and what their status was in the investigation (witness police officer or police officer involved). The names of other witness police officers or police officers involved were not mentioned when the appointments were made. As with all witnesses, the witness police officers were advised not to discuss the situation with other witnesses to avoid influencing their versions. These standard SPVM precautions were taken for all police officers interviewed, whether they were on duty with SQ or with another police force in the province. In Phase 2 an attorney representing a large number of SQ police officers was twice notified to remind them of the importance of compliance with the no-communication rule before they met with the SPVM team.

Furthermore, when multiple witnesses needed to be interviewed for the same case, SPVM arranged interviews with multiple teams all on the same day. A break between interviews was worked into the schedule to avoid crossover as one interview ended and the next began. During the interviews, investigators checked whether the interviewee had complied with the ban on discussing the case. If more interviews were expected to take place later on, participants were reminded of the requirement at the end of the interview.

In each case where interviews with the various witness police officers were spaced out or where the investigation case raised concerns about communication between officers, I asked SPVM specifically about the measures taken to ensure that no communication took place. I am satisfied with the explanations SPVM provided.

While SPVM's approach was satisfactory in the circumstances, it alone was not enough to prevent any risk of communication between the witness police officers and the police officers involved or any risk of contaminated evidence. Case 64 is an alarming example:

Case 64

A Lac-Simon resident alleged that he was the victim of a “starlight tour” by SQ police officers from the Val-d’Or station on December 3, 2016. The case was transferred from the SQ DNP to SPVM a few days later, on December 7, 2016. Right from the start, SPVM noted that numerous police officers had discussed the case among themselves. It was clear that the case had been contaminated, as during their interviews witness police officers told investigators in all honesty that they had talked about it. In fact, several of them stated at the outset that they wanted to file a public wrongdoing complaint against the victim, thus clearly demonstrating that they had discussed the situation.⁸³ At the request of the SQ DNP, the police officers’ supervising sergeant asked them for information and for their personal notes regarding the evening of December 3, 2016. The SPVM investigation would later reveal that this sergeant was the suspect in the case. Other steps were taken the day after the alleged incident, again at the request of the SQ DNP. Two Major Crimes investigators from SQ in Rouyn tried to speak with the victim. When he refused, two police officers from the Lac-Simon Police Department met with the victim to arrange a meeting with the two SQ investigators, but to no avail. A police officer from the Val-d’Or police station was also tasked with documenting all calls involving an Indigenous person on the night of the events, to determine which police event the allegations referred to. Last, photos of the alleged location of the event were requested. Noting the scope of these

⁸³ The investigation of this cross-complaint was conducted by Service de police de la Ville de Québec. See Québec, Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services, “P-950 – courriels,” online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-950.pdf>.

steps, the SPVM investigation team contacted the SPVM Internal Affairs Inspector to express “astonishment” at what SQ was doing, since it looked as if an investigation, and not merely an administrative process, had been initiated. It was agreed that all SQ investigative procedures and all communication between police officers regarding the case be suspended. Nonetheless, SQ’s actions were likely to have had an impact on the investigation conducted by SPVM and were not consistent with best police practices.

Case 90 is another example where actions taken by SQ before SPVM was assigned to the investigation were likely to have had an impact:

Case 90

In January 2018, the victim was detained overnight at the SQ police station pending an appearance the next day at the Maniwaki courthouse. She alleged that she was assaulted while in the custody of SQ police officers. The officers had to use shackles on her feet to control aggressive outbursts. While the shackles were being put on, the victim claims she was pushed against the wall and the bed in the cell. The next morning a liaison officer met with the victim before she was taken to the courthouse and noted injuries to her ankles. The captain of the SQ Maniwaki police station was notified and went to see the victim to ascertain her condition and give her the form for filing a police ethics complaint. Another officer also questioned the victim, the person in the neighboring cell, and one of the police officers who helped place the victim in custody. It was not until two days later that the SQ DNP notified SPVM of the situation. SPVM promptly opened a case, but the official investigation did not begin until two weeks later, when the investigator received the information gathered by SQ. SPVM would then make a number of additional requests for information as the first file sent by SQ was incomplete. In particular, the notes written once an hour by the security officer monitoring the cell had been misplaced, and SQ was unable to provide them. When questioned by SPVM, the officer could not explain why the notes were missing for the specific times when there were scuffles in the victim’s cell.

In such situations, SPVM’s powers are limited. Questioned on numerous occasions about cases where police officers could have been in contact with each other, the lieutenant detective in charge of investigations told me about all the measures adopted and stressed that SPVM had no legal authority to restrict communication between the various witness police officers during its investigation. **I believe SPVM did everything it could to restrict communication between police officers prior to their interviews and I find no fault in SPVM’s compliance with these indicators. Nonetheless, SPVM’s limited power in this regard was insufficient to allay fears of collusion. This worrisome state of affairs is not unique to SPVM investigations and is a more widespread problem in police investigations, including those conducted by BEI.**

C) Shortcomings in the legal framework for compliance with no-communication rules, and proposals

Following my observation of the 98 investigation cases from phases 1 and 2 and the changing context of police investigations in Québec, I have identified shortcomings in the legal framework regarding the no-communication requirement and how it is applied (when it exists) in police-on-police investigations. Considering how important this issue is for maintaining or restoring public confidence, I believe a

sweeping review should be undertaken to fix the existing shortcomings. I have two points to make about certain shortcomings I observed.

i. Absence of no-communication rules for criminal investigations

In my opinion, **there is a major inconsistency in the legal provisions governing BEI investigations. While there are rules regarding non-communication between police officers for independent investigations, there are no rules for criminal investigations**, which relate to allegations of a sexual offence committed by a police officer on duty and allegations of a criminal nature against police officers in all cases where the victim or complainant is an Indigenous person.

Section 289.4 P.A. provides that “[a] government regulation shall be made to establish rules concerning the investigations conducted by the Bureau in relation to an occurrence described in the *first paragraph* of Section 289.1. The regulation shall determine, among other things, the obligations of the police officers involved in the occurrence, the police officers who witnessed the occurrence and the director of the police force involved” (italics mine). The *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes*⁸⁴ was adopted in accordance with the provision quoted above and therefore relates exclusively to independent investigations, as defined in the first paragraph of Section 289.1. Hence, Section 289.4 P.A. excludes the investigations referred to in the second paragraph of Section 289.1, i.e., investigations into allegations of a sexual nature. It clearly does not refer to investigations into allegations made by Indigenous people, which are the responsibility of BEI because of the Minister’s authority to entrust BEI with investigations that are not covered under the Act.⁸⁵

“In my opinion, there is a major inconsistency in the legal provisions governing BEI investigations. While there are rules regarding non-communication between police officers for independent investigations, there are no rules for criminal investigations [...].”

The *Regulation* provides detailed rules concerning the obligations of police officers involved in the event, witness police officers, and the director of the police force involved. Section 1 states:

1. A police officer involved and a witness police officer must, where a person, other than an on-duty police officer, dies, sustains a serious injury or is injured by a firearm used by a police officer during a police intervention or while the person is in police custody:
 - (1) withdraw from the scene of the occurrence as soon as possible;
 - (2) draw up independently, in particular without consultations and influence, an accurate, detailed and comprehensive account of the facts that took place during the occurrence, sign the account and submit it to the investigators of the Bureau des enquêtes indépendantes within 24 hours of the occurrence, unless the director of the Bureau grants a time extension;
 - (3) meet with the investigators of the Bureau;

⁸⁴ *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes*, supra note 33.

⁸⁵ *Police Act*, supra note 8, sections 289.6 and 289.3.

(4) refrain from communicating with another police officer involved or witness police officer in connection with the occurrence until the police officer has submitted the account and met with the investigators of the Bureau; and

(5) remain available for the investigation purposes. [...]

Section 2 sets out the obligations of the director of the police force involved, which are essential for maintaining public confidence. Among other things, Section 2 stipulates that:

A director of a police force involved must:

(1) take the necessary measures to secure the scene of the occurrence and to ensure preservation of the evidence and the premises' integrity until the arrival of the investigators of the Bureau;

(2) take reasonable measures to prevent the police officers involved or witness police officers from communicating with one another in connection with the occurrence until they have submitted their accounts to the investigators of the Bureau and met with them;

(3) send to the director of the Bureau the name of the person deceased or injured and the nature of the person's injuries, the names of the persons present at the occurrence, the parameters and limits of the scene of the occurrence, the evidence collected so as to preserve it, as well as any other information collected in connection with the occurrence;

(4) give the investigators of the Bureau any document in connection with the occurrence;

I find it highly problematic that the *Regulation* has not been amended to take account of BEI's broadened mandate in relation to criminal investigations. It is inconceivable that no rules on isolation and non-communication govern BEI's authority, the obligations of police officers involved and witness police officers, and the obligations of directors of police forces involved in criminal investigations. Allegations of a sexual offence committed by an on-duty police officer and criminal allegations against police officers where the victim is an Indigenous person are numerous (see statistics in the introduction, above), and, what is more, public confidence in these types of investigations is particularly low. Guarantees of integrity and impartiality in the conduct of these investigations, in order to minimize the risk of contaminated evidence, are therefore of paramount importance. Moreover, entities similar to BEI in other jurisdictions, which conduct independent investigations and criminal investigations, have implemented mandatory isolation and non-communication without distinction as to the type of investigation carried out.⁸⁶

To address these inconsistencies, immediate legislative action should be taken. **BEI's mandate must be formalized in the P.A. to adapt the *Regulation respecting the conduct of the investigations to the criminal investigations now under its responsibility, in particular as regards witness police officers and police officers involved.*** The same holds true for other P.A. rules that concern BEI. One such rule, which is essential, concerns the obligation in Section 289.2 P.A. for the director of a police force to immediately notify BEI of any event falling within its mandate as defined in Section 289.1. Because Section 289.1 does not specifically mention allegations of an offence committed by a police officer when

⁸⁶ See for example in Manitoba: *Police Services Act*, *supra* note 78; *Independent Investigations Regulation*, *supra* note 78, sections 8–14.

the victim is an Indigenous person, the government is foregoing a valuable police accountability tool by not associating to the failure of a director to report the penalties under section 311 of the P.A. This section provides that failure to comply with this obligation imposed on the director is an offence punishable by a fine of \$500 to \$10,000.

Proposal 3

That Section 289.1 of the *Police Act* be amended to formalize BEI’s mandate regarding allegations of a criminal nature against police officers in all cases where the victim or complainant is a First Nations or Inuit person.

Proposal 4

That Section 289.4 of the *Police Act* be amended so that the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes* may apply to criminal investigations falling within the remit of BEI that are not independent investigations as referred to in the first paragraph of Section 289.1.

Proposal 5

That the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes* be amended so that the obligations of non-communication and isolation imposed on police officers implicated in the event, police officers who witnessed the event, and the director of the police force involved in the event apply, adapted as necessary, to criminal investigations.

ii. *No penalty for non-compliance with the rules*

The *Regulation* also has significant shortcomings concerning BEI’s authority to require compliance with the no-communication rules and the lack of penalties in the event of failure to comply. This issue is similar to the findings of SPVM’s powerlessness in the face of shortcomings on the part of the police force involved, as discussed above.

In November 2018, documents obtained by civil society organizations under the *Access to Information Act* revealed serious shortcomings by police forces involved in independent BEI investigations.⁸⁷ Letters sent by the BEI director to the heads of several police forces showed that the police officers involved

⁸⁷ Ligue des droits et libertés, press release, “Plusieurs corps de police entravent le déroulement des enquêtes du BEI – Les autorités concernées doivent agir en urgence,” November 5, 2018, online: <https://liguedesdroits.ca/plusieurs-corps-de-police-entravent-deroulement-enquetes-bei-autorites-concernees-doivent-agir-urgence/?fbclid=IwAR0eBz8G87AXTFGhNbv2h5XBqVioLTSbZAluj_bTGafgOk7Pq_0AKxzKNgM>.

had consulted each other before the arrival of BEI, that they had not been kept isolated, that one police officer had refused to answer questions from a BEI investigator, that police officers involved in the incident and witnesses had been interviewed before the arrival of BEI, and that police officers involved had written their reports together, without supervision.⁸⁸ Similar shortcomings were identified in the SPVM investigations, as discussed above.

The Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes does not provide for penalties when the police officers involved, the witness police officers, or the director of the police force involved violate the rules.

The Regulation stipulates only that the BEI director must notify the director of the relevant police force when a police officer involved or a witness police officer does not comply with the mandatory provisions in the Regulation. If the director is at fault, BEI must “so inform the Minister, in the case of the Director General of the Sûreté du Québec, the municipal council, in the case of the director of the municipal police force, or his or her employer, in the case of a director of another police force.”⁸⁹ These provisions are the source of the above-mentioned letters sent by the BEI director to the management of numerous police forces, with a copy to the Minister on certain occasions. The public has still not been told what action was taken on the basis of these letters.

“To maintain public confidence in police investigations, criminal sanctions should be provided for in the Regulation [on the conduct of BEI investigations].”

Penalties for police misconduct that may impede an investigation or affect its integrity are provided for in other legislation. Section 139 of the *Criminal Code* includes an offence for obstruction of justice. Section 7 of the *Code of ethics of Québec police officers* provides that:

A police officer must respect the authority of the law and of the courts and must collaborate in the administration of justice. A police officer must not:

- (1) prevent or contribute to preventing justice from taking its course;
- (2) conceal or fail to pass on evidence or information in order to benefit or harm any person.

However, these offences or breaches of standards for police conduct are not specifically aimed at conduct prohibited under the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes* and are undesirably vague on what the BEI director must do if they discover a breach of the rules during an investigation, or what the director of a police force must do when they are notified of a violation. **Given the importance of compliance with these rules for maintaining public confidence in police investigations, criminal sanctions should be provided for in the Regulation.**⁹⁰

⁸⁸ Ligue des droits et libertés and Coalition contre la Répression et les Abus Policiers, *Bilan des trois premières années d'activités du Bureau des enquêtes indépendantes – Constats citoyens – Une commission parlementaire est nécessaire*, October 3, 2019 (letters from the director of Bureau des enquêtes indépendantes to the management of certain Québec police forces reporting violations of the Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes, online: <<https://liguedesdroits.ca/wp-content/fichiers/reponse-bei-lettres-aux-directeurs-de-police.pdf>>).

⁸⁹ *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes*, supra note 33, Section 5.

⁹⁰ The absence of sanctions in the Regulation had been criticized before its adoption: see Commission des droits de la personne et de la jeunesse, *Commentaire sur le projet de règlement sur le déroulement des enquêtes dont est chargé le Bureau des enquêtes indépendantes*, August 27, 2015, p. 13, online:

Proposal 6

That the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes* be amended to provide for sanctions when police officers or the directors of the police forces involved fail to comply with the obligations set out in the *Regulation* regarding non-communication between witness and involved police officers.

INDICATOR 8: RANK OF INVESTIGATORS WHO CONDUCT INTERROGATIONS

Excerpt from the Phase 1 investigation report, p. 39

This Protocol indicator focuses on the rank of investigators who conduct interrogations with respect to the rank of police officers involved or witness police officers. More specifically it seeks to verify whether SPVM investigators interrogated higher ranked SQ agents.

I am interested in this issue to the extent that best practices regarding police investigations of police show that it may be risky for a lower ranked investigator to interrogate a higher ranked officer, particularly if the higher ranked officer is still in service. Because respect for hierarchy is a very important concept in police organizations and essential to the smooth running of their operations, the person who conducts an interrogation may consciously or unconsciously be affected by this factor.

(Reference omitted)

SPVM detective sergeants did not interrogate any police officers of equal or higher rank in any of the Phase 1 investigations. In Phase 2, on a few occasions SPVM detective sergeants interviewed police officers of the same or higher rank. However, after listening to the interviews between SPVM investigators and these police officers, I confirm there was no preferential treatment. Difficult or uncomfortable questions were asked, and the investigators sought the truth in their interactions with the police officers involved in an objective and uncompromising manner without fear or favor. I am therefore satisfied with the analysis of this indicator.

<https://www.cdpdj.qc.ca/storage/app/media/publications/commentaires_reglement_enquetes_bei.pdf>: “The absence of penalties that correspond directly to a breach of any of the obligations under the draft regulation threatens the integrity of the investigative mechanism and, therefore, its credibility.”

INDICATOR 9: RESPECT FOR THE FUNDAMENTAL RIGHTS AND OBLIGATIONS OF WITNESS AND IMPLICATED POLICE OFFICERS

Excerpt from the Phase 1 investigation report, pp. 57–58

This indicator focuses on respect for fundamental rights and on the obligations of the police officers interviewed during the investigation. The integrity and impartiality of a police investigation rely as much on respect for the rights of victims as on respect for the rights of police officers, whether witnesses or suspects. For suspects, additional legal guarantees apply. Just like the assessment of courteous and respectful behavior analyzed above, the assessment of respect for the rights of individuals alleged to have committed crimes is central to the independent civilian observation of a police investigation of police. Such an observation has two equally important objectives—to ensure that the investigation is not intended, directly or indirectly, to protect the suspected police officer and to verify that the investigation follows standard practices to find those responsible, whatever the cost. An impartial and ethical investigation withstands external pressure and follows the law, for both victims and suspects.

The purpose of this indicator is to verify that police officers were notified of their investigation status (witness or suspect) before the interview and that they were notified of any change in status as the investigation progressed. The indicator verifies compliance with Section 262 of the Police Act (during the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of his/her personal notes and reports relating to the examination of the complaint).

Unlike suspected police officers, witness police officers are required to cooperate. They do not have the right to remain silent. While they are required to provide a full written and signed statement or face criminal penalties, witness police officers are protected under Section 262 of the Police Act, which says they “may be assisted by an advocate.” It should be noted that the police officer’s status could change during the interview with the investigator. If the police officer provides incriminating information, a change in status may apply and an officer who was previously considered a witness then becomes a suspect. It can sometimes be difficult to draw a line between the two statuses and pinpoint the moment when a witness becomes a suspect. Witness police officers must be allowed to be assisted by their lawyer during the entire interview and be able to protect themselves against saying too much.

This Protocol indicator also focuses on compliance with Section 263 of the Police Act and the guarantees enshrined in the Charters of Rights, notably: the suspect police officer must be advised that they are subject to a complaint involving allegations of a criminal nature and the investigator must provide the usual cautions (right to a lawyer and right to remain silent). The police officer must be informed that they are not required to make a statement about the complaint. In this situation, the purpose of the right to a lawyer is to ensure that the suspect police officer’s decision to cooperate with the investigation or to decline to do so is free and informed. Recourse to a lawyer is one-time occurrence, intended to help the police officer—like anyone else in the same situation—to make this choice. Such recourse is not continuous throughout the questioning. These guarantees are a fundamental part of our legal system and aim to ensure that a suspect’s statements were made freely and voluntarily, and not as a result of force, threats, or promises made by those in authority who received the statement.

To wrap up these issues, and before delving into their assessment, we must keep in mind that sections 260 to 263 of the *Police Act* were adopted by the government to implement certain recommendations in the Poitras Commission report on Sûreté du Québec. These measures are in Chapter III entitled “Compliance with Professional Ethics” under Title IV of the Act and their purpose is to counter the law on silence and police solidarity.

(References omitted)

Sections 260 to 263 P.A. are about criminal investigations involving police officers and were adopted to counter police solidarity and the law of silence. They apply to SPVM investigations in Phase 2. I note that they also apply, in the current absence of rules regarding criminal investigations in the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes*, to criminal investigations now under the jurisdiction of BEI, namely those concerning allegations of a sexual offence committed by an on-duty police officer and criminal allegations against police officers where the victim is an Indigenous person.

The following is my assessment of the rights and obligations of police officers involved or witness police officers in Phase 2 of the SPVM investigations.

A) Witness police officers

Under Section 260 P.A., a police officer who witnesses another police officer behave in a manner that is likely to constitute a criminal offence must participate or cooperate in any investigation relating to that conduct. Section 262 sets out the rights and obligations of the investigator in the context of the investigation:

A police officer must, when interviewed as a witness in connection with a complaint against another police officer, provide a complete written statement and sign the statement. The police officer may be assisted by an advocate if the officer wishes.

No such statement may be used or held against that police officer, except in a case of perjury.

The police officer must also provide a copy of all personal notes and reports relevant to the examination of the complaint.

In Phase 2, witness police officers were generally notified fairly promptly of their status in the investigation. Some were assisted by a lawyer during the interrogation, while others consulted a lawyer beforehand. In the interest of transparency, SPVM suggested that police officers make their statement in an audio recording rather than providing a complete written and signed statement. Audio recordings were the method used in the majority of cases. Prior to each recording, the investigator would read Section 262 P.A. to the witness police officer and obtain verbal consent to record their statement. Those who refused to be recorded or were uncomfortable about it submitted a complete written and signed version instead.

Witness police officers are required to provide a copy of any personal notes and any reports relating to the examination of the complaint, and these documents, if any, were forwarded with the original file. If no personal notes were provided and when they would have been an important part of the investigation, the SPVM team contacted the police chief at the station concerned or the liaison officer to verify whether or not any personal notes existed. This was the case in 10 of the 61 investigations. The police forces concerned were also asked for copies of additional reports in 22 of the 61 investigation cases.

“In a number of cases, there were no personal notes at all from witness police officers. This is problematic [...]”

According to information supplied by SPVM, a total of 34 of the 144 witness police officers interviewed provided a copy of their personal notes. Therefore, 110 witness police officers did not provide any documents relating to the events under investigation. **In a number of cases, there were no personal notes at all from witness police officers.**

This is problematic, as note-taking is vital to the proper administration of criminal justice, “[...] an important part of the investigator’s broader duty to ensure that those who commit crimes are held accountable for them.”⁹¹ “[I]nadequate note-taking, while it can hamper the conduct of the defence, also risks hampering an investigation and/or a prosecution. In short, inadequate note-taking does a disservice to both an accused and the community, [which] is entitled to expect that innocent people will be acquitted and guilty people properly convicted.”⁹² Thus, every investigator should make a point of writing accurate, detailed, and comprehensive notes. Police officers have a duty to do so, the importance of which was mentioned by the Supreme Court of Canada in *Wood v. Schaeffer*:⁹³

[...] I have little difficulty concluding that police officers do have a duty to prepare accurate, detailed, and comprehensive notes as soon as practicable after an investigation. [...] [S]uch a duty to prepare notes is, at a minimum, implicit in an officer’s duty to assist in the laying of charges and in prosecutions [...].

Particularly when an investigation concerns police behavior, **the absence of contemporaneous notes taken by the police officers who witnessed or were involved in the events is likely to reinforce the perception that police officers use a law of silence to protect each other.** It makes it seem as though the police has something to hide.⁹⁴ It is also detrimental to the investigation and is likely to affect statements from witness police officers (mandatory under Section 262 P.A.), notably in situations where these officers cannot recall certain facts related to the investigation, or to compare an officer’s statement with the notes they took.

⁹¹ Martin G. Arthur, *Report of the Attorney General’s Advisory Committee on Charge Screening, Disclosure, and Resolution Discussions*, Toronto, The Ministry, 1993, p. 151, as cited in *Wood v. Schaeffer*, (2013) 3 SCR 1053, para. 64.

⁹² *Ibid.*

⁹³ *Wood v. Schaeffer*, *supra* note 91, para. 67.

⁹⁴ As Commissioner Viens lightheartedly pointed out at a CERP hearing, “I’m starting to think that people don’t make notes when they do things they shouldn’t”: Québec, Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services, *stenographic notes, August 16, 2018*, page 77, online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Transcriptions/Notes_stenographiques_-_CERP_16_aout_2018.pdf>.

The absence of police officers' personal notes in certain Phase 2 cases was discussed at CERP,⁹⁵ and CERP attorneys asked SQ for information about the policies and guidelines for note-taking and for keeping officers' notebooks.⁹⁶ While note-taking and note-keeping are a standard requirement in some police forces, there do not seem to be any penalties for failing to comply.⁹⁷ The MSP police practices manual sets out the guidelines for personal note-taking, but does not make it a requirement.⁹⁸

In addition to the absence of personal notes for many witness police officers SPVM interviewed, one case in Phase 2 raises specific questions in relation to Section 262 P.A.:

Case 64

One of the witness police officers deleted the notes on his cellphone. During his interview with SPVM, he explained that he had taken these notes when an article about the event came out in the media, since he had not documented very much in his notebook. He did not expect to be interviewed as he was one of only two male officers there that night. He confirmed that he deleted the notes prior to the interview with SPVM. When asked why, he seemed uncomfortable and said they were personal notes and that he had in any case reviewed them before his statement to SPVM.

I should point out that if personal notes or reports relating to the investigation are deliberately destroyed, misplaced, or withheld from the investigators, this is a violation of the obligations in Section 262 P.A. and would constitute an offence under that same act.⁹⁹ It could also constitute ethical misconduct.¹⁰⁰ Police force directors, when notified of a breach of duty to cooperate, should systematically apply sanctions in order to strengthen police accountability mechanisms and public trust in them.

B) Police officers involved

Section 263 P.A. sets out the rights of police officers who are subject to a criminal investigation:

When questioning or taking a statement from a police officer against whom a complaint has been made in connection with an alleged criminal offence, the investigator must

- (1) advise the police officer that a complaint has been made in his or her respect;

⁹⁵ See, for example, discussions on August 16, 2018: *Ibid.*

⁹⁶ Québec, Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services, *Exhibit P871-53*, online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-871-53.pdf>.

⁹⁷ See Sûreté du Québec, *Politique de gestion Opér. Gén. -67* online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-871-53.pdf>, where Section 3.1.2 states that “[n]ote-taking is mandatory to record all facts, details, observations, and actions during police intervention.”

⁹⁸ Québec, Ministère de la Sécurité publique, Direction générale des affaires policières, *Guide de pratiques policières à l'exclusive usage des corps de police*, May 4, 2009, online: <https://www.securitepublique.gouv.qc.ca/fileadmin/Documents/ministere/diffusion/documents_transmis_acces/2019/132144.pdf>.

⁹⁹ Section 311 P.A. states that “every person who contravenes the provisions of any of sections 190, **260 to 262**, 272, 286, 288, 289.2 and 289.20 is guilty of an offence and is liable to a fine of \$500 to \$10,000” (emphasis added).

¹⁰⁰ *Code of Ethics of Québec Police Officers*, CQLR, c aP-13.1, r 1, Art. 7.

(2) give the police officer the customary warnings;

(3) inform the police officer that he or she is not required to make a statement in relation to the complaint.

Whenever investigators met with police officers in Phase 2 of the investigations, they complied with Section 263 P.A.: The police officers were told that they were the subject of a complaint and were given the usual warnings (right to remain silent and right to counsel), in addition to being told that they were not required to make a statement regarding the complaint against them. Each interview in which police officers were questioned as suspects during the investigation was recorded on video, and my analysis after viewing the videos is shown in the evaluation charts in [Appendix F](#). I observed no irregularities in how the questioning was conducted. It was fully compliant with the rules provided for by law, as stated above.

The police officers involved were interviewed in 38 of the 61 cases in Phase 2. I will comment more fully on the small proportion of suspects questioned in my analysis of the next indicator on the seriousness and thoroughness of the investigation.

INDICATOR 10: SERIOUSNESS AND THOROUGHNESS OF THE INVESTIGATION

Excerpt from the Phase 1 investigation report, pp. 58–59

This indicator is key for assessing the integrity of the investigation. It assesses the seriousness and thoroughness of the investigations, particularly by verifying that all reasonable investigative leads have been explored to determine whether a criminal act was committed and identify those responsible, and that the additional inquiries requested by the DCPD have been followed up appropriately. This indicator is particularly important in the context of this independent civilian observation, which assesses the integrity and impartiality of a police investigation of police when the victims' communities are generally distrustful of law enforcement, there is a tense social climate after the broadcast of a television report that sent a shockwave through the region and across Québec, and the vulnerability of certain victims has increased because of this public exposure. In these circumstances, the perception of partiality that is always present in police investigations of police is even greater. Independent civilian observation serves to counteract this perception of partiality by providing an objective account of the impartiality and integrity of the police investigation. The observer verifies that the investigation process complies with the highest standards for criminal investigations and that it is conducted thoroughly and transparently without being affected by external pressure, undue influence, or considerations unrelated to the search for truth. For the victims, communities, police officers facing allegations, and the public in general, an independent observation of the seriousness and thoroughness of the investigations provides reassurance about the investigators' methods, regardless of the results of the investigation.

The purpose of the evaluation of the seriousness and thoroughness of the investigation is to ensure that the investigation does not overlook certain aspects of the allegations based on inappropriate judgment, that the investigators do not pick and choose the factual elements of allegations, and that all reasonable means are used to determine whether a criminal act was committed and identify those responsible. It is not about conducting the investigation in the investigators' place—that is an inherent limitation of the observation process, as mentioned above in Section 1. It is about ensuring that all investigation leads have been explored thoroughly, objectively, and professionally. Complete and unrestricted access to the files and the investigation team, full cooperation of the police force under investigation, freedom to contact any individual who may have relevant information, and appropriate resources are essential conditions for carrying out this mandate. I confirm that all these conditions were met in this case and that I was able to fulfill this important responsibility unobstructed.

The purpose of the evaluation of the seriousness and thoroughness of the investigation is to ensure that the investigation did not overlook certain aspects of the allegations based on inappropriate judgment, that the investigators did not pick and choose the factual elements of allegations, and that all reasonable means were used to determine whether a criminal act was committed and identify those responsible. In other words, the independent civilian observer's goal is to evaluate the integrity of the police investigation to ensure that the process followed was rigorous, thorough, and objective and that the end result—the DCP's decision whether to lay charges—was not based on an incomplete or bungled investigation. Again, it is important to keep in mind that the DCP's decision is outside my mandate.

After close examination of each of the 61 cases, I confirm that the SPVM undertook significant efforts to establish the facts and identify those responsible for the alleged acts. Generally speaking, the investigations were carried out seriously and thoroughly. I describe below some of the methods used and raise some questions about certain aspects of the investigation.

A) General investigative methods

The following is a summary of the main takeaways, some of which are discussed in more detail below:

- The investigators—most from the Major Crimes Section with expertise in sexual assault—focused the investigation on the victim and took an “I believe you” approach, regardless of the victim's ability to remember certain details.
- When the victim was unable to specify the date of the reported event or the identity of the police officer involved, the investigators took all reasonable steps to fill this gap. These steps included:
 - Finding all statements of offence received by the victim during the period in question and determining which police officers were on duty, to identify those who may have been in contact with the victim
 - Obtaining information relevant to the events and photos of police officers who may have been involved
 - Implementing rigorous identification measures (discussed below)

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- Interviewing civilian and police witnesses to corroborate the victim’s allegations (discussed below)
 - Verifying the GPS data for police vehicles that may have been involved (for example, to corroborate trips out of town)
 - Visiting the locations and gathering a variety of evidence (e.g., the victim’s medical reports, with consent)
 - In cases where a police officer involved was identified or identifiable, the investigators carried out all necessary checks to determine the nature of the alleged criminal offence, if applicable, and clarify the role of the police officer involved. Here too, identification measures were used, expert reports were obtained, civilian or police witnesses were interviewed, and police officers involved were asked to make a statement, at which time all relevant questions were asked. However, I do have some reservations about meetings with police suspects.
 - In some cases, SPVM investigators collected evidence by viewing surveillance camera footage of the scene.
 - Investigators provided appropriate follow-up on the additional investigations requested by the DCPD and conducted these investigations themselves so that new evidence could be taken into account when the opportunity arose (see also my comments below).

The SPVM investigators, who are usually assigned to the city of Montréal, travelled to various regions of Québec. **I note, however, that in some cases the remote location of the alleged incidents meant that investigators did not return to investigate further including, in certain cases, to interview witnesses who could have shed light on events.** For example, in two cases in Waskaganish, SPVM only planned for one trip to the region. If a witness was out of town, they would then have to be contacted by telephone or, if their testimony was not essential, no further action was taken. In Phase 2, investigators sometimes submitted the case to the DCPD with the stipulation that certain witnesses had not yet been interviewed. They would then wait for the DCPD’s opinion before pursuing certain steps in the investigation.

My role as an independent civilian observer is to evaluate the integrity and impartiality of the investigation. It is not to perform the investigation in SPVM’s stead, and I cannot interfere. Deciding whether there is sufficient evidence to proceed with a criminal prosecution is the responsibility of the DCPD.¹⁰¹ In their consideration of the evidence provided by the investigators, prosecutors must, among other things, ensure that the investigation reports are complete. If necessary, they may ask for further investigations to be carried out, under authority granted in Section 20 of the *Act respecting the Director of Criminal and Penal Prosecutions*.¹⁰² Specifically, further investigations may mean, for example, that investigators have to meet with certain witnesses again or obtain expert reports or physical evidence to supplement what they already have.

In Phase 1, decisions on laying charges were made following requests for further investigation in a large number of cases (20 out of 37). In Phase 2, such requests were made in only 15 out of 61 cases. **I confirm**

¹⁰¹ Québec, Director of Criminal and Penal Prosecutions, *Directive ACC-3 : Accusation – Poursuites des procédures*, June 18, 2015, online: <http://www.dpcp.gouv.qc.ca/ressources/pdf/envoi/ACC-3.pdf> >.

¹⁰² *Act respecting the Director of Criminal and Penal Prosecutions*, CQLR c D-9.1.1, Section 20(1).

that SPVM deployed all the resources necessary to investigate further and make additional inquiries as requested by the DCPD in a timely manner. In cases where further investigation was not requested, I am of the view that this did not compromise the integrity of SPVM's investigation, and I defer to the DCPD as the authority with sole responsibility to decide whether there was enough evidence.

B) Identification measures

SPVM set up various identification measures that demonstrate the seriousness of the investigation. The most common measure was photographic identification, in which a person is identified in a photograph (photo line-up). In the absence of a legal framework for the procedure, police authorities must adopt certain standards of conduct to ensure the identification evidence collected is reliable. According to the Court of Appeal of Québec:

The witness's full circumstances must be taken into account when assessing how reliable they are at identifying a suspect. Thus, factors such as the duration of the observation, distance, brightness, relative movement, whether there was an obstructed view, the witness's visual acuity, their psychological state during the observation, their prior knowledge of the person identified, and the accuracy of the initial description and resemblance to the accused, as well as the environment of any line-up the witness participates in must be taken into account.¹⁰³

The *Sophonow* Commission of Inquiry¹⁰⁴ has produced recommendations to maximize reliability and guide police authorities in conducting a photo line-up:

- The photo pack should contain at least 10 subjects
- The photos should resemble the eyewitnesses' description as closely as possible. Otherwise, the photos should resemble the suspect as closely as possible
- Everything should be recorded on video or audiotape from the time that the officer meets the witness, before the photographs are shown, through to the completion of the interview. It is essential that an officer who does not know who the suspect is and who is not involved in the investigation conduct the photo pack line-up
- Before the photo pack is shown, the officer conducting the line-up should confirm that they do not know who the suspect is or whether the suspect's photo is included in the line-up. In addition, before showing the photo pack to a witness, the officer should advise the witness that it is just as important to clear the innocent as it is to identify the suspect. The photo pack should be presented by the officer to each witness separately
- The photo pack must be presented one at a time and not as a set.
- In addition to the videotape, if possible, or, at the very least, the audiotape, there should be a form to be signed by both the officer conducting the line-up and the witness where they can record their comments

¹⁰³ *Amiri v. R.*, 2018 QCCA 417, para. 33 [*Amiri v. R.*].

¹⁰⁴ Peter de C. Cory, *The Inquiry Regarding Thomas Sophonow*, Manitoba, Manitoba Justice, 2001, online: <<https://digitalcollection.gov.mb.ca/awweb/pdfopener?smd=1&did=12713&md=1>>.

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- After the line-up, police officers should not speak to eyewitnesses regarding their identification or their inability to identify anyone. This can only cast suspicion on any identification made and raise concerns that it was reinforced

These recommendations have been widely echoed in Canadian case law.¹⁰⁵ Thus, when the recommendations of the Soponow Commission of Inquiry are rigorously followed, the evidence is necessarily more reliable. SPVM developed an internal system specific to the Val-d'Or project to standardize the procedure and guide investigators. It was introduced in Phase 1 and also applied to Phase 2 investigations. Each photo line-up report had to include:

- The identity of the investigator who requested the photos for the identification measure
- The investigative methods that made it possible to identify a particular time period or police officer
- The identity of the investigator who obtained the photographs and the person who provided them, on what date and in what form

SPVM used photographic identification in 14 of the 61 Phase 2 cases, relying on two different methods: photo line-ups and photo albums. When the investigation resulted in a named suspect whose identity needed to be verified, a *photo line-up* was used. This type of identification produced six suspects in ten cases. Investigators included the following information in their photo line-up reports:

- The identity of the investigator who created the line-up
- The identity of the eight police officers in the line-up
- The criteria for selecting the photos
- The criteria for selecting the suspect's photo when more than one was available
- The source of the photos used in the line-up and the total number of photos available
- A list of which photos had been edited, if any, and the method used
- The identity of the investigator who presented the line-up, the circumstances, and the outcome
- The investigative steps taken when a person other than the suspect was identified

In addition, instructions written on a form were read to the victim before the line-up began. Victims were told the following:

- The person or persons who committed the offence may or may not be in the photo pack
- If you are not sure, you do not have to identify anyone
- You should look at the photos carefully before commenting on them

¹⁰⁵ See in particular: *Amiri v. R.*, *supra note* 103, para. 36. See also: Canada, Working Group on the Prevention of Miscarriages of Justice, *Report on the Prevention of Miscarriages of Justice*, Ottawa, Government of Canada, 2004, pp. 59–60, online:<<https://www.justice.gc.ca/eng/rp-pr/cj-jp/ccr-rc/pmj-pej/pmj-pej.pdf>>.

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- The photos shown may be old or recent, the hairstyle may have changed, and people may have altered their facial appearance (moustache or beard)

When SPVM only had a physical description but was not able to target a specific individual, a *photo album* was used. This identification measure was used in four cases. While photo line-ups contained eight photos, photo albums could include several dozen. For example, the album might have included photos of all the officers on staff at the police station in question or only photos of officers on a specific shift. The album might have been presented digitally, as a hard copy, or as multiple photo line-ups. SPVM investigators were required to document the following in their report:

- The identity of the investigator who compared the list of on-duty staff to the photos obtained for the years requested, the time when the comparison was carried out, and the outcome
- The identity of the investigator who obtained the list of on-duty staff for the years requested and the identity of the person who provided the list
- The identity of the police officer who selected and edited the photos and the method used
- The number of photos selected for the album and the number of photos eliminated
- The identity of the investigator who presented the photo album, the method used, the circumstances, and the outcome
- When a person was identified, the identity of the investigator and the nature of the next steps

I noticed slight differences between the process established by SPVM and the recommendations developed by Canadian case law. First, the line-ups were not conducted by an SPVM investigator who did not know the suspect and was not involved in the investigation. In addition, the photo line-up contained eight photos, while the recommended minimum is ten. Last, the photo pack was presented as a set on a single page, rather than one by one. **In my opinion, these discrepancies between the recommendations and the process followed are not critical and do not affect the reliability or outcome of the line-ups.** Indeed, the mere fact that a line-up deviates from one of these recommendations does not invalidate the process and the resulting identification, as long as no intrinsic or extrinsic factors have undue influence.¹⁰⁶ Such is the case here, where line-ups were conducted according to a fair process. **I am satisfied with the steps SPVM investigators took to identify police officers who were the subject of complaints. Suspects were identified in all but 4 of the 61 cases in the Phase 2 investigations** (cases 48, 49, 50, and 66).

Live line-ups, where an eyewitness personally identifies a suspect from a group of individuals, were not used. In live line-ups police authorities group people with similar characteristics to the suspect as described by the witness, such as age, skin color, race, height, weight, hair, stature, and distinguishing features (such as a tattoo, scar, or jewelry). This method was not appropriate for investigation cases involving past events. It would also have been complicated to gather eight people with similar characteristics at the same time, especially in remote areas and in an environment where it was sometimes too difficult to contact and meet with the victim.¹⁰⁷

¹⁰⁶ *Amiri v. R.*, *supra* note 103, paras. 35 and 36.

¹⁰⁷ Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services, *stenographic notes* from August 14, 2018, online:

Last, it should be noted that SPVM used other identification measures, but to a much lesser extent. Video identification is when someone identifies a suspect on videotape, such as a recording from a surveillance camera. The weight of videotape evidence is based on the quality and characteristics of the evidence, including image clarity and quality and how long the suspect appears in the recording.

Fingerprint or dactylogram identification is when an inked impression of a person's fingertip is used to identify them. The unique nature of fingerprints makes this a highly reliable identification tool. In Phase 2, a fingerprint search was used in just one case, and was inconclusive.

When it comes to genetic identification, the *Criminal Code* authorizes bodily substances to be taken for DNA analysis notably as part of an investigation into an offence.¹⁰⁸ DNA evidence is extremely reliable when a match between two samples is established by an expert. This investigation method was used in two Phase 2 cases (66 and 72).

Voice line-up identification is when a witness identifies a person by the sound of their voice. This investigative technique was not used.

Only one police officer involved took a polygraph test (Case 91). SPVM's general approach was to conduct the test with its own polygraphists. The suspect police officer, from the Manawan Police Department, agreed to take a polygraph test but decided to make his own arrangements with a polygraphist outside SPVM. The polygraphist he chose was a former SQ police officer with an excellent reputation, and the test showed that the suspect was telling the truth. The investigator on the case submitted the entire test (video and documents) for a second opinion from an SPVM polygraphist, who found that the test was compliant and had been properly administered. Moreover, the fact that the polygraphist was not from the same police force as the suspect helped eliminate a potential appearance of conflict of interest.

C) Questioning police officers involved

As a reminder, Indicator 10 on the "seriousness and thoroughness of the investigation" seeks to ensure that all reasonable investigative steps were taken to determine whether a criminal act had been committed and to identify those responsible. It is closely linked to Indicator 9, discussed above, as it concerns SPVM's relations with the police officers involved and the witness police officers. This indicator also ensures that the investigation did not directly or indirectly seek to protect the police suspect or, conversely, that it did not deviate from standard practices to find one or more culprits at any cost. The exploration of all reasonable avenues of investigation, particularly through requests for police officers to meet with SPVM investigators for questioning, was an important indicator in my independent civilian observation.

In Phase 1, SPVM set out guidelines specific to the unique context of the investigation. The guidelines were adopted in response to concerns I expressed to the deputy director regarding a police-on-police

[https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Transcriptions/Notes_stenographiques - CERP 14 aout 2018.pdf](https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Transcriptions/Notes_stenographiques_-_CERP_14_aout_2018.pdf) at pp. 88-90 (testimony of Robert Lebrun).

¹⁰⁸ Articles 487.05 and 487.06, *Criminal Code*.

investigation where there was a high level of distrust and where the failure to question suspects may have cast doubt on the impartiality of the investigation.

In accordance with the guidelines, in cases where one or more suspects had been identified, all police officers involved were asked to provide a statement as suspects, for inclusion in the file. However, police officer suspects were not called in for questioning when the DCPD was satisfied that the allegations were not criminal or when the investigation had clearly established that no crime took place. SPVM followed these guidelines in Phase 1.

When asked about this specific issue for Phase 2, SPVM confirmed that the guidelines adopted in Phase 1 also applied to Phase 2 investigations. However, it appears that is not what happened in practice. The 61 Phase 2 investigation cases can be divided into two categories for questioning of the suspect officer.

i. Category 1: The officer involved was asked to make a statement

This category includes cases where the police officer involved was questioned as a matter of urgency, even before the DCPD had analyzed the case. Certain events called for a prompt arrest because there was a risk of escalating violence or imminent danger to the victim. This was the situation in four cases, where the police officer involved was arrested without a warrant and then questioned, and a written (Case 74) or video (cases 77, 86, and 91) statement was obtained.¹⁰⁹

This category also includes cases where one or more suspects were identified and the DCPD told SPVM that the evidence alone was sufficient to justify prosecution. In four cases police officers were asked to make a statement following the execution of the arrest warrant. They had the right to agree (cases 63 and 68) or refuse (cases 44 and 56).

Category 1 includes 30 cases where one or more suspects were identified and the DCPD believed, based on the evidence gathered, that there were insufficient grounds for arrest but that asking the police officer involved to provide their version of the facts would allow for a more accurate analysis of the situation so the DCPD could decide whether or not to authorize prosecution. This is consistent with the guidelines and with a rigorous and comprehensive investigation.

ii. Category 2: The police officer involved was not asked to make a statement

This category includes four cases where the investigation failed to identify a suspect (cases 48, 49, 50, and 66). Obviously, in these cases no suspects could be interviewed. It also includes two cases where the victim no longer wished to pursue the complaint (cases 60 and 76) and one case where the complaint was clearly without merit (Case 98).

In the remaining 15 cases, SPVM did not ask the police officer involved for a statement. According to the explanations provided by SPVM, these were situations where the DCPD team had assessed the evidence submitted and concluded that there was no criminal act or that there was insufficient evidence and that meeting with the police officer involved would have had no bearing on the DCPD's findings. In these cases, SPVM did not ask the police officer for a statement.

¹⁰⁹ In these three cases, the DCPD did not lay charges.

In numerous exchanges, SPVM told me that it always worked in close partnership with the DCPD team in managing the procedures for meetings with the police officers involved. When questioned on this, the DCPD told me that there was no general policy regarding the questioning of a suspect and that questioning was an investigative technique used only by the police. They added that there was no specific policy on questioning in the Phase 2 investigations. This contradicts information received from SPVM, which states that the guidelines adopted in Phase 1 with DCPD approval also applied in Phase 2.

“It was SPVM’s responsibility to follow its guidelines and meet with police officer suspects when the evidence raised a reasonable doubt as to whether a crime had been committed.”

In any event, it was SPVM’s responsibility to follow its guidelines and meet with police officer suspects when the evidence raised a reasonable doubt as to whether a crime had been committed. SPVM should have taken advantage of this potential source of information to shed light on the events.¹¹⁰ It is true that under Section 263 P.A. a police officer asked to provide a statement may refuse to do so. It is also true that if they agree to make a statement upon the advice of a lawyer, the outcome of the case will not necessarily change. However, **by not inviting police officers to comment on facts alleged against them, the SPVM investigators missed out on explanations that might have advanced the investigation or, conversely, confirmed that it was impossible to prove the crime beyond a reasonable doubt. At the very least, asking the police officer involved for their version builds public confidence in the integrity and impartiality of police-on-police investigations. I believe that in the interest of transparency, integrity, and impartiality, in many of these cases SPVM should have asked the police officers involved for a statement.**

In some cases the decision not to meet with the police officer involved was justified (for example, when the victim no longer wished to file a complaint or when the investigation file already contained a written statement by the police officer made during a separate investigation into the same events). However, there are a some examples of cases where asking the police officer involved to provide their version of events could have reassured the victim and the public about the seriousness and thoroughness of the investigation.

Case 41

The victim alleged she was sexually assaulted by a police officer in 1980 in Schefferville. She named two police officers, and the investigation showed that they did work in Schefferville at that time. However, there is no record of an arrest or an event linking the victim to either of these two officers. Her recollection was not always clear. During the investigation, the victim said several times that she would be able to identify the police officers involved. SPVM managed to get a photo of one of the police officers around the time of the alleged assault. The case was submitted to the DCPD for review, to verify whether sexual assault charges could be laid based on the victim’s recollection. SPVM also mentioned in the report that a photo line-up was a possibility for one of the police officers. The DCPD’s response was that even if the police officer were formally identified, the vague recollection of the victim and the lack of scientific evidence (medical examination, forensic kit) would not allow

¹¹⁰ The importance of this method of investigation is mentioned in *R. v. Sinclair*, (2010) 2 SCR 310, para. 63: “The police are charged with the duty to investigate alleged crimes and, in performing this duty, they must necessarily question relevant sources of information, including persons suspected of, or even charged with, committing the alleged crime.”

for proof beyond a reasonable doubt that an offence had been committed. No further investigation was requested and the police officers involved were not asked to make a statement.

Case 52

The victim gave a credible version of events in which she alleged that she was sexually assaulted by a police officer she could identify. She said that she refused to engage in certain sexual acts but consented to others. She did not recognize the suspect in the photo line-up, but the investigation confirmed that the police officer involved had been in contact with the complainant at the time of the alleged events. The case was submitted to the DCP, who concluded that it would be impossible to present evidence beyond a reasonable doubt. When the investigator contacted the police officer involved by telephone, the officer denied knowing the victim or having had sexual relations with her. However, he was not asked to provide a statement as a suspect.

Case 53

In this case, the victim claimed to have been assaulted for several years by a police officer whose name and police force she identified. She alleged that he asked her to perform fellatio in exchange for a ride while she was hitchhiking. The SPVM investigation confirmed the identity of the officer. The victim met with investigators again a few months later. At that time she was not sure of the police officer's last name and did not recognize him in the photo line-up. However, she was absolutely certain of his first name and the area where the incident took place. The investigation shows that the suspect was the only police officer with that first name who worked in the area at the time. The case was submitted to the DCP, who concluded that it would be impossible to prove beyond a reasonable doubt that the crime had been committed. No meetings were arranged with the police officer involved.

Case 79

The victim alleged that the police officer involved entered her home uninvited, looking for her spouse. In the verbal exchange that followed, the victim felt threatened and intimidated by the police officer, who was not on duty at the time of the incidents. The victim also found that her vehicle was damaged after the police officer involved had left. Numerous witnesses gave statements, but the police officer involved was not asked to make a statement.

Case 92

The police officer involved allegedly hit the victim (also a police officer) at a party and the victim fell hard on the ground. The suspect then allegedly made text message comments suggesting that the events actually occurred, as alleged by the victim. The victim gave an emotional and credible account to investigators. Many other witnesses were heard. However, the police officer involved—the victim's superior—was not asked for his version of events.

I believe that when police officers are investigated, they should be systematically asked to provide a statement to investigators when the evidence raises a reasonable doubt as to whether a crime has been committed. This information, when made public in a report (see my comments on BEI in [Indicator 11](#)), helps to enhance public confidence in the integrity and impartiality of police investigations.

Proposal #7

That when police officers are investigated, including by BEI in its criminal investigations, they be systematically invited to provide a statement to investigators when the evidence leaves reasonable doubt that a crime has been committed.

3.2. CONSIDERATION OF THE INDIGENOUS CONTEXT AND THE SEXUAL NATURE OF THE ALLEGATIONS

A second set of indicators is intended to determine whether SPVM adequately considered the Indigenous context and the sexual nature of the allegations. As a reminder, during Phase 2 SPVM investigated all allegations of a sexual nature until October 4, 2016, when MSP used its authority under sections 289.3 and 289.6 P.A. to entrust BEI with all investigations into sexual offences committed *by on-duty police officers*.¹¹¹ This meant that SPVM would no longer investigate complaints of that nature. However, SPVM investigators continued their mandate to investigate any other crime allegedly committed by a police officer against an Indigenous victim throughout Québec, including crimes of a sexual nature committed by a police officer who was not on duty at the time of the alleged events. In Phase 2, there were allegations of sexual abuse in 18 cases.

Certain Protocol indicators are thus intended to assess how SPVM adapted its response to take into account the sexual nature of many of the complaints. Most of these indicators point to the importance of using a victim-centered approach to make victims feel safe and at ease cooperating with SPVM investigators.¹¹² For the investigation to be properly conducted, SPVM also had to consider the Indigenous communities where it was asked to intervene. Indicators are thus aimed at verifying whether SPVM took this into account, particularly by adopting an approach based on cultural competence and safety.

The issue of how sexual assault complaints are handled is particularly sensitive when it affects vulnerable groups in society, such as First Nations and Inuit people.¹¹³ The importance of strengthening the cultural competence of police oversight agencies who work with Indigenous peoples has been emphasized time and time again, including in a report by Justice Michael H. Tulloch on police oversight agencies in Ontario.¹¹⁴

With this in mind, the next set of indicators assesses how SPVM tailored its response to the sexual nature of certain allegations and to the Indigenous context in which the investigations were conducted. I will also be making some proposals in relation to these Protocol indicators. The proposals are not new. They appeared in my first report:

- From my observation, it is clear that any mechanism for handling complaints by Indigenous people against police officers should include adequate representation of Indigenous people and

¹¹¹ This mandate was officialized on February 14, 2018, with the coming into force of Section 289.1, para. 2 P.A.

¹¹² For the merits of a victim-centered approach and how to achieve it, see Human Rights Watch, *Improving Police Response to Sexual Assault*, 2013, pp. 3-18, online: <https://www.hrw.org/sites/default/files/reports/improvingSAInvest_0.pdf>; Michèle Frenette et al., *Femmes victimes de violence et système de justice pénale : expériences, obstacles et pistes de solution*, Montréal, Service aux collectivités, Université du Québec à Montréal, 2018, online: <http://sac.uqam.ca/upload/files/Rapport_femmes_violence_justice.pdf>.

¹¹³ Standing Committee on the Status of Women, *supra note 70*, pp. 59–63. See also NIMMIWG, Final Report, vols. 1 a) and b), *supra note 10*; NIMMIWG, Quebec Report, *supra note 11*; Jaccoud, Mylène, Marie-Claude Barbeau-Leduc and Myriam Spielvogel, “La police et les violences à l’égard des femmes autochtones” (2019), Québec, online: https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Fiches_synthese/Violences_a_1_endroit_des_femmes_autochtones.pdf.

¹¹⁴ Michael H. Tulloch, *Report of the Independent Police Oversight Review*, March 31, 2017, Chapter 3, online: https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/police_oversight_review/.

meaningful training for all members involved on Indigenous realities and cultures using a competence- and cultural safety-based approach.

- More generally, the issue of training non-Indigenous police officers (including future police officers) on the sociocultural realities of and issues facing First Nations is paramount. Current training, where it exists, is sporadic and insufficient. The need for an overall strategy to offer proper training at Québec police forces and at ÉNPQ is urgent and essential. Again, this strategy must be developed in collaboration with First Nations representatives, Indigenous organizations, and experts on the subject.

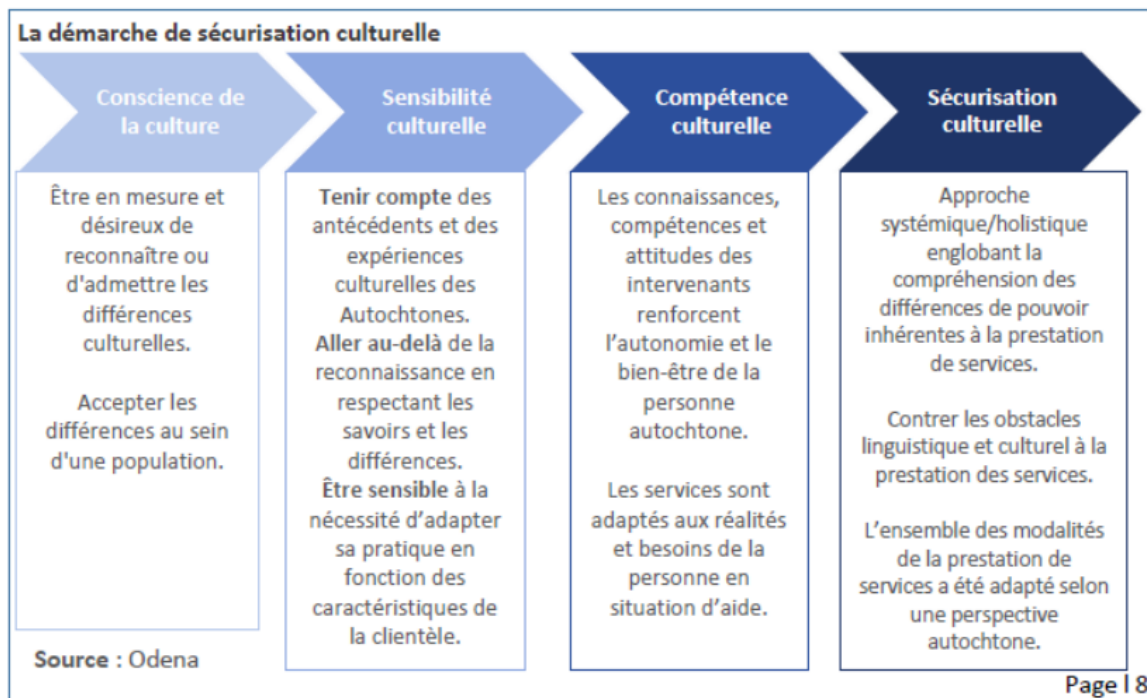
A cultural safety approach is an essential part of relations between the police and Indigenous peoples.¹¹⁵ As Professor Carole Lévesque explains, such an approach is based on:

- Consideration of the effects of colonization, systemic racism, and the resulting intergenerational trauma
- Recognition of and respect for cultural and social differences
- An understanding of the issues facing First Nations people, whether they live in a remote community or in an urban setting
- A willingness to work with First Nations people in the development, delivery, and evaluation of targeted services and programs
- A commitment to adopt service delivery models and practices that reflect the values, cultures, and realities of First Nations and Inuit people
- The creation of safe and welcoming environments for Indigenous people at police departments
- The collective will to transform ways of seeing and doing things, in the interest of social justice and innovation¹¹⁶

¹¹⁵ The cultural safety approach was discussed at the Viens Commission hearings. See in particular Judith Morency, *De la sécurisation culturelle à l'accordage culturel : la guérison et la réconciliation, l'affaire de tous*. Presented to the Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services: Listening, Reconciliation and Progress (CERP), April 19, 2018, online: https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-552.pdf; Janet Mark and Donna McBride, *Développement des compétences sur les questions autochtones*, November 23, 2017, online: https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-233.pdf; Carole Lévesque, *Sécurisation culturelle: moteur de changement social. Pour l'amélioration de la qualité de vie et des conditions de vie*, June 19, 2017, online: https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-038.pdf; Carole Lévesque, *Éléments de réflexion et pistes d'action pour améliorer les conditions de vie des Autochtones, combattre le racismisme et promouvoir la sécurisation culturelle au sein des services publics*. Oral presentation to the Listening, Reconciliation and Progress Commission, June 19, 2017, online: www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-036.pdf.

¹¹⁶ Lévesque, *Éléments de réflexion*, *Ibid.*, pp. 11–12.

This is a progressive approach in four successive stages,¹¹⁷ which can be summarized as follows:¹¹⁸



Step 1: Cultural awareness

Cultural awareness is the recognition and acceptance of cultural differences within Indigenous populations. This step is an examination of cultural differences with no political or socioeconomic influences, and the observer sets their own cultural perspectives aside.

Step 2: Cultural sensitivity

Cultural sensitivity is when someone demonstrates genuine recognition of “Indigenous” knowledge and adopts respectful behaviors towards the other culture. This step thus takes into account the past history and experiences of Indigenous peoples.

¹¹⁷ *Ibid.*

¹¹⁸ *The table is taken from Québec, Director of Criminal and Penal Prosecutions, Mémoire déposé à l'Enquête nationale sur les femmes et les filles autochtones disparues et assassinées, October 31, 2018, p. 55, online: <<https://www.mmiwg-ffada.ca/wp-content/uploads/2019/03/2018-10-31-M%C3%A9moire-NIMMIWG-pr%C3%A9sent%C3%A9-par-le-DPCP.pdf>>. No translation available.*

Step 3: Cultural competence

Cultural competence is defined as a set of knowledge, behaviors, and attitudes adopted by practitioners that boost the autonomy and well-being of the Indigenous person. Interaction is then culturally adapted to the realities of Indigenous peoples and their needs.¹¹⁹

Step 4: Cultural safety

Cultural safety is a systemic and holistic approach that embraces an understanding of the differences in power that are inherent in service delivery. It addresses language and cultural barriers and aims to involve the individual in the delivery and evaluation of the interaction. Ultimately, a service is culturally safe when all aspects of its delivery are adapted to an Indigenous perspective.¹²⁰

As I will discuss in greater detail later on, **I believe it is essential to review, redefine, and renew police practices, in order to change how police officers interact with, support, and treat Indigenous persons, pursuant to a cultural safety approach.** I am pleased to note in the passage below that the Government of Québec believes in the importance of such an approach and in the need to take meaningful action:

The principle of cultural safety and relevance must [...] continue to guide government action and must be firmly established within the Government of Québec’s service networks. The aim is to maximize the accessibility and effectiveness of services by gradually and consistently adapting how they work. Ultimately, the aim is to provide public services that are in keeping with Indigenous sensitivities, cultures, and unique histories to eliminate the all-too-common obstacles Indigenous citizens have to overcome when dealing with networks and services that do not reflect who they are and are often based on values and customs that are foreign to them. It is vital for Québec public service workers to understand the unique circumstances of Indigenous peoples and develop appropriate skills. The Government of Québec is aware that it needs to pursue or implement steps to make this happen.¹²¹

As set out in the Protocol, indicators in this category assess whether SPVM properly addressed the Indigenous context of the investigation and, where applicable, the sexual nature of the allegations. I note that such consideration is also part of NIMMIWG’s calls for justice, which explicitly called for “all actors in the justice system, including police services, to [...] ensure service delivery that is culturally appropriate and reflects no bias or racism toward Indigenous Peoples, including victims and survivors of violence” and for “[...] training and education of all staff and officers so that they understand and implement culturally appropriate and trauma-informed practices [...].”¹²²

¹¹⁹ See Tulloch, *supra note* 114, paras. 74–77.

¹²⁰ See The Expert Panel on Policing in Indigenous Communities, *supra note* 18.

¹²¹ Secrétariat aux affaires autochtones, *Mémoire gouvernemental présenté à la Commission d’enquête sur les relations entre les Autochtones et certains services publics au Québec : écoute, réconciliation et progrès*, Québec City, Government of Québec, 2018, p. 36, online: https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-1170_M-029.pdf.

¹²² NIMMIWG, Final Report, *supra note* 10, Call for Justice 9.2.

INDICATOR 11: TRANSPARENCY OF THE INVESTIGATION PROCESS WITH INDIGENOUS COMMUNITIES

Excerpt from the Phase 1 investigation report, p. 40

An investigation process that is transparent for the Indigenous communities concerned is desirable for many reasons. Explaining the process and keeping communities informed on how the investigation is progressing help establish credibility and the relationship of trust that must exist between police forces and Indigenous communities. Such transparency is even more desirable when the police are investigating the police. There is a higher level of accountability for the way these investigations are carried out and for the results obtained.

(Reference omitted)

In this indicator, I first discuss the measures taken by SPVM to ensure transparency of the investigation process with the public and with Indigenous communities. I will look at certain issues relating to the transparency of BEI investigations when the victim is an Indigenous person.

A) Transparency of the SPVM investigation process

SPVM's strategic decisions during Phase 1 in the Vallée-de-l'Or RCM had made it possible to maintain a transparent process with Indigenous communities in the area. As mentioned in detail in Section 2.2 above, in fall 2015 a multidisciplinary team was quickly dispatched to the area. It was made up of community officers from the *Les Survivantes* program, anthropologists, and the Indigenous liaison officer. These SPVM stakeholders met with the communities where the investigations were taking place. In addition, senior managers had traveled to the region and held town hall meetings to keep the public informed. Video clips had been produced, social media had been used to some extent to publicize the tipline numbers, a liaison officer had been deployed, and so on.

Contrary to Phase 1 of the Val-d'Or project, which was limited to a specific region, Phase 2 methods had to be adapted to cover a much wider area. A number of things that were done in Val-d'Or to establish links with communities did not happen in Phase 2. No formal travel was undertaken in Phase 2 to meet with members of the communities affected by investigations across Québec. The purpose of such travel was to establish links with partners and local communities and to keep them abreast of the investigation process and its progress. Obviously, the change in approach had a negative impact on the transparency of the investigation process.

While it was difficult for SPVM to anticipate where complaints would originate at the start of Phase 2, the second report broadcast on the TV program *Enquête* indicated early on that some events were alleged to have taken place in Côte-Nord. A total of 17 Phase 2 cases were from this region. Here SPVM should have considered an approach similar to the one used in Val-d'Or and surrounding areas. Moreover, in view of the number of cases from Nord-du-Québec (15) and the significant cultural differences between the communities involved, I believe SPVM should have been more transparent and visible.

“Indigenous communities and the general public would have benefited from greater transparency in SPVM's investigation process.”

There is no doubt that the approach SPVM used in Val-d'Or in Phase 1 had an exceptional character, mostly due to the social crisis triggered by the large number of complaints made public in fall 2015. I admit that using a similar approach in every other region where investigations were going on would have been unrealistic. That said, some regions could have benefited from a more sustained and comprehensive approach by SPVM, at a time when tension between law enforcement and Indigenous peoples was continuing and when the public had no confidence in investigations on the police.

The virtual absence of communication from SPVM about Phase 2, as mentioned in Section 2.2 above, supports the conclusion that transparency was inadequate. In particular, considering the length of the investigation and the concurrent existence of commissions of inquiry (CERP and NIMMIWG), the general public and Indigenous communities would have benefited from greater clarity on SPVM's mandate and information on how to file a complaint. In view of the many questions received from Indigenous and civil society groups, just before the CERP report was released I felt it necessary to send out a reminder of the facts in order to clarify the overlap and the differences between the respective mandates of the various stakeholders when criminal allegations against a police officer are made by an Indigenous person. My memo also provided an update on the SPVM investigations.

For these reasons, my conclusions on this indicator are mixed. While the approach used in the Vallée-de-l'Or RCM in Phase 1 is definitely to be commended, I cannot draw the same conclusion for the other regions, or more broadly for Phase 2. **Indigenous communities and the general public would have benefited from greater transparency in SPVM's investigation process. However, in evaluating this indicator, I must take into account the obvious limitations of a Québec-wide investigation led by Montréal police.**

In Phase 1, transparency had been enhanced by the independent civilian monitoring mechanism, but also by a public statement by the DCPD in November 2016 explaining the decision not to press charges in a large number of cases.¹²³ The statement was consistent with guidelines allowing for the reasons for a decision not to lay charges to be made public when the DCPD believes that the exceptional circumstances of the case so warrant and it is in the public interest, in order to preserve public confidence in the administration of justice and the institution of the DCPD.¹²⁴ This approach enhanced transparency throughout the entire investigation process: An independent observer's report evaluated the SPVM investigations and kept the public informed in advance of the DCPD's decisions, and then the DCPD publicly explained the reasons behind those decisions.

For Phase 2, this report also provides the public and Indigenous communities with an opportunity to obtain information normally not available to the public as well as comments on the integrity and

¹²³ Director of Criminal and Penal Prosecutions, *Conférence de presse concernant les décisions du DPCP relativement aux allégations d'abus à l'égard de plaignantes et plaignants autochtones impliquant principalement des policiers de la Sûreté du Québec*, Val-d'Or Courthouse, November 18, 2016, online: <www.dpcp.gouv.qc.ca/ressources/pdf/publications/2016/COMM_2016_11_18_DECLARATION_Allegations_abus_autochtones_VF.pdf>.

¹²⁴ Director of Criminal and Penal Prosecutions, *Lignes directrices du Directeur des poursuites criminelles et pénales concernant la publication des motifs d'une décision de ne pas porter d'accusation*, December 11, 2015, para. 4, online: <www.dpcp.gouv.qc.ca/ressources/communiqués/2015/COMM_2015_12_11_Lignes_directrices_DOC2_lignesdirectrices_VF.pdf> [DPCP, *Lignes directrices*].

impartiality of the investigations conducted by SPVM. Certainly, a statement from the DCPD on the reasons for not prosecuting 55 of the 61 Phase 2 cases, as well as on the issues raised in this report, would contribute significantly to public understanding of the entire investigation process and would enhance public confidence in the objectivity and impartiality of the DCPD in handling these cases.

Transparency is central to the notion of public confidence in police investigations. It is especially important when Indigenous victims are the source of the complaint. This was true for SPVM and it is now true for BEI. For SPVM, the presence of an independent civilian observer provides a measure of transparency, through this report that provides an account and evaluation of the investigations, and as a contact person during the course of the investigation for individuals or groups seeking information. As BEI does not have such a mechanism, transparency in the eyes of the public is based entirely on what BEI publicly discloses.

B) Transparency of BEI investigations

When BEI takes charge of an independent investigation, i.e., when a person other than a police officer on duty dies, is seriously injured, or is injured by a firearm used by a police officer during a police response or while in police custody, BEI writes a comprehensive report at the end of the investigation and submits it to the DCPD and the coroner, if a death has occurred.¹²⁵ The DCPD uses the report to decide whether there are reasonable grounds to lay criminal charges. These types of investigations are the only ones that are publicized: BEI issues a brief overview¹²⁶ and a press release on the progress of the investigation¹²⁷ and the DCPD produces a press release summarizing the decision-making process, the main facts of the case, the applicable law, and the grounds for not pursuing the case.¹²⁸

There are four main reasons why the DCPD issues a public statement about the decision not to prosecute in an independent investigation, which can be summarized as follows: the police have special authority to use force to maintain order and they must be held accountable; public confirmation of an independent investigation may create a legitimate expectation of information on the part of the public; and publishing the reasons for a decision not to lay charges may help to maintain public confidence both in the exercise of police authority and in the objectivity and impartiality of the DCPD in handling these cases.¹²⁹

When BEI takes charge of a criminal investigation, i.e., when the complaint pertains to a sexual offence allegedly committed by an on-duty police officer and when the complaint is made by an Indigenous person against a police officer, BEI must also send the investigation file to the DCPD.¹³⁰ For allegations of sexual offences, the law says that the BEI director can close a case with or without consulting the DCPD if the BEI director finds the allegations “frivolous or without merit.”

¹²⁵ Section 289.21, P.A.

¹²⁶ These summaries are available online: Bureau des enquêtes indépendantes, “Trouver une enquête indépendante,” online: <<https://www.bei.gouv.qc.ca/enquetes/trouver-une-enquete-independante.html>>.

¹²⁷ These press releases are available online: Bureau des enquêtes indépendantes, “Communiqués et nouvelles diffusées,” online: <<https://www.bei.gouv.qc.ca/actualites.html>>.

¹²⁸ See: Director of Criminal and Penal Prosecutions, *Directive POL-1 : Poursuite contre un policier – Allégation d’infraction criminelle et enquête indépendante*, November 16, 2018, para. 21, online: www.dpcp.gouv.qc.ca/ressources/pdf/envoi/POL-1.pdf. These press releases are available online: Director of Criminal and Penal Prosecutions, “Communiqués de presse,” online: <<http://www.dpcp.gouv.qc.ca/nouvelles/arch-communique-presse.aspx>>.

¹²⁹ DCPD, *Lignes directrices*, *supra note* 124, paras. 20–25.

¹³⁰ Section 289.21, P.A.

BEI does not issue a press release when it launches a criminal investigation. Furthermore, to uphold the presumption of innocence and the obligation not to interfere with the privacy or reputation of anyone suspected of committing an offence but who is ultimately not charged, BEI does not publicly release information gathered during a criminal investigation. This decision is also based on a duty to respect the privacy, safety, and other interests of victims and witnesses.¹³¹

BEI's conduct of a criminal investigation is therefore made public only if the DCPD lays criminal charges. For these investigations, unless there are special reasons set out in the guidelines,¹³² the DCPD's standard procedure applies, which means that the reasons for a decision not to lay charges must not be made public.¹³³ Even when a prosecution is authorized by the DCPD, the factual background of the events remains somewhat confidential until the trial, since it cannot be published before that.¹³⁴ Furthermore, the BEI website does not provide information on cases authorized by the DCPD that would allow a member of the public to track the court case associated with a criminal investigation conducted by BEI.

In my initial conversations with the DCPD and BEI on this, they emphasized the difference between independent investigations, which relate to an event publicly disclosed by BEI, and other cases of alleged criminal offences involving police officers, which are generally not made public. This would raise the public's expectations for information.

"I believe that Indigenous people and the general public have very high legitimate expectations of BEI informing them of investigations into allegations by First Nations and Inuit persons [...] and allegations of a sexual nature."

While I understand the differences we must take into account, **I believe that Indigenous people and the general public have very high legitimate expectations of BEI informing them of investigations into allegations by First Nations and Inuit persons.** The special mandate entrusted to BEI, which has taken over this extraordinary measure for independent civilian observation of the investigations entrusted to SPVM in the wake of the "Val-d'Or crisis," is alone proof of this! **Similarly, I believe that the public has very high expectations for information about BEI's investigations into allegations of a sexual nature against on-duty police officers.**

I cannot think of a single valid reason supporting the claim that the public would have a greater interest in a certain level of accountability from BEI for a victim of "serious injury" or "firearm injury" (which triggers an independent investigation) than for a victim of sexual assault or an Indigenous victim (which triggers a criminal investigation). The only possible explanation might be the disconnect between current rules and practices and the full scope of the mandate entrusted to BEI.

¹³¹ Québec, Bureau des enquêtes indépendantes, *Le BEI : Présentation effectuée à la CERP*, October 19, 2018, online: <https://www.bei.gouv.qc.ca/fileadmin/documents/publications/Presentation_BEI.pdf> [Bureau des enquêtes indépendantes, *Présentation effectuée à la CERP*].

¹³² DCPD, *Lignes directrices*, *supra note 124*, para. 9. Again, this is why the DCPD's reasons were made public in Phase 1 of SPVM's investigations.

¹³³ *Ibid.*, para. 1. The guidelines in paras. 6 to 8 mention certain considerations, including the duty to respect the privacy, safety, and other legitimate interests of victims and witnesses, the principle of presumption of innocence and the obligation not to unduly interfere with the privacy or reputation of persons suspected of offences, and the privacy rules set out in legislation and by the courts.

¹³⁴ Bureau des enquêtes indépendantes, *Présentation effectuée à la CERP*, *supra note 131*.

I consider it crucial that changes to increase BEI’s transparency be made quickly, in order to improve negative perceptions of its objectivity and impartiality and to strengthen its legitimacy.¹³⁵

My recent discussions with the new director are encouraging in terms of his willingness to adopt such changes, without compromising the specific characteristics of criminal investigative trigger mechanisms and the privacy, security, and other interests of victims and witnesses.

I believe that BEI’s transparency can be increased by keeping statistics that reveal more about its investigations and by publishing reports on its *criminal* investigations when the DCPD decides not to lay charges. Below I suggest a few strategies that in my opinion offer both guaranteed privacy and genuine transparency.

“I believe that BEI’s transparency can be increased by keeping statistics that reveal more about its investigations and by publishing reports on its criminal investigations when the DCPD decides not to lay charges.”

First, to briefly address the keeping of statistics, I welcome the changes made by BEI in relation to the information it provides to the public on criminal investigations on its website. At a meeting in January 2019, I stressed the importance of certain data to promote transparency, including the Indigenous origin of the complainants, and changes were made quickly. Data on criminal investigations now includes a brief description of the complainant (Indigenous/non-Indigenous), the police forces involved, and the administrative regions concerned. Also, there is quantitative data, by year and on a cumulative basis, on the number of cases handled, investigations in progress, and those the director has closed. Last, the number of cases forwarded to the DCPD and the DCPD’s decisions on whether to authorize prosecution are shown.¹³⁶

This information is useful and enhances the transparency of BEI’s criminal investigation process. Nonetheless, I believe that public information could be supplemented with more accurate data on the ethnocultural identity and gender of victims and police officers under investigation, as well as the type of offence involved. The data provided by BEI on independent investigations is in many respects more accurate than that provided for criminal investigations due to the press releases at different stages of the investigation and the DCPD’s public statement on the reasons for not laying charges.¹³⁷ But the data does

¹³⁵ I am pleased to note a similar observation in the green paper on policing: “In other cases, comments made in the public arena raise doubts about the effectiveness of the control mechanisms in place or their impartiality. For example, some people suggest that the performance of Bureau des enquêtes indépendantes should be measured by the number of criminal charges laid against police officers. Where no charges are laid as a result of these investigations, individuals may be inclined to conclude that the work of Bureau des enquêtes indépendantes is either biased or ineffective. This conclusion may be partly due to a lack of knowledge of the judicial machine or of the precise mandate of Bureau des enquêtes indépendantes, hence the importance of stepping up communication efforts.”: Government of Québec, *Réalité policière au Québec : modernité, confiance, efficacité*, Québec, 2019, online: <https://www.securitepublique.gouv.qc.ca/fileadmin/Documents/police/publications/AP-061_2019-12.pdf>. See also Ligue des droits et libertés, *Mémoire de la Ligue des droits et libertés présentée à la Commission d’enquête sur les relations entre les Autochtones et certains services publics*, October 24, 2017, p. 13, online: <https://www.cerp.gouv.qc.ca/fileadmin/Client_Files/Documents_deposes_a_la_Commission/P-1156_M-014.pdf>; Ligue des droits et libertés and Coalition contre la Répression et les Abus Policiers, *supra note 88*.

¹³⁶ Bureau des enquêtes indépendantes, *Enquêtes criminelles : données cumulatives*, online: <<https://www.bei.gouv.qc.ca/enquetes/enquetes-criminelles-par-annee/donnees-cumulatives.html>>.

¹³⁷ See, for example, Bureau des enquêtes indépendantes, *Enquête BEI-2017-001*, online: <https://www.bei.gouv.qc.ca/enquetes/enquetes-independantes-par-annee.html?tx_beienquete_beienquete%5Benquete%5D=21&tx_beienquete_beienquete%5Baction%5D=show&tx_beienquete_beienquete%5Bcontroller%5D=Enquete&cHash=8372f78678e375b0638001f88e5eae47>.

not include any information on the ethnocultural background of the victims.¹³⁸ Therefore it is impossible to know, for example, how many independent investigations involve Indigenous victims, without jumping through hoops to access information or unless BEI itself shares the information on an ad hoc basis.¹³⁹

The failure of police forces, BEI, and *Commissaire à la déontologie policière* to collect ethnocultural information is problematic. The Honourable Judge Viens brought up this very point: “The existing systems and procedures also do not tell us exactly how many Indigenous people have filed complaints about services obtained. In other words, no decision maker in Québec has all the administrative data needed to make an informed decision about Indigenous peoples.”¹⁴⁰

Many agree that the collection of ethnocultural data is an essential tool in the fight against systemic discrimination and racism.¹⁴¹ In the words of Justice Tulloch:

Data collection offers many benefits. It supports evidence-based public policy and decision-making, promotes accountability and transparency, and, if used properly, may build public confidence in policing and police oversight.¹⁴²

In July 2020, the Canadian Association of Chiefs of Police and Statistics Canada announced their commitment to work together to help the police collect ethnocultural data about crime victims and suspects in Canada.¹⁴³ **There are plans for discussions with partners, including Indigenous groups, on how data should be collected.¹⁴⁴ In my opinion, such an initiative is fundamental to ensuring the data is meaningful from a cultural safety perspective and to acknowledge the diversity of the many Indigenous nations in Canada.** The collection of this data by police departments is consistent with recommendations made by the Viens Commission and NIMMIWG, among others.¹⁴⁵ The Special Investigations Unit, BEI’s counterpart in Ontario, will also begin collecting such data in the coming months.¹⁴⁶ **Thus, I believe that similar measures need to be adopted and implemented for BEI,**

¹³⁸ See BEI, “Statistiques,” online: <<https://www.bei.gouv.qc.ca/enquetes/statistiques-enquetes-independantes.html>>.

¹³⁹ Bureau des enquêtes indépendantes, “P-934 – Bureau des enquêtes indépendantes,” document submitted to the Listening, Reconciliation, Progress Commission (October 19, 2018), p. 13, online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-934.pdf>; Thomas Deshaies, “BEI : près de la moitié des allégations impliquent une présumée victime autochtone” *Radio-Canada* (October 19, 2018), online: <<https://ici.radio-canada.ca/nouvelle/1130802/bei-allegation-sactes-criminels-presumee-victime-autochtone->>.

¹⁴⁰ Viens Report, *supra note* 16, p. 224.

¹⁴¹ See in particular Commission des droits de la personne et des droits de la jeunesse, *Racial Profiling and Systemic Discrimination of Racialized Youth: Report of The Consultation on Racial Profiling and Its Consequences*, Montréal, 2011, pp.20–21; Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services, *stenographic notes of June 7, 2018* (testimony of Colleen Sheppard), p. 38; as cited in the Viens Report, *supra note* 16, p. 225.

¹⁴² Tulloch, *supra note* 114, Chapter 11, para. 3.

¹⁴³ Statistics Canada, statement, “Collection of data on Indigenous and ethno-cultural groups in Canada’s official police-reported crime statistics” (July 15, 2020), online: https://www.statcan.gc.ca/eng/about/smr09/smr09_106.

¹⁴⁴ *Ibid.*; see also The Canadian Press, “La police compilera des données sur l’origine ethnique,” *Le Devoir* (July 16, 2020), online: <https://www.ledevoir.com/societe/582537/racisme-la-police-compiler-des-donnees-sur-l-origine-ethnique>.

¹⁴⁵ Viens Commission, *supra note* 16, Call for Action 4; NIMMIWG, Final Report, *supra note* 10, Call for Justice 11. See also Québec, Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services: Listening, Reconciliation and Progress, *La collecte de données ethno-raciales par les services publics*, August 13, 2018, online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/PD-1.pdf>.

¹⁴⁶ Data collection will begin with the coming into force of the *Special Investigations Unit Act*, 2019, *supra note* 75.

bringing its practices into line with other police forces in the country and, most importantly, providing the public with crucial information to ensure transparency.

Proposal 8

That BEI collect and make public data on the ethnic origin and Indigenous identity of individuals and police officers involved in their investigations.

The publication of these statistics is, however, not sufficient in itself to boost the transparency of BEI’s investigation processes in such a way that would enhance public confidence. BEI must also release reports for investigations that do not result in criminal charges.

Elsewhere in Canada, organizations similar to BEI that conduct investigations involving a police officer ensure transparency by releasing a detailed—and in certain cases comprehensive—report on the investigation process. Often regulated by law, their practices illustrate the wide gap BEI needs to fill if it is to raise transparency to a level that is likely to generate public confidence and dispel criticism of its legitimacy. To put my proposals for BEI into perspective, in the next few paragraphs I present an overview of the transparency standards that organizations in other jurisdictions are setting.

In Manitoba, the Independent Investigation Unit has broad investigative powers when a police officer, whether on duty or off duty, is allegedly involved in a death, serious injury, or breach of a federal or provincial statute.¹⁴⁷ The unit issues a lengthy and detailed report to share the outcome of the investigation with the public, regardless of the nature of the police conduct that may constitute an offence.¹⁴⁸ The report usually includes the name of the police department that reported the allegations to the unit; a detailed summary of the evidence obtained; a summary of the facts and circumstances of the events; the content of interviews with the complainant, the officer in question, and civilian and police witnesses; and the reasons for refusing to lay charges.

In Nova Scotia, the Serious Incident Response Team also has broad investigative powers to investigate any event involving death, serious injury, sexual assault, domestic violence, or any other significant public interest issue arising from police actions.¹⁴⁹ Once the investigation has been completed, the director has three months to prepare a report, which must be made public.¹⁵⁰ It must contain a summary of the facts, the investigation timeline, a statement about the number of civilian and police witnesses interviewed, a statement about the relevant legal issues, and the decision whether to lay charges. The report may also include the names of the witness police officers and the police officers involved in the investigation. If no charges are laid, the summary explains the reasons for this decision. If charges are

¹⁴⁷ *Police Services Act*, CCSM, c P94.5, Section 65(1)(2).

¹⁴⁸ Reports are available at: Independent Investigation Unit of Manitoba, *Publications*, online: <www.iiumanitoba.ca/publications.html>.

¹⁴⁹ *Police Act*, SNS 2004, c 31, sections 26A and 26I.

¹⁵⁰ *Ibid.*, Section 26M. Reports are available at: Alberta Serious Incident Response Team, *Recent Publications*, online: <<https://sirt.novascotia.ca/publications>>.

laid, the director may provide an additional summary after the legal proceedings, explaining the reasons why charges were laid.¹⁵¹

The Alberta Serious Incident Response Team investigates when the conduct of a police officer may have caused serious injury or death or led to serious or sensitive allegations of police misconduct, such as breach of trust, sexual assault, obstruction of justice, etc.¹⁵² A press release is issued after each investigation.¹⁵³ One or more members of the public may be appointed as overseers to review the investigation and ensure the integrity of process.¹⁵⁴ It is also interesting to note that the Alberta Serious Incident Response Team website lists all the charges that have been laid against a police officer, including the officer's name, the case number, the nature of the charges, and the status of the case (pending, acquittal, conviction, guilty plea).¹⁵⁵

In British Columbia, the Independent Investigations Office has a very broad mandate and leads investigations where the conduct of an on- or off-duty police officer may have caused death or serious harm to a person or is likely to constitute an offence under the *Criminal Code* or any other federal or provincial statute.¹⁵⁶ For the sake of public interest, the director is legally entitled to release information about investigations: a summary of the case, a description of the resources the Independent Investigations Office has allocated to the investigation, the decision whether or not to refer the case to the Crown, and, if there is no referral, a summary of the investigation outcome.¹⁵⁷ The organization releases lengthy and detailed public reports summarizing investigation cases that are not referred to the Crown for prosecution.¹⁵⁸

In Ontario, the Special Investigations Unit investigates incidents of serious injury, death, and allegations of sexual assault, where they are likely to be attributable to a police officer.¹⁵⁹ At the conclusion of each investigation, the director decides whether there are reasonable grounds to believe that a criminal offence has been committed and to lay criminal charges against the officer.¹⁶⁰ Where the investigation does not result in charges being laid against the officer concerned, the SIU director issues a detailed report with information that includes a detailed account of the events giving rise to the investigation, a summary of the investigation process, a summary of the relevant evidence examined, any relevant video, audio, or photographic evidence, and the reasons why no charges were laid against the officer.

¹⁵¹ *Serious Incident Response Team Regulations*, NS Reg 89/2012, Section 9.

¹⁵² *Police Act*, RSA 2000, c P-17, Section 46.1. Examples are available at: Alberta Serious Incident Response Team, ASIRT news releases, online: <<https://www.alberta.ca/asirt-news-releases.aspx>>.

¹⁵³ Reports are available at: Alberta Serious Incident Response Team, *ASIRT news releases*, online: <<https://www.alberta.ca/asirt-news-releases.aspx>>.

¹⁵⁴ *Police Act*, *supra* note 152, Section. 46.1(2)c).

¹⁵⁵ A table of legal cases is available at: Alberta Serious Incident Response Team, *ASIRT stats – Charged police officers*, online: <<https://www.alberta.ca/asirt-stats-charged-police-officers.aspx>>.

¹⁵⁶ *Police Act*, RSBC 1996, c 367, sections 38.09 and 38.10.

¹⁵⁷ *Ibid.*, Section 38.121(2).

¹⁵⁸ Reports can be viewed here: Independent Investigation Office of BC, *Public Reports*, online: <<https://iiobc.ca/public-reports/>>.

¹⁵⁹ *Police Services Act*, R.S.O. 1990, c. aP-15 Section 113 (5).

¹⁶⁰ *Ibid.*, Section 113 (7).

It should be noted that oversight agencies in Alberta,¹⁶¹ Ontario,¹⁶² Manitoba,¹⁶³ and Nova Scotia¹⁶⁴ have the authority to lay criminal charges at the conclusion of their investigation. The director is the one who makes the final decision to proceed with the case before a court of law, and is therefore in a position to justify their decision in a report released to the public. The director of British Columbia's Independent Investigations Office determines whether there are reasonable grounds to believe that an offence has been committed. If so, they refer the case to the Crown for consideration as to whether charges can be laid.¹⁶⁵ The situation is different for BEI, which does not have the authority to lay charges against a police officer and which forwards all its investigation reports to the DCP, except those that BEI closes because the allegations are considered frivolous or without merit.

This overview of the transparency obligations of other independent bodies shows that **BEI appears as a laggard in Canada in terms of transparency, as it fails to disclose any information whatsoever on criminal investigations cases into allegations of sexual assault or following a complaint by an Indigenous person. It should be required to report in detail on its investigations when the DCP decides not to lay criminal charges.**

“BEI appears as a laggard in Canada in terms of transparency, as it fails to disclose any information whatsoever on criminal investigations cases into allegations of sexual assault or following a complaint by an Indigenous person.”

A detailed summary of the investigations carried out by BEI would allow the public to know the facts surrounding the police intervention and the means used to uncover the truth, judge how thorough and serious the investigation was, and better understand the decision not to lay charges. There is also nothing stopping it from collaborating with the DCP to include a summary of the reasons for not pressing charges in its report.

The public would then be in a better position to judge how impartially and independently BEI conducted its investigations, which I believe would significantly boost confidence in this investigative procedure at a time of broad and well-documented distrust on the part of the public in general and of Indigenous people in particular.

To this end, the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes*¹⁶⁶ should be amended to provide, pursuant to Section 289.23 P.A., clear rules for communication with the public, particularly with respect to criminal investigations.¹⁶⁷

¹⁶¹ *Police Act*, supra note 152, Section 46.1(4).

¹⁶² *Police Services Act*, supra note 159, Section 113 (7).

¹⁶³ *Police Services Act*, supra note 78, Section 64; Independent Investigation Office of BC, *What happens at the end of an investigation?*, online: <<http://www.iiumanitoba.ca/faqs.html#q15>>.

¹⁶⁴ *Police Act*, SNS 2004, c 31, Section 26K.

¹⁶⁵ *Police Act*, supra note 156, Section 38.11.

¹⁶⁶ *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes*, supra note 33.

¹⁶⁷ Ligue des droits et libertés, *Mémoire de la Ligue des droits et libertés présentée à la Commission d'enquête sur les relations entre les Autochtones et certains services publics*, October 24, 2017, p. 14, online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-1156_M-014.pdf>.

Proposal 9

That the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes* be amended so that the director is required to release a detailed report on any investigation it has conducted, whether an independent or a criminal investigation, when DPCP makes the decision not to lay charges against the police officer(s) involved.

Moreover, without waiting for this regulatory amendment, **the director should undertake to provide the public with a detailed report of investigations into allegations of a sexual offence committed by an on-duty police officer or criminal allegations against police officers where the victim is an Indigenous person, in all cases where the DCPD does not authorize criminal prosecution.** BEI could collaborate with the DCPD in order to include in BEI reports, depending on the circumstances, an explanation of the reasons for not proceeding.

Proposal 10

That the BEI director undertake without delay to provide the public with detailed reports on investigations into criminal allegations of a sexual nature or where the victim is Indigenous, in all cases where DPCP does not authorize criminal prosecution.

Following the example of other organizations in Canada, these reports could be made public as investigations are completed and as the DCPD makes a decision, or they could be released in groups, quarterly, for example. Regardless of communication method, it is important that the reports provide information to support transparency and that the public be able search for and find information on a particular case or subject, for example, by case number, date, location or police department involved, ethnocultural background of the complainant, or nature of the alleged offence.

BEI reports should include the same information as public investigation reports from agencies in other jurisdictions, including a detailed account of the events giving rise to the investigation, a summary of the investigation process, a summary of the relevant evidence examined, and, to the extent possible and with the cooperation of the DCPD, the reasons why no charges were laid against the officer.

Exceptions to protect privacy or security can of course be made in accordance with applicable legislation. For example, Subsection 34(2) of the new *Special Investigations Unit Act, 2019* in Ontario (not yet in force as of the date of this report) provides a list of information that must be excluded from the report, including the name of any officers involved, witness police officers, civilian witnesses, or anyone else involved, and any identifying information; information that could reveal the identity of someone who reported being sexually assaulted; information that may pose a risk of serious harm to a person; and information that discloses investigative techniques or methods and other information the disclosure of which is prohibited or restricted by law. There is also an exception for sexual assault investigations in Subsection 34(6). If the SIU director considers that protecting the privacy of the person making the

complaint clearly outweighs the public interest in publishing the report, they may decide not to publish it, subject to prior consultation with the person concerned.

INDICATOR 12: ESTABLISHMENT OF A CLIMATE OF TRUST WITH THE VICTIMS

Excerpt from the Phase 1 investigation report, pp. 60

Specific actions can be taken to build trust with victims. For example, interviews conducted by police officers in civilian clothes in a neutral location (ideally chosen by the victim) are good practices for putting victims at ease. Indigenous women who report police abuse, some of which allegedly took place at the Val-d’Or police station, might feel uncomfortable meeting with investigators at a police station, as is the custom when filing a complaint.

(References omitted)

This indicator is complementary to the other indicators discussed below, which also concern the relationship between investigators and victims. Issues related to support for victims and investigators’ attitude towards them will be discussed below. I evaluated this indicator by watching video recordings and reading email exchanges and notes from phone conversations (or text messages) between victims and investigators. For some cases, I also spoke with responders and other individuals in contact with the victims, who shared their impressions about the relationship between the SPVM investigators and the victims. They had my contact information and could get in touch with me at any time if they had any questions or concerns.

In my opinion, the SPVM investigators went to great lengths to create a climate of trust for the victims in Phase 2. This is not easy, given that many victims are inherently distrustful of law enforcement. There are a number of reasons for this distrust, including the victim’s own past interactions with police forces or other state officials (DYPs, paramedics, etc.), fear that their story will not be believed, fear of retaliation if they make a public appearance in a TV news report prior to the complaint, and the general lack of trust that Indigenous people have in police officers for historical and current reasons.

“In my opinion, the SPVM investigators went to great lengths to create a climate of trust for the victims.”

SPVM worked closely with partners to establish and maintain ties with the victims and promote support for them by trusted individuals. As previously mentioned, the investigators who were selected to join SPVM’s “Val-d’Or” team were for the most part trained to handle sexual assault cases. Their training and experience were obvious in their approach to the victims (empathy, understanding of how difficult it is to talk about painful experiences with police officers, patience, faith in the victim’s version, etc.) and were key to establishing a climate of trust with them.

A look at each of the victim’s interviews shows that investigators took the time to get their side of the story. They tried to build trust so that the victim felt comfortable asking any questions they may have had. The purpose of the interview was explained in a thorough yet empathetic way.

Investigators wore civilian clothing when answering victims' questions and conducting interviews, which I believe made the discussions more open and helped build trust with the victims.

Victims were consulted to ensure that the meeting place was suitable. Some interviews were conducted in neutral locations when possible, such as a Native Friendship Centre, a shelter, the healthcare center in the victim's community, and, in many cases, the victim's home. Surprisingly, the chosen location for 12 victims interviews was a police station.

When asked about this, SPVM told me that the investigation team "faced certain constraints in choosing interview locations in some communities [...] [but] was careful to choose a neutral location for the identified suspect." When a police station was used, it was **always** a station belonging to a different police department than the one involved in the complaint (for example, an interview would be conducted at the SPVQ office if the complaint was made against a police officer from the Pessamit Police Department). With the exception of one case, I have little information that the victim chose the location. However, I carefully analyzed the cases of the 12 victims interviewed in police stations, including the notes on the discussions between investigators and victims and the videos of the interviews, and I did not notice any visible discomfort on the part of the victim related to the location.

The comments received from responders or other individuals who had contact with SPVM were very positive with regard to the measures put in place to establish a relationship of trust with the victims. That said, a denunciation in a criminal investigation leads to inherent fears, doubts, and discomfort on the part of the victims. The role of police officers in this regard is to mitigate these effects by adopting measures such as those described above. It is essential to provide support for victims, including psychosocial support, and to establish other measures aimed at healing and recognizing the suffering that victims have endured. I'll come back to this when I comment on Indicator 16 of the Protocol.

INDICATOR 13: INVESTIGATORS' TRAINING ON INDIGENOUS CULTURES AND REALITIES

Excerpts from the Phase 1 investigation report, pp. 42–43

It is crucial for a police force to be familiar with the community where it is carrying out an investigation. Knowledge of Indigenous challenges and realities makes it possible to adapt strategies and interactions with the victims, families, and communities involved and is more likely to produce results.

[...]

To understand the realities of life for Indigenous people, we need to study their specific history and their social, political, cultural, and linguistic issues. A better understanding of contemporary history and the consequences of colonialism for Indigenous people is essential to understanding today's realities and challenges. Learning about Indigenous people's past negative experiences helps us understand their distrust and lack of confidence in law enforcement personnel and government authorities. It has been determined that Indigenous people's level of confidence in the police is significantly lower than that of other Canadians.

For example, learning about the residential schools set up by the federal government and operated by provincial police forces and the RCMP, among others, helps explain why Indigenous communities are fearful and apprehensive of police officers. The police were involved in removing Indigenous children from their families and looking for children who ran away from residential schools.

[...]

The aftereffects of this type of assimilation measure are multigenerational and unfortunately affect the children of survivors. It should be no surprise that when non-native police officers investigate current criminal acts alleged to have been committed by their peers against Indigenous people, they encounter victims and witnesses who are reluctant to confide in them. This example underscores the need for SPVM to adapt its approach and focus on establishing a climate of trust and respect in its relationships with victims and witnesses, but also more generally with Indigenous communities.

Moreover, SPVM investigators must also be made aware of the challenges facing Indigenous people living in or near urban environments. Multiple issues, such as racism, discrimination, and the safety of Indigenous women, affect the daily lives of many Indigenous people.

Finally, the investigators will see better results if they understand and take into account the cultural context. Indigenous people and non-natives may have different understandings of concepts such as time, silence, consent, and confidentiality. Certain skills are required to properly interpret behaviors and reactions during interviews and, more generally, in the context of the entire relationship developed with Indigenous victims and witnesses.

(References omitted)

An understanding of the past and present relationship between Indigenous peoples and police is consistently identified as a key condition for improving the cultural competence of police organizations working with First Nations and Inuit. **Without exception, all commissions of inquiry and expert reports make recommendations regarding police training, something that is essential to combating**

systemic racism and ensuring culturally safe services for Indigenous people. For this indicator, I assess the training received by SPVM investigators and make suggestions regarding current gaps in police training in general, and how investigators deal with complaints from Indigenous people about police officers in particular.

A) SPVM investigator training

At the very beginning of Phase 1, all SPVM members involved in the Val-d'Or project received training on Indigenous realities. The four-hour training session was led by six trainers. Four of them, including the two anthropologists, were from SPVM's former Research and Planning Section and Communications Section. The director of *Projets autochtones du Québec* and a QNW coordinator also led the training session. The following topics were covered:

- Introduction to Indigenous communities in Québec
- Historical context and the resulting identity issues (colonization, *Indian Act*, reserve system, residential schools, the "Sixties Scoop")
- Relations between law enforcement personnel and First Nations
- Urban issues (culture shock, homelessness, racism and discrimination, etc.)
- Challenges faced by Indigenous women (cycle of violence, disappearances and murders, loss of confidence in the justice system, unreported instances of domestic and sexual violence, prostitution)
- Ways to intervene in Indigenous communities
- Methods for interacting with victims and their families (sense of safety, language, support, notion of healing)
- Notions and concepts associated with Indigenous culture (healing, family, elders, silence, time)
- Indigenous geography and demographics in Vallée-de-l'Or and challenges in Val-d'Or

All investigators and lieutenant detectives assigned to Phase 2 investigations, with the exception of one person, attended this training session. Senior management also had the training at the beginning of Phase 1, but changes occurred during Phase 2 (see Section 2.2 above) and the deputy director now in charge of Phase 2 did not receive training. The subjects covered in the course were key themes that need to be taught in the context of this police investigation. I also acknowledge the qualifications of the individuals who provided the instruction. As I noted in my Phase 1 report, the curriculum was very ambitious given the length of the course, which needed to be a few hours longer.

Moreover, given that Phase 2 covered a variety of geographic areas and victims from different Indigenous nations, I believe that further training should have been provided to address the cultural and social specifics of the various nations with which SPVM was to interact. For example, the knowledge acquired in Phase 1 on the Anishinabe and Cree nations through training and research reports focusing on the Abitibi-Témiscamingue region cannot be applied without nuance and adaptation to the Innu or Inuit, for instance.

The four-hour training session at the beginning of Phase 2 is in itself insufficient to enhance the cultural competence of SPVM investigators in the broader Phase 2 framework. I believe the following statement from the Expert Panel on Policing in Indigenous Communities applies equally to officers working in Indigenous communities and personnel investigating allegations by members of Indigenous communities:

“The four-hour training session at the beginning of Phase 2 is in itself insufficient to enhance the cultural competence of SPVM investigators in the broader Phase 2 framework.”

[C]ultural competence may include institutional policies and professional training that provide officers with a deeper knowledge of the Indigenous communities that they serve. This may include knowledge of a community’s history; of its traditions, values, and practices; of its current challenges; and of its future goals and aspirations. This knowledge must be community-specific rather than generically designed for service in any Indigenous community. In this way, officers can be prepared to respond both respectfully and effectively in a way that affirms the dignity of victims, offenders, and the greater community¹⁶⁸.

Despite this, I applaud the training provided at the beginning of the investigations, which provided SPVM members assigned to the investigations with basic knowledge of key issues before they began their important work and gave them the tools to develop their skills in the field going forward.

B) Police training in Québec

The need to provide ad hoc training to SPVM investigators for this investigation is all the greater because of the glaring lack of training for police officers in Québec on Indigenous realities and cultures¹⁶⁹. Minimal effort seems to have been made since the beginning of the “Val-d’Or crisis” (for example, Université du Québec en Abitibi-Témiscamingue has trained SQ police officers in Val-d’Or and in response to the second report by the TV show *Enquête*, MSP announced on April 5, 2016, “his intention to improve training offered to police officers at École nationale de police du Québec so that these officers will be better informed and better equipped to interact with members of Indigenous communities, particularly with Indigenous women”).¹⁷⁰

There is an urgent and critical need to train police officers (including future police officers) on the sociocultural realities and challenges of Indigenous communities. Current training, where it exists, is sporadic and insufficient. The different police forces in the province enjoy a great deal of autonomy, and many have already adopted training and awareness plans on Indigenous realities.¹⁷¹ However, all the

¹⁶⁸Expert Panel on Policing in Indigenous Communities, *supra note* 18, pp. 137–8.

¹⁶⁹ NIMMIWG, Québec Report, *supra note* 11, p. 131.

¹⁷⁰ Québec, Ministère de la Sécurité publique, press release, “Le gouvernement pose un geste supplémentaire afin de faciliter l’accès à la dénonciation pour les femmes autochtones,” April 5, 2016, online: <<https://www.securitepublique.gouv.qc.ca/ministere/salle-presse/communiqués/detail/12968.html>>.

¹⁷¹ See Sûreté du Québec, press release, “La Sûreté du Québec à l’écoute des recommandations formulées dans le rapport d’enquête de la commission Viens,” October 1, 2019, online: <https://www.sq.gouv.qc.ca/communiqués/sq_commission-viens/>; “La Sûreté a actualisé la Session de sensibilisation aux réalités autochtones, afin qu’elle soit adaptée aux besoins et diffusée à l’avantage de policiers”; Service de police de la Ville de Montréal, *Réalisation du SPVM en matière autochtone : Mémoire déposé devant la Commission Viens*, October 10, 2018, p. 8, online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-218.pdf>; SPVQ: “Des séances de sensibilisation aux réalités autochtones sont diffusées aux divers paliers de l’organisation (des recrues aux cadres).”

“I join with the numerous voices calling for action, and along with them I reiterate how important it is for police forces and ÉNPQ to include content in their training programs that is developed together with Indigenous authorities and deals with the needs and characteristics of First Nations and Inuit as well as with cultural safety.”

experts and commissions agree that the different police forces and ÉNPQ¹⁷² must develop a comprehensive strategy and provide proper training¹⁷³. This strategy should be developed in close cooperation with Indigenous representatives and organizations and relevant experts.¹⁷⁴

Emphasis should be placed on the specifics of working in a small community where police officers know the people they are dealing with. Effective methods should be taught to adapt police interventions to Indigenous communities, rather than simply taking a historical or sociological perspective (focus on day-to-day realities rather than the realities of the past)¹⁷⁵. Such training programs would increase the cultural competence of officers so they could respond effectively to the needs of members of different Indigenous communities, taking into account the diverse cultural context.¹⁷⁶

I join with the numerous voices calling for action, and along with them I reiterate how important it is for police forces and ÉNPQ to include content in their training programs that is developed together with Indigenous authorities and deals with the needs and characteristics of First Nations and Inuit as well as with cultural safety.¹⁷⁷ I applaud certain government initiatives in this

¹⁷²I received information about training offered at ÉNPQ from Pierre St-Antoine, Director of Institutional Affairs and Communications, in June 2020. The curriculum included a seven-and-a-half hour course on Indigenous realities. Since 2017, training has also included two seminars, one offered by FAQ on Indigenous culture and sexual assault, and the other led by a former Indigenous police force director on the realities of non-native police officers working in Indigenous communities. I believe that this training, although relevant, is minimal and insufficient to ensure the cultural competence of police cadets.

¹⁷³The National Inquiry calls for better training for responders to adapt interventions to the specific sociocultural realities and issues of various Indigenous communities: NIMMIWG, Québec report, *supra note* 11, pp. 130, 160 (Call for Justice 8), and 161 (Call for Justice 15). Call for Justice 15 explicitly calls upon “Québec’s police forces and École nationale de police du Québec [the Québec National Police School] to train all active police officers and police cadets on the socio-cultural realities of Indigenous people [...] and the importance of being familiar with the particular reality of each community to which they are assigned.” See also Call for Justice 24 from the Viens Commission and Call to Action 57 from the Truth and Reconciliation Commission of Canada.

¹⁷⁴ I agree with NIMMIWG that the Government of Québec should amend any legislation governing the institutions responsible for police training and the supervision of police activities to require the appointment of Indigenous representatives, notably to ÉNPQ’s Commission de formation et de recherche, which is responsible for advising the board of directors on all matters related to police training: NIMMIWG, Québec Report, *supra note* 11, p. 116.

¹⁷⁵ NIMMIWG, Québec Report, *supra note* 11, p. 130.

¹⁷⁶In this regard, the Ontario report by independent police review director Gerry McNeilly should be used as a guide. The report recommends, among other things, developing continuing education that is adapted to local realities and includes elders. It emphasizes that Indigenous culture and practices are a key factor in determining how officers should serve and investigate Indigenous people: Ontario, Office of the Independent Police Review Director, *Broken Trust. Indigenous Peoples and the Thunder Bay Police Service*, Gerry McNeilly, December 2018, p. 15, online: <<http://oiprd.on.ca/wp-content/uploads/OIPRD-BrokenTrust-FR.pdf>>.

¹⁷⁷See in particular Calls for Justice 24 to 26 from the Viens Commission, Calls for Justice 8 and 15 from NIMMIWG (Québec Report), and Call to Action 57 from the Truth and Reconciliation Commission of Canada. See also Recommendations 16 and 17 from the Grand Council of the Crees and the AFNQL to the Viens Commission: *Grand Council of the Crees (EeyouIstchee)/Cree Nation Government and the Cree Board of Health and Social Services of James Bay*, Final Brief of the Grand Council of the Crees (EeyouIstchee)/Cree Nation Government and the Cree Board of Health and Social Services of James Bay to the Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services: Listening, Reconciliation and Progress, November 30, 2018, p. 27, online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-1173_M-032.pdf>;

regard¹⁷⁸ and hope that the results and changes in police training will be significant and made public.

C) Investigator training – criminal allegations by Indigenous victims against police officers

While the training of all police officers and police cadets is essential, increased training is even more necessary for investigators called upon to investigate criminal allegations by Indigenous people against police officers. I therefore reiterate the finding from my Phase 1 report that “any mechanism for handling complaints by Indigenous people against police officers should include [...] meaningful training for all members involved on Indigenous realities and cultures that is based on a competency- and cultural safety-based approach.¹⁷⁹” **In my opinion, the training must not only deal with the history and the social and cultural realities of each Indigenous nation in Québec (and not “Indigenous people” generically and without distinction), but must also include a component specifically aimed at how to conduct criminal investigations in an Indigenous environment or when the victim is Indigenous.**

This sentiment is echoed in the report published in Ontario by the Honourable Michael H. Tulloch.¹⁸⁰ In April 2016, following public demonstrations of dissatisfaction with the police and the police oversight system, Justice Tulloch was appointed to review certain police oversight agencies in Ontario.¹⁸¹ In October 2016, the Ontario government expanded the mandate and asked Justice Tulloch to make recommendations to increase cultural sensitivity in police oversight agencies in their dealings with Indigenous peoples. The report emphasizes the importance of increasing the cultural awareness of police oversight bodies to improve relations with Indigenous peoples:

[...] Indigenous cultural competency will require developing the knowledge, self-awareness, and skills to engage respectfully and effectively with Indigenous peoples.

By knowledge, I mean information about Indigenous peoples, their histories, and cultures. Equally important, however, I also mean an understanding of the context and legacy of colonization and Indigenous-police relations.

By self-awareness, I mean examining and challenging cultural assumptions and attitudes about Indigenous peoples. This requires that people think about and question their own beliefs. It involves

Assembly of First Nations of Quebec-Labrador, *Brief Submitted to Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services in Québec: Listening, Reconciliation, Progress*, November 30, 2018, pp. 23–4, online: https://apnql.com/fr/wp-content/uploads/2018/12/CERP-APNQL_Memoire-20181130.pdf.

¹⁷⁸These initiatives include the creation of a working committee on the training of future police officers, both Indigenous and non-native, who will work in Indigenous communities and encourage police forces to share expertise and best practices: Québec, Secrétariat aux affaires autochtones, *Do More, Do Better. Government Action Plan for the Social and Cultural Development of the First Nations and Inuit (2017–2022)*, Québec City, Government of Québec, 2017, p.43, *in fine*, online: <https://www.autochtones.gouv.qc.ca/publications_documentation/publications/PAS/plan-action-social-en.pdf>. Ministère de la sécurité publique, *Plan stratégique 2019-2023*, Québec City, Government of Québec, 2019, p. 21, *in fine*, online: https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/securite-publique/publications-adm/plan-strategique/PL_strategique_MSP_2019-2023.pdf?1575486459: “In addition, work is underway to improve the training offered to police officers and adapt it to the needs and realities of Indigenous communities.”

¹⁷⁹Lafontaine *supra* note 23, p. 65.

¹⁸⁰Tulloch, *supra* note 114.

¹⁸¹ See Order in Council 629/2016 dated April 29, 2016 (Ontario – appointment and mandate of the independent police oversight reviewer); see also amended Order in Council 1530/2016 dated October 19, 2016 (Ontario – change to the mandate of the independent police oversight reviewer).

consideration of how a person's perceptions of Indigenous peoples may influence their interactions when working with Indigenous communities.

Finally, by skills, I mean creating and equipping people with the tools and strategies to positively engage with Indigenous peoples. This includes developing techniques to better integrate knowledge about Indigenous peoples and their experiences into the oversight bodies' work to provide respectful and culturally-appropriate services.¹⁸²

BEI is now responsible for investigating all allegations of a criminal nature against a police officer in Québec when the victim is an Indigenous person. In the course of our discussions, BEI informed me that all staff in the investigations unit receive the same training, regardless of whether they are assigned to the independent investigations team or the allegations team, so that staff can easily switch teams if need be.

The BEI website states that all its investigators receive general training that includes university training developed by ÉNPQ and the Québec university network. The nine-week theoretical training program covers a methodology component, legal, social, and cultural knowledge, and knowledge of police matters, all in accordance with applicable codes of ethics. There is also a four-week practical component that includes integration activities in police investigation, based on real-life scenarios. Finally, since BEI's mandate was expanded to include allegations of a sexual nature against on-duty police officers, all BEI investigators are also required to complete a 14-day training course on sexual offences.¹⁸³ No mention is made on the website of training courses relating to Indigenous peoples.

When asked about this, BEI told me that each investigator attends the mandatory training program for BEI investigators given by ÉNPQ, which includes one day on Indigenous realities. BEI also provides a few *ad hoc* training sessions, including one on Indigenous realities (1 day), one by FAQ (1 day), and one on Nunavik (2 days). The Indigenous liaison officer is also working on submitting various training scenarios on Indigenous realities and approaches and on responding to calls in Indigenous communities.

Such training is welcome and has undoubtedly led to more culturally appropriate investigations. That being said, the training provided is clearly insufficient and does not include a real training program focused on cultural safety, as described above. **BEI must therefore implement the recommendations that have been repeated time and time again,¹⁸⁴ and develop and provide mandatory training programs for all its investigators aimed at fostering cultural sensitivity, competence, and safety while respecting the cultural diversity of the Indigenous nations with which investigators are called upon to work.** This is now a legislated requirement in Ontario.¹⁸⁵ These programs must be developed and delivered in partnership with First Nations and Inuit representatives, Indigenous organizations including those dealing with Indigenous women's rights, and experts in the field.

¹⁸²Tulloch, *supra note* 114, ch. 10, para 74–77.

¹⁸³Québec, Bureau des enquêtes indépendantes, "Training," online: <<https://www.bei.gouv.qc.ca/home/investigateurs/training.html>>.

¹⁸⁴See Call for Action 25 from the Viens Commission: "Make training developed in cooperation with Indigenous authorities that promotes cultural sensitivity, cultural competence and cultural safeguards available to all public service managers, professionals and employees who are likely to interact with Indigenous peoples. Out of respect for the cultural diversity of Indigenous nations, this training must be adapted to the specific Indigenous nation(s) with which the employees interact." See also *supra note* 177.

¹⁸⁵Special Investigations Unit Act, 2019, *supra note* 75, art. 5(6).

Proposal 11

That, in partnership with Indigenous organizations and experts, a mandatory training program be developed and delivered for all BEI investigators aimed at fostering cultural sensitivity, competence, and safety while respecting the cultural diversity of Indigenous nations.

Training is necessary to increase the cultural awareness of agencies responsible for investigating police officers, but tools and strategies must also be developed for working constructively with Indigenous peoples. This includes techniques to better integrate knowledge about Indigenous peoples and their experiences into investigative activities.

When asked if BEI had any specific working tools for investigations involving Indigenous complainants, the then director told me by email that “no work tool has been created specifically for Indigenous cases. However, all investigators are asked to adapt their approach when dealing with Indigenous complainants and victims, depending on the circumstances.” I don’t think this is enough. In the absence of a clear working tool, investigators are apparently left to decide for themselves how to “adapt.”

“I consider it essential that BEI, in collaboration with Indigenous stakeholders, develop a best practices guide on criminal investigations for when the suspect is a police officer and the investigation takes place in Indigenous contexts, with a view to cultural safety, that is to say, adapted to the different local realities.”

Formal rules and procedures must be adopted to ensure consistent and exhaustive investigations of police officers, particularly when an Indigenous victim is involved. In his special report, the Québec Ombudsman explained the importance of having a legal framework for the criminal investigation process:

A formal legal framework implies an investigation process governed by defined and stable rules applied consistently to the individuals being investigated and from one investigation to another. It does not imply a straitjacket, but rather clear guidelines to ensure that the same process will be followed regardless of who is being investigated, or the identity of witnesses and victims. A formal framework for the process provides a set of specific benchmarks for assessing an investigation conducted in a particular situation. Formal rules matched to effective oversight measures can help reassure the public regarding the investigation methods and enhance the credibility of the agency investigating incidents involving police officers.¹⁸⁶

I agree with this statement. **I consider it essential that BEI, in collaboration with Indigenous stakeholders, develop a best practices guide on criminal investigations for when the suspect is a police officer and the investigation takes place in Indigenous contexts, with a view to cultural**

¹⁸⁶The development of such a framework has been proposed by: Québec Ombudsman, *For A Credible, Transparent and Impartial Process That Inspires Confidence and Respect. Québec Ombudsman’s Report on the Québec Investigative Procedure for Incidents Involving Police Officers*, February 15, 2010 (Jean Maurice Paradis et al.), p. 16, online: <https://protekteurducitoyen.qc.ca/sites/default/files/pdf/rapports_speciaux/2010-02-16_Rapport_police_EN.pdf>.

safety, that is to say, adapted to the different local realities.¹⁸⁷ Formalizing the process and disclosing it would help to reassure the public and overcome the current perception that investigations involving police officers do not provide the required impartiality¹⁸⁸, especially when the victim is Indigenous.¹⁸⁹

The development of such practices requires an in-depth study that goes beyond the scope of the mandate I was given. However, the indicators in the Independent Civilian Observer Protocol, which were developed through comparative research of best practices in other jurisdictions and consultations with Indigenous groups and experts, can be used as a starting point. Furthermore, to ensure a smooth transition of the SPVM investigations to BEI, one of the SPVM investigators who participated in the phase 1 and 2 investigations joined the BEI team for a few months to share the expertise SPVM developed¹⁹⁰. SPVM experiences in phases 1 and 2 can be used to identify best practices.

In September 2018, an Indigenous liaison officer position was created when MSP gave BEI the authority to investigate all allegations by Indigenous complainants or victims against police officers. This was a major step forward in raising staff awareness of Indigenous realities. Many people share this opinion.¹⁹¹ The liaison officer's primary task is to facilitate relations between Indigenous people and BEI, either through direct approaches or by providing advice to BEI members.¹⁹² Her job mainly involves advising BEI on what approaches to take in investigations involving Indigenous peoples, to teach these approaches to investigators in the field, and to inform Indigenous populations and organizations of BEI's mission.¹⁹³ The liaison officer, Ms. Bérénice Mollen-Dupuis, can provide invaluable assistance in coordinating the resources required to develop culturally appropriate practices. It is essential that the various Indigenous nations be fully involved in developing these lines of action. Comparisons with Canadian and international policing would help to identify promising practices and provide insight.

Proposal 12

That BEI, in collaboration with Indigenous organizations and experts, develop a best practices guide for investigators conducting investigations in Indigenous environments or where the victim is Indigenous.

¹⁸⁷Grand Council of the Crees, *supra note* 177, p. 30.

¹⁸⁸Ombudsman, *supra note* 186, p. 18.

¹⁸⁹Tulloch, *supra note* 114, ch. 10, para 73.

¹⁹⁰Québec, Ministère de la Sécurité publique, *supra note* 37.

¹⁹¹Quebec Native Women, *Submission of Quebec Native Women (QNW) filed before The Honourable Justice Viens, Commissioner for the Commission of Inquiry on Aboriginal Relations and Certain Public Utilities (CERP)*, November 30, 2018, p. 33, online: www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-1172_M-031.pdf; Grand Council of the Crees, *supra note* 177, para 161.

¹⁹²Radio-Canada, "Le BEI prend des mesures pour adapter son approche aux Autochtones" *Radio-Canada* (December 13, 2018), online: <https://ici.radio-canada.ca/espaces-autochtones/1141751/agente-liaison-autochtone-bureau-enquetes-independantes-berenice-mollen-dupuis>.

¹⁹³*Ibid.*

INDICATOR 14: ADEQUATE REPRESENTATION OF INDIGENOUS COMMUNITY MEMBERS ON THE INVESTIGATION TEAM

Excerpt from the Phase 1 investigation report, pp. 44–46

The composition of the investigation team is another criteria used to verify whether SPVM has adjusted its approach to take the Indigenous context into account. Including Indigenous investigators helps ensure the process is impartial.

According to Section 48(2) of the *Police Act*, “Police forces shall target an adequate representation, among their members, of the communities they serve.” This provision was added in 2000 to take Québec’s cultural diversity into account. The Minister of Public Security at the time emphasized that adequate representation is a question of respect and also “helps police forces perform better because they include members of the different communities they serve.”

An investigation team that reflects a diverse society and, more specifically, the environment in which an investigation takes place boosts public confidence and strengthens the necessary partnership between police officers and the public. The Québec Ombudsman has had occasion to stress this and has indicated being in favor of a balanced representation of men and women and of Québec’s ethnocultural diversity among those tasked with conducting, monitoring, and supervising investigations.

Indigenous representation is also a priority for other bodies. It is important in cases involving police ethics. Subsection 199(2) of the *Police Act* states that the government must appoint members of an Indigenous community to Comité de déontologie policière when a complaint about an Indigenous police officer is received. This committee is authorized to hear complaints about police officer conduct and decide if such conduct is a breach of the *Code of Ethics of Québec Police Officers*.

[...]

Finally, to wrap up the analysis of representation, I’d like to look at a study published by QNW based on a series of interviews with Indigenous women. The study shows that these women appreciate “being able to deal with female Indigenous police officers, rather than male police officers.”

(References omitted)

Representation in policing has been the subject of multiple recommendations in recent commission of inquiry and expert reports on Indigenous issues. Justice Tulloch noted in his report on police oversight bodies that there was considerable criticism that “oversight bodies do not include or reflect the province’s Indigenous peoples. This contributed to a perception that the bodies do not meaningfully understand nor embrace Indigenous cultures, realities, and experiences.”¹⁹⁴ He concluded: “To combat this perception, the oversight bodies should actively recruit and promote Indigenous peoples at all levels of staff. [...]”¹⁹⁵

¹⁹⁴Tulloch, *supra note* 114, ch. 10, para 92–93.

¹⁹⁵ *Ibid.*

In my report on Phase 1 of November 2016, I wrote: “From my observation, it is clear that any mechanism for handling complaints by Indigenous people against police officers should include adequate representation of Indigenous people [...].”¹⁹⁶ Similar recommendations are made by NIMMIWG¹⁹⁷. There have also been recent calls for better representation of Indigenous people and visible minorities in policing in the wake of allegations of police brutality and systemic racism in law enforcement.¹⁹⁸ BEI has received the same criticism.¹⁹⁹

For this indicator, I will discuss Indigenous representation on the SPVM team for Phase 2 and make proposals for BEI, which is the mechanism currently in charge of investigating allegations of a criminal nature against police officers in all cases where the victim is Indigenous.

A) Representation on the SPVM investigation team

As described in Section 2.2 above, two Indigenous investigators were assigned to the SPVM team in Phase 1. These police officers were assigned in response to a request from the Chiefs of the Assembly of First Nations of Quebec-Labrador. From mid-December 2015 to April 5, 2016, they took part in 20 Phase 1 cases. Their involvement represents some 670 hours of work.

SPVM hoped to reintegrate these two Indigenous police officers in Phase 2. The officers were invited to participate. The Cree police officer from the Eeyou Eenou Police Department was unable to rejoin the team due to family obligations and was not replaced by another officer. The police officer from the Abénakis d’Odanak Police Force joined the SPVM team in late April 2016, once the financial aspects of her assignment had been worked out.

While the extension of the Odanak police officer’s assignment, her full integration into the SPVM team, and her exemplary work are to be commended, I noted a significant decrease in the participation of Indigenous investigators in Phase 2. She was involved in five investigations, far fewer than the 20 cases the two Indigenous investigators worked on in Phase 1. Her involvement in the SPVM investigation team ended in June 2017, well before

“[M]y assessment of this indicator is more cautious [...] SPVM once again missed an opportunity to include Indigenous police officers from its own department [...].”

the end of Phase 2 (her departure was voluntary—her services were needed in Odanak). That said, she was a full member of the team. She carried out tasks similar to those of SPVM investigators and provided them with the benefit of her investigative expertise and knowledge of Indigenous communities. I would also like to note that in late March 2017, the Eeyou Eenou police officer worked with SPVM to ensure proper conduct during an arrest that took place at the Waswanipi police station.

¹⁹⁶Lafontaine, *supra note* 23, p. 65.

¹⁹⁷ NIMMIWG final report, Vol. 1b, *supra note* 10, Calls for Justice 5.7, 9.2, 9.3, and 9.4.

¹⁹⁸See Catherine Handfield, “Une police blanche,” *La Presse*, June 16, 2020, online: <<https://www.lapresse.ca/actualites/grand-montreal/2020-06-16/une-police-blanche>>; Radio-Canada, “Les minorités visibles encore peu représentées au sein des corps policiers de la région” Radio-Canada, June 2, 2020, online: <<https://ici.radio-canada.ca/nouvelle/1709278/minorites-visibles-corps-policiers-gatineau-ouataouais-ottawa>>.

¹⁹⁹ The Canadian Press, “Les Autochtones veulent une enquête vraiment indépendante au Nouveau-Brunswick,” *Le Devoir*, June 16, 2020, online: <<https://www.ledevoir.com/societe/580914/les-autochtones-veulent-une-enquete-vraiment-independante-au-nouveau-brunswick>>; https://quebec.huffingtonpost.ca/entry/police-enquete-independante_qc_5eeefe05c5b6de061bd14565.

Without calling into question the quality and extent of the role played by external Indigenous investigators, my assessment of this indicator is mixed, much like it was in Phase 1. **SPVM once again missed an opportunity to integrate Indigenous officers from its own ranks, if only in an ad hoc manner as it did with external Indigenous officers.**²⁰⁰ I understand that the immediate response was to involve investigators trained in sexual assault and to put together a multidisciplinary team adapted to the circumstances in fall 2015. **Yet for an investigation in an Indigenous context, it seems to me imperative that Indigenous investigators be included to the extent possible.**

When its mandate was officially expanded to cover all of Québec, I believe that SPVM should have paid particular attention to the diversity of Indigenous peoples in Québec who would likely be affected by the SPVM investigation and should have involved them in the investigation process.²⁰¹ Indeed, it should have made the investigation team more representative of the diversity of Québec's Indigenous population, either by including Indigenous police officers from SPVM or by recruiting from Indigenous police departments. In its defense, SPVM did not know how long Phase 2 would last. In June 2017, following the departure of the Odanak police officer, SPVM may have believed that Phase 2 would be wrapping up soon and that adding a new investigator to the team was therefore not warranted.

B) Representation in BEI

As of February 13, 2020, BEI's investigation unit consisted of a team of 42 investigators. They are divided into five teams. Three teams of investigators are assigned to independent investigations, while the other two investigate allegations of criminal offences against police officers. Allegation cases are now handled by two teams of investigators, with one supervisor and four investigators on each team. Each of the two teams deals with "Indigenous" cases. As mentioned above, an Indigenous liaison officer has been hired.

It is regrettable to learn that as of the date of this report, BEI had still not hired any Indigenous investigators. The hiring process is set out in the *Regulation Respecting the Selection Procedure and the Training of Investigators of the Bureau des enquêtes indépendantes*²⁰². Since the creation of BEI, there have been three calls for applications. I am told by BEI management that very few Indigenous people apply. A new call for applications should be held in 2020–2021 to establish a list of suitable candidates for the role of investigator. However, negotiation of the first BEI investigator collective agreement would likely impact the posting of future working conditions. Therefore, for the time being, only candidates who have already been declared suitable can be recommended to the Minister of Public Security. In other words, it will be many months before Indigenous people can possibly be placed on a list of suitable investigator candidates and eventually be hired by BEI.

²⁰⁰According to the information provided by SPVM at my request, none of the 20 officers registered as Indigenous in the SPVM's human resources department hold the rank of detective sergeant, which is required for assignment as a major crimes investigator. Still, there was nothing to prevent SPVM from granting them a special mandate, as they did for the Indigenous police officers on loan from their respective police departments.

²⁰¹On the need to take into account the diversity of Indigenous peoples, see Tulloch, *supra note* 114, ch. 10, para 86.

²⁰²*Regulation Respecting the Selection Procedure and the Training of Investigators of the Bureau des enquêtes indépendantes*, R.S.Q., c. P-13.1, r 2.2.

“I am very concerned that BEI, which has had a mandate to investigate Indigenous complaints since September 17, 2018, still does not have any First Nations or Inuit investigators. The imminent hiring [of Indigenous investigators at BEI] is essential to increase representation as well as the impartiality and credibility of the organization in the eyes of Indigenous people.”

I am very concerned that BEI, which has had a mandate to investigate Indigenous complaints since September 17, 2018, still does not have any First Nations or Inuit investigators. Imminent hiring is essential to increase representation as well as the impartiality and credibility of the organization in the eyes of Indigenous people.²⁰³ The hiring of a liaison officer is a step in the right direction but is no substitute for Indigenous investigators.

Multiple people have called for legislative changes to the selection procedure to support the new BEI mandate to investigate complaints from Indigenous people.²⁰⁴ There have

been calls for the *Regulation Respecting the Selection Procedure and the Training of Investigators of the Bureau des enquêtes indépendantes* to be amended to allow the preferential or priority hiring of Indigenous investigators who would mainly investigate criminal allegations against police officers when the victim is Indigenous.²⁰⁵ People have also requested that the hiring criteria be reviewed and adjusted to the realities of First Nations and Inuit, while recognizing their relevant knowledge and experience.²⁰⁶

I agree with the objectives of these requests. **In my opinion, there are three main obstacles that slow the hiring of Indigenous investigators at BEI:**

A first obstacle is that BEI has not yet developed an employment equity program and is not explicitly subject to the *Act respecting equal access to employment in public bodies*²⁰⁷. This Act establishes a special framework for equal access to employment to correct the job discrimination experienced by members of certain groups, including Indigenous persons.²⁰⁸ It aims to rectify the underrepresentation of such individuals by implementing equal employment opportunity programs. The Act states that an access to employment program must include, among other things, an analysis of recruitment policies and practices, quantitative targets for each target group, and temporary remedial measures that set recruitment targets. The *Charter of Human Rights and Freedoms* states that such a “positive discrimination” program addressing discrimination based on race, colour, sex, or ethnic origin is not discriminatory if it complies with the *Act respecting equal access to employment in public bodies*²⁰⁹. Commission des droits de la personne et des droits de la jeunesse oversees enforcement of the Act.²¹⁰

²⁰³ Quebec Native Women, *supra note* 191, p. 33; Mathieu Roy-Comeau, “Le Bureau d’enquête indépendante n’a jamais porté d’accusation contre des policiers” *Acadie Nouvelle*, June 16, 2020, online: <<https://www.acadienouvelle.com/actualites/2020/06/16/le-bureau-denquete-independante-na-jamais-porte-daccusation-contre-des-policiers/>>.

²⁰⁴ Quebec Native Women, *supra note* 191, p. 33; Grand Council of the Crees, *supra note* 177, p. 42.

²⁰⁵ Grand Council of the Crees, *supra note* 177, p. 42; Ligue des droits et libertés, *supra note* 167, p. 14.

²⁰⁶ Quebec Native Women, *supra note* 191, p. 33.

²⁰⁷ See the *Act respecting equal access to employment in public bodies*, RLRQ c A-2.01, s. 2.

²⁰⁸ *Ibid*, Section 1.

²⁰⁹ *Charter of Human Rights and Freedoms*, CQLR, c C-12. Section 86 [Charte québécoise].

²¹⁰ *Act respecting equal access to employment in public bodies*, *supra note* 207, sections 15–18; Charte québécoise, *ibid* sections 86–92. See Québec, Commission des droits de la personne et des droits de la jeunesse, *Rapport triennal 2016–2019 – 20e anniversaire: Loi sur l’accès à l’égalité en emploi dans des organismes publics*, April 17, 2020, online: <https://www.cdpdj.qc.ca/Publications/Rapport_triennal_PAE_2016_2019.pdf>.

The fact that BEI is not subject to the *Act respecting equal access to employment in public bodies* seems to be an anomaly. BEI is a specialized police force under the P.A.,²¹¹ yet it is the only provincial police force not subject to the act. Municipal police forces are subject to it by virtue of the inclusion of municipalities in Section 2, which states which public bodies the Act applies to, and SQ is also explicitly subject to the Act. Having an employment equity program governed by this Act and supervised by Commission des droits de la personne is, I believe, essential to hiring more Indigenous employees at BEI.

The *Charter of Human Rights and Freedoms* states that “the Government must require its departments and agencies whose staff are appointed under the *Public Service Act* [...] to implement affirmative action programs within such time as it may fix.”²¹² It also states that the Commission must hold a consultation on these programs before they are implemented. However, the obligations are less restrictive and the role of the Commission is less significant for bodies that are not required to adopt an equal access program pursuant to the *Act respecting equal access to employment in public bodies*.²¹³

In other words, adopting an equal access program and making BEI subject to the *Act respecting equal access to employment in public bodies* would foster the priority hiring of Indigenous investigators at BEI in the future.

Proposal 13

That Section 2 of the *Act respecting equal access to employment in public bodies* be amended so that it applies to BEI.

Notwithstanding the amendment suggested above and the delays that are inherent to its implementation, pursuant to *Charter of Human Rights*, BEI should implement immediate measures to favour notably the hiring of Indigenous persons. Section 289.10 P.A. provides that “[t]he investigators are appointed on the recommendation of the director of the Bureau. When making a recommendation, the director must encourage parity between investigators who have never been peace officers and those who have.” Similarly, Section 9 of the *Regulation respecting the selection procedure and the training of investigators of the Bureau des enquêtes indépendantes* provides that the selection committee “analyzes the candidates’ files and short-lists the candidates who, in its opinion, meet the requirements mentioned in the recruitment notice, taking into account in particular the number of vacant positions, the number of candidates, and the requirement to encourage parity between investigators who have never been peace officers and those who have.”

An employment equity program should be added to these selection criteria to address the under-representation at BEI of certain groups who face discrimination in employment, including Indigenous people.

²¹¹Art. 289.5 P.A.

²¹²Charte québécoise, supra note 209, s. 92. Section 289.15. The P.A. provides that employees of BEI are appointed in accordance with the *Public Service Act*, CQLR, c F-3.1.1.

²¹³ *Public Service Act*, *ibid*, ss. 53 and 53.1.

Proposal 14

That an equal access employment program be immediately developed and implemented at BEI in consultation with *Commission des droits de la personne et des droits de la jeunesse*. That this program's measures and objectives for the recruitment of Indigenous persons be taken into account in the application of Section 289.10 of the PA and Section 9 of the *Regulation respecting the selection procedure and the training of investigators of the Bureau des enquêtes indépendantes*.

A second barrier to hiring Indigenous investigators appears to be the low number of candidates who apply. According to the information provided by BEI, in the first two calls for applications only one candidate applied, and in the most recent one in 2018 one candidate was deemed suitable for the position but failed to pass the security clearance required for any new BEI employee. The director at the time explained that Indigenous people did not seem to be aware of the calls for applications. When asked about this, she said that future calls for applications would be sent directly to the main Indigenous organizations, which would circulate the calls among their members. The new Director has also confirmed to me that BEI will make sure to properly share future calls with communities and key organizations working in Indigenous contexts.

A proactive approach in collaboration with partners from all First Nations and Inuit communities and adapted to the local realities of these communities is essential to promote the recruitment of Indigenous investigators. Traditional means of announcing openings at organizations such as BEI are often not enough to encourage and stimulate Indigenous applications. Using social media and direct contacts with community leaders and local organizations able to identify potential candidates, for example, can be a culturally appropriate way of ensuring satisfactory Indigenous representation at BEI.

Proposal 15

That a recruitment and communication strategy be developed at BEI for announcing openings to potential First Nations and Inuit applicants, in collaboration with partners from different communities and adapted to local realities.

A third potential obstacle concerns selection criteria and practices. The *Regulation Respecting the Selection Procedure and the Training of Investigators of the Bureau des enquêtes indépendantes* establishes these rules.

It spells out the composition of the selection committee responsible for determining the suitability of a candidate for the position of BEI investigator. This committee is composed of the BEI director, a representative of Ministère de la Sécurité publique designated by the Deputy Minister of Public Security,

and the the ÉNPQ director of police training.²¹⁴ While this composition seems appropriate in light of BEI’s mandate, it has been repeatedly argued that in order to recruit more Indigenous people into policing, Indigenous communities must be included in recruitment and hiring processes and committees.²¹⁵ I therefore **suggest that the authorities concerned consider an amendment to Section 7 to provide for Indigenous representation on a permanent or ad hoc basis on the selection committee for BEI investigators.**

Proposal 16

That Section 7 of the *Regulation respecting the selection procedure and the training of investigators of the Bureau des enquêtes indépendantes* be amended to provide for Indigenous representation on the selection committee for BEI investigators, on a permanent or ad hoc basis.

The *Regulation respecting the selection procedure and the training of investigators of the Bureau des enquêtes indépendantes* also provides the selection criteria for investigators. In addition to the minimum conditions set out in the P.A. for all police candidates (candidates must be Canadian citizens, be of good moral character, not have been convicted of a criminal offence²¹⁶, and not be a peace officer at the time of hiring²¹⁷), the *Regulation* sets out the conditions for selecting a candidate for the position of investigator:

The selection criteria that the committee must take into account in determining a candidate’s aptitude are:

- (1) the candidate’s interpersonal, intrapersonal and operational skills;
- (2) the candidate’s personal and intellectual qualities;
- (3) the candidate’s experience and the relevancy of that experience in relation to the duties of an investigator of the Bureau;
- (4) the extent of the candidate’s knowledge or skills in view of the required qualifications, training or professional experience stated in the recruitment notice;
- (5) the candidate’s ability to carry out the duties of an investigator; and
- (6) the candidate’s conception of the duties of an investigator.²¹⁸

To promote full equality in employment, the selection criteria must be interpreted and assessed by interviewers in a way that takes into account the realities of First Nations and Inuit and recognizes their relevant knowledge and experiences. The idea is not to “lower” the selection criteria or disregard

²¹⁴ *Regulation Respecting the Selection Procedure and the Training of Investigators of the Bureau des enquêtes indépendantes*, supra note 202, s. 7

²¹⁵ See for example: NIMMIWG, Final Report vol. 1(b), Call for Justice 9.3(iv) (which explicitly calls for “[including] the Indigenous community in the recruitment and hiring committees/process”); Quebec Native Women, supra note 191.

²¹⁶ Art. 115 PA

²¹⁷ Art. 289.11 PA

²¹⁸ *Regulation Respecting the Selection Procedure and the Training of Investigators of the Bureau des enquêtes indépendantes*, supra note 202, s. 15.

the competencies required for the position. On the contrary, the point is to raise awareness that the current selection criteria, when applied rigidly and from the perspective of the majority, can act as an obstacle to equal opportunity. **It is about deconstructing colonial barriers and fully recognizing the richness of Indigenous values, philosophies, and knowledge systems.**

This way of doing things differently challenges colonial institutional perspectives and makes space for marginalized Indigenous perspectives.²¹⁹ It is about valuing Indigenous cultures as inherently rich and full of skills. For example, a potential investigator's cultural background and experience in an Indigenous community could help them respond in a more appropriate way than their non-Indigenous counterpart, who may even have had better grades or better results in other competencies assessed from a strictly non-Indigenous perspective. Similarly, the previous work experience of an Indigenous candidate from a remote community may be different, but it is no less valid.

The idea here is that the selection committee must take a cultural competency approach when assessing the selection criteria, if necessary by consulting, as permitted by the *Regulation*²²⁰, a trusted person from the applicant's Indigenous nation in order to better assess their competencies, skills, qualities, and knowledge.

Removing these barriers would, in my view, make it easier to hire Indigenous investigators and increase BEI's legitimacy with First Nations and Inuit.

Proposal 17

That the selection criteria in Section 15 of the *Regulation respecting the selection procedure and the training of investigators of the Bureau des enquêtes indépendantes* be assessed with an approach of cultural competency, duly valuing the particular experience and knowledge of the Indigenous candidate, consulting if necessary a trustworthy person from the candidate's Indigenous nation.

That being said, legal constraints for hiring investigators lead to unavoidable delays, which may have a lasting impact on BEI's credibility with Indigenous peoples. Two years have already passed since BEI was first mandated to investigate allegations from Indigenous victims and yet no Indigenous investigator has been hired. Further delays are to be expected. Many people are getting impatient, as mentioned above. Moreover, even after one or more Indigenous investigators have been hired, it will be difficult to assign them to all investigations involving Indigenous victims. These cases represent a large majority of

²¹⁹NIMMIWG, Canada, National Inquiry into Missing and Murdered Indigenous Women and Girls, *Interim Report: Our Women and Girls Are Sacred*, 2017, p. 22, online: <<https://www.mmiwg-ffada.ca/wp-content/uploads/2018/03/ni-mmiwg-interim-report.pdf>>, as reproduced in NIMMIWG, Final Report vol. 1b, *supra* note 10, p. 193.

²²⁰Section 16 of the Regulation allows the selection committee to consult a wide range of people on any item in a candidate's file or on any other aspect relating to one application or to all applications. The current list should be interpreted to allow the committee to consult with anyone who can help the committee gain a better understanding of an Indigenous candidate's background, such as an Elder from their community.

the criminal investigations carried out by BEI and a significant proportion of the independent investigations²²¹.

For reasons of legitimacy, when a police officer is investigated and the victim is Indigenous, it is crucially important that the investigative team have Indigenous members.²²² My discussions with many Indigenous partners and with BEI indicate that it would be advisable to create specific positions without delay to allow for Indigenous presence and assistance when a BEI case involves an Indigenous victim. This support must also be provided in cases where the legislator allows the BEI director to close a case, with or without consulting the DCP, when the director finds that the allegation is “frivolous or unfounded.”²²³ These positions would complement the roles of the liaison officer and Indigenous investigators. The roles, skills sought, and administrative arrangements for hiring should be determined rapidly by BEI in consultation with Indigenous representatives and adequately funded.

Proposal 18

That positions of “Indigenous civil advisor” be immediately created to ensure an Indigenous presence in investigations that involve an Indigenous victim. The roles and skills required should be determined in consultation with Indigenous representatives.

I recall that when BEI received the mandate regarding complaints made by Indigenous people, MSP committed to various measures to address the concerns of Indigenous communities and their representatives, including hiring “one or more First Nations or Inuit investigators as soon as possible to ensure greater representation within the organization.” MSP then undertook to follow up and implement

²²¹The BEI website shows that as of February 13, 2020, 65% of criminal investigations involved an Indigenous complainant or victim. Specifically, of the 133 open criminal investigation cases, 87 involved an Indigenous victim. Unfortunately, BEI does not share ethnocultural data on victims in independent investigations. According to the then BEI director’s statement to CERP on October 19, 2018, since BEI began operations in 2016, 101 independent investigations have been initiated and 16 involved Indigenous people, or 17% of the investigations: Thomas Deshaies, “BEI : près de la moitié des allégations impliquent une présumée victime autochtone” *Radio-Canada*, October 19, 2018, online: <<https://ici.radio-canada.ca/nouvelle/1130802/bei-allegation-sactes-criminels-presumee-victime-autochtone->>>.

²²²See for example: Pascale Savoie-Brideau, “Où sont les autochtones lors des enquêtes indépendantes?” *Radio-Canada*, June 14, 2020, online: <<https://ici.radio-canada.ca/nouvelle/1711911/experts-autochtones-enquete-independante-bernard-richard->>>; Jamie Pashagumskum, “Police oversight needs Indigenous input says Chantel Moore’s family” *National News*, July 28, 2020, online: <<https://www.aptnnews.ca/national-news/police-oversight-needs-indigenous-input-says-chantel-moores-family/>>>.

²²³ See Section 289.1 P.A. In the 2018–2019 BEI report (Bureau des enquêtes indépendantes, *2018–2019 annual report*, July 2019, pp. 18–19, online: <https://www.bei.gouv.qc.ca/fileadmin/documents/publications/2019-07-31 - Rapport VF.pdf>), the then director stated: “I interpret ‘frivolous or unfounded’ to mean that an investigation has been conducted and there is no evidence that a criminal offence has been committed. It is not a matter of choosing not to investigate a complaint received or choosing between two versions. In these circumstances, I believe that this power to terminate an investigation is essential for the sound administration of justice, while rationalizing the use of human and financial resources at BEI and by the DCP. As noted above, BEI has been mandated since September 17, 2018, to investigate all criminal allegations made against police officers by Indigenous complainants or victims. Section 289.1, as drafted, does not allow the BEI director to terminate an investigation into a criminal allegation that is frivolous or unfounded unless it is of a sexual nature. I see no justification for this difference.”

the various measures in collaboration with representatives of Indigenous communities and organizations.²²⁴

INDICATOR 15: AVAILABILITY OF INTERPRETATION AND TRANSLATION SERVICES, AS NEEDED, TO MEMBERS OF INDIGENOUS COMMUNITIES WHO ARE INTERVIEWED

Excerpt from the Phase 1 investigation report, pp. 63–64

A number of Indigenous languages are spoken in Québec, including Inuktitut, Cree, Naskapi, Anishinabe (or Algonquin), Mohawk, Atikamekw, Innu, and Micmac. [...]

In the context of an investigation conducted mainly by non-Indigenous investigators, communication problems are likely to occur. Measures to eliminate language barriers may therefore be required. The purpose of this indicator was to take into account the language in which the interviews with Indigenous victims and witnesses were conducted, verify whether interpretation services were used, and determine whether communication problems undermined the interview process.

(References omitted)

Over half of the interviews with victims in Phase 2 were conducted in French (35 cases), while 14 cases were conducted in English. In four other cases, the interview occasionally switched from one language to the other.

For all Phase 2 cases, only one formal request for interpretation was made, in Case 41. In six cases, the victim was accompanied by a trustworthy person who could translate certain sequences or words in order to improve comprehension (cases 45, 62, 67, 69, 78, and 94). Also, someone able to act as an interpreter was present in five cases with civilian witnesses (cases 45, 59, 62, 63 and 91).

I believe that the option of conducting an interview in the victim’s Indigenous mother tongue should be systematically offered to Indigenous people in investigations involving them.

This is also one of the NIMMIWG calls for justice.²²⁵

“I believe that the option of conducting an interview in the victim’s Indigenous mother tongue should be systematically offered to Indigenous people in investigations involving them.”

While SPVM failed to systematically provide interpretation or translation services, it should be noted that I did not observe any major communication difficulties because the victims always had English or French as either their mother tongue or second language and were fluent enough to take part in an interview of this nature. That said, the risks and potential insidious consequences of conducting interviews in English or French cannot be minimized. As Pierre Rousseau explained to CERP, witnesses

²²⁴Québec, Ministère de la Sécurité publique, “Criminal allegations against police officers: New process for handling complaints made by First Nations and Inuit people,” August 9, 2018, online: <<https://www.securitepublique.gouv.qc.ca/ministere/salle-presse/communiqués/detail/15047.html>>.

²²⁵NIMMIWG, Final Report, *supra note* 10, Call for Justice 9.3 (iii): “Ensure mandatory Indigenous language capacity within police services.”

are very reluctant to speak and language is a significant barrier. He also observed that some Indigenous witnesses who had a poor command of English or French would still answer questions in the language of the colonizer, even if they did not understand them, in order to preserve their dignity in the face of the community.²²⁶

In some cases, the interview alternated between different languages, which is likely to create confusion or lead to misinterpretations (e.g., Case 41, where questions were generally asked in French and sometimes in English, and answers were most often given in Innu and sometimes in English; and Case 63, where a witness was questioned in French and answered in Atikamekw and sometimes in French).

In the following cases, language may have had an impact on the testimony of the victim or witness:

Case 45

The witness, the victim's young son, did not understand much English, so a translator was present. The interview was difficult at first because of the language, but probably also because of the witness's age. Halfway through the interview, the dialogue improved and he provided a clearer version of the events.

Case 54

Some communication problems were observed during the interview with the victim. Although the difficulties were not major and some questions were asked differently by SPVM to make the interaction smoother, communication would have been better with an interpreter so that the victim could speak in Inuktitut.

I therefore conclude that SPVM should have routinely provided translation or interpretation services to Indigenous victims and witnesses, but that the failure to do so did not materially affect the integrity of its investigations to determine the truth.

Proposal 19

That BEI systematically offer translation or interpretation services to Indigenous victims and witnesses.

²²⁶Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services, January 25, 2018, *Stenographic Notes of January 25, 2018*, online: https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Transcriptions/Notes_stenographiques_-_CERP_25_janvier_2018.pdf (Pierre Rousseau's testimony). He points out the "ridiculous" nature of a trial by jury where

"you have an Inuit witness speaking English, testifying in English, and then you have an Inuk interpreter translating bad English into Inuktitut. [...] But [...] my experience is that [often] they were in testifying in English because they didn't want to be thought of as uncultured. They didn't want to be seen as someone who didn't know English and they were a little ashamed to have to testify using an interpreter. It's...it's too bad, but that's the reality." (pp. 120–121).

INDICATOR 16: SUPPORT FOR VICTIMS AND COMMUNICATION OF USEFUL INFORMATION ON PSYCHOLOGICAL SUPPORT SERVICES AND ASSISTANCE AND PROTECTION SERVICES

Excerpt from the Phase 1 investigation report, pp. 46–47

The purpose of this indicator is to verify whether SPVM encouraged victim support during its investigations. Sexual assault victims must be helped and supported, throughout the investigation process and even during legal proceedings, if applicable. This notion is widely documented and unanimously supported in Québec and elsewhere. The specific cultural context for the investigations assigned to SPVM means that support for Indigenous women must be encouraged, as they face greater exposure to vulnerability factors.

The goal of support measures is primarily to protect the safety and physical and psychological wellbeing of the women who have filed a complaint and those who want to do so. The support may come in the form of a person such as a relative or a qualified responder the victim chooses to accompany them during the police investigation process.

There is nothing to prevent a support person from attending interviews with the investigator in which the facts of the complaint are to be discussed. However, it is customary for this type of interview to take place with the victim alone. The accused's right to present full and complete defense includes the option to present evidence to establish a defense or to challenge the evidence presented by the prosecution. Individuals who accompany victims during interviews with investigators about the facts of the case are compellable and can be questioned or cross-examined during the trial, if applicable. This applies to interviews with DCPD prosecutors and is governed by a DCPD directive. An assessment of whether customary practices are best suited to the specific nature of investigations in Indigenous communities seems appropriate. In this case, the victims understood the investigators' preference to carry out the interview without the presence of a third party. Support persons were present before and after the interview and were available during the interview if needed. However, responders told me that the victims would have preferred to have someone with them during the interview. Likewise, after discussions with numerous experts, I am convinced that justice professionals need to review these procedures, challenging them when necessary, and to ensure that the legal process is adapted to the specific cultural characteristics of Indigenous communities.

In cases involving complaints against police officers, the purpose of victim support is more specifically to reduce Indigenous women's fears about the police investigation process.

(References omitted)

A) Overall approach

SPVM's guidelines call for the team to make telephone contact with the victim as soon as possible. This allows support resources to be put in place if necessary, such as social workers or other support professionals as well as immediate family. The aim is also to reassure the victim that the process is independent and to explain how the investigation will be conducted. The investigator also asks about the victim's translation needs during this initial phone call.

The Val-d'Or Native Friendship Centre is an essential partner for victims seeking support in this region. Communication with community members can be more difficult in some places and varies greatly from one community to another. Investigators have developed a variety of strategies for contacting victims. In many communities, links are created between SPVM investigators and resources who have deep knowledge of their community and can help investigators communicate with victims and witnesses. Investigators also use Facebook Messenger to reach some victims and witnesses. SPVM has been flexible and patient when attempting to talk to and meet with some victims.

With the expanded mandate in Phase 2, SPVM needed support in many cities in Québec. Since CAVACs are well established in Indigenous communities and very involved with SPVM, particularly in the sexual assault department, SPVM told me that it was natural to call upon their services. One of the purposes is to support victims through the various stages of the judicial process and to share information when needed to help them understand the decisions made by SPVM and the DCCP. Investigators also rely on CAVACs in some cases to contact hard-to-reach victims (especially in remote areas), book interview rooms, and provide support for victims during the process.

In March 2019, in the wake of the #MeToo movement, the government announced the establishment of an Expert Committee on Support for Victims of Sexual Assault and Domestic Violence.²²⁷ The committee's mandate is to look at various ways to improve support for victims at different stages of their journey.²²⁸ I support this initiative, especially since there is an Indigenous representative on the committee. Police departments and victim support services need to take a more collaborative approach to support victims of crimes of a sexual nature²²⁹, and more generally all Indigenous victims, especially when allegations are made against a police officer. It is my hope that government initiatives in this regard will be carried out with input from Indigenous groups and stakeholders who are experts on these issues and who can develop practices that are appropriate to the needs of each community.²³⁰

B) Support for victims during interviews

The SPVM team showed some flexibility regarding the usual procedure for interviewing witnesses. Victims and witnesses were, on a few occasions, allowed to be accompanied by a person of their choice for the police interview. According to information obtained from SPVM, six victims from the 61 investigation cases asked to bring a support person. SPVM granted these requests. An official interpreter (one case), a social worker (four cases), and a friend (one case) were present at the interviews.

²²⁷ Radio-Canada, "Québec veut améliorer le traitement judiciaire des agressions sexuelles" *Radio-Canada*, March 18, 2018, online: <<https://ici.radio-canada.ca/nouvelle/1159001/quebec-agressions-sexuelles-conjugales-comite-experts-sonia-lebel-moiaussi>>; Lia Lévesque, "Agressions sexuelles et violence conjugale: création d'un comité d'experts" *Le Soleil*, March 18, 2019, online: <www.lesoleil.com/actualite/politique/agressions-sexuelles-et-violence-conjugale-creation-dun-comite-dexperts-3b7b5fbc0e5b0b20efe09517a7f630f5>.

²²⁸ Québec, Ministère de la Justice, *Expert Committee on Support for Victims of Sexual Assault and Domestic Violence*, online: <<https://www.justice.gouv.qc.ca/victimes/consultation/comite/>>.

²²⁹ Canada, Working Group on Access to Justice for Adult Victims of Sexual Assault, *Report of the Coordinating Committee of Senior Officials Working Group on Access to Justice for Adult Victims of Sexual Assault*, November 2018, Recommendation 15, online: <<https://scics.ca/en/product-produit/reporting-investigating-and-prosecuting-sexual-assaults-committed-against-adults-challenges-and-promising-practices-in-enhancing-access-to-justice-for-victims/#a51>>.

²³⁰ Québec, Ministère de la Justice, *Plan stratégique 2019-2023*, 2019, p. 17, online: <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/justice/publications-adm/plan-strategique/PL_strat_2019-2023_MJQ.pdf?1575473414>.

In two cases, the victim was a minor and SPVM made sure they received adequate support.

Case 91

The 12-year-old victim was supported by Manawan social workers, who were present when she made her first statement to SPVM. At the first meeting with the police, the victim was supported by her parents. A video statement was recorded during this interview. At the end of the interview, a meeting was held with the victim's parents. An initial meeting with a DCPD prosecutor was organized a few days after the statement was made. The victim was alone at first, then was joined by her parents later in the interview. Finally, the victim's social worker and her mother were with her when she was notified of the DCPD's decision. She was supported throughout the process.

Case 94

The victim was an eight-year-old boy. He was accompanied by a victim support worker for his interview with investigators. The support worker also acted as an interpreter when required (English-Inuktitut).

Although nothing prohibits a support person from attending interviews with the investigator in which the facts of the complaint are to be discussed, it is customary for this type of interview to take place without a third party present (see excerpts from the Phase 1 report in the box above). Most of the time, the victim was able to have support before and after the interviews. **While I welcome the fact that SPVM relaxed the standard practice to allow some victims to be accompanied during the interview, most of them would have undeniably preferred to be accompanied during the interview but resigned themselves to coming alone.** Here are some examples:

Case 41

The victim was accompanied by an interpreter during the interview, but she told SPVM she wanted to be accompanied by her social worker, who was present. The investigators refused because it wasn't standard practice. She later told CERP, "I was sitting there and I was angry, because they didn't want [the social worker] to come with me."²³¹ Nevertheless, the victim indicated that the interview was conducted properly and thanked the investigators for listening to her. Given the nature of the allegations, however, it would have been better to have someone support the victim during the interview.

Case 81

The victim was accompanied by a social worker who could also act as an interpreter when necessary. In the statement she filed with the CERP, she mentioned that she had asked the investigators to have the social worker present at the interview, but was refused on the ground often cited by police that she could then be compelled to testify in proceedings. The victim did not understand why the request

²³¹ Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services, *sténographique notes* from October 23, 2018, online: https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Transcriptions/Notes_sténographiques_-_CERP_23_octobre_2018_HC-77.pdf, p. 43 (victim's testimony).

was refused. The investigators agreed with the victim that if she had problems understanding, the social worker would join them. This was not the case and she was not accompanied during the interview. The victim told CERP via a reporting witness that she was angry and that the situation caused her to distrust the investigators.²³²

Some victims asked to have someone with them, while others did not explicitly ask. Due to standard criminal investigative practices, SPVM did not proactively offer victims the opportunity to be accompanied, except in a few specific cases.

My discussions with numerous experts convinced me of the need for justice professionals to review these procedures and question them when necessary, to ensure that the legal process is adapted to the specific cultural characteristics of Indigenous communities.²³³ In cases involving complaints against police officers, the purpose of victim support is more specifically to allay Indigenous victims' fears about the police investigation process. Numerous studies support this change.²³⁴

“A criminal investigation conducted in a culturally safe way when the victim is Indigenous must, in my opinion, allow the victim to be accompanied at all stages, including the interview with the investigators on the facts that gave rise to the complaint.”

While I was able to observe SPVM's practices for allowing victims to be accompanied during the interview, I am unfamiliar with BEI investigator practices in this regard. Since their investigation reports are not being made public yet (see proposals on this subject in Indicator 11), this information is not available and I can only assume that they apply standard practices. Either way, **a criminal investigation conducted in a culturally safe way for Indigenous victims must, in my opinion, allow the victim to be accompanied at all stages, including the interview with the investigators on the facts that gave rise to the complaint.**

Proposal 20

That BEI proactively offer and allow Indigenous victims who file complaints against police officers to be accompanied by a support person of their choice (with the exception of potential witnesses) during the interview with investigators on the facts of the case.

²³² *Ibid*, p. 54 (Annie Duciaume, reporting witness for the victim).

²³³ See Recommendation 34 by the Grand Council of the Crees, *supra note 177*, p. 40, that “[t]he complaint process should allow complainants to be accompanied when filing a complaint and during interviews with investigators.”

²³⁴ See Kimberley Greenwood et al., *Canadian Framework for Collaborative Police Response on Sexual Violence*, December 6, 2019, p. 16, online: <https://www.cacp.ca/crime-prevention-committee.html?asst_id=2059>. “Many independent CALACS chapters offer to accompany victims and survivors to the police station for an interview, meeting, or statement. Whenever possible, victims and survivors should be able to ask their support person to stay with them. Victims and survivors often find it frightening, intimidating, or disconcerting to report an incident to the police, and say that having a support person with them helps”; Human Rights Watch, *supra note 112*, pp. 12–13.

C) Support when the DCPD notifies the victim of its decision

DCPD directives state that prosecutors must first meet with victims before authorizing or denying a denunciation involving a sexual offence.²³⁵ The procedure in the directive is intended to encourage support for victims and to direct them to the appropriate resources, in particular those specializing in sexual violence. Prosecutors accompanied by SPVM investigators met with all of these victims during Phase 1 of the investigations. During the Val-d'Or project, prosecutors also met with victims who alleged other types of offences such as assault and kidnapping, even though the prosecutors were not required to do so before taking a position on the cases. In Phase 2 of the investigations, the prosecutor and the investigator on the case met with victims of sexual violence beforehand, where possible, before making a decision on whether to bring criminal charges.

At the end of the investigative process and the DCPD's assessment process, investigators met with victims in person. In Phase 1, final decisions were shared with victims at the very end, once all investigations had been completed. The process was different in Phase 2, where the committee issued final decisions as each case was reviewed, and once the DCPD had finished reviewing their case, victims were notified individually of the decision whether or not to lay charges.

Unlike Phase 1, the cases investigated in Phase 2 were spread out across Québec. The DCPD and SPVM teamed up to travel, when possible, to the victim's community to notify them of the decision. This was generally done with the help of CAVACs or social workers in the different communities.²³⁶ Preferred meeting locations were CAVACs, healthcare centers, and occasionally DCPD offices. The committee still tried to notify victims who did not take part in the investigations of decisions with the help of CAVACs or a social worker via video or conference call. If the victim was not involved at all, they were sent a letter to notify them of the outcome of their case. The DCPD notified victims of their decisions in all Phase 2 cases.

I recall that that six Phase 2 cases led to charges. In some cases, the police officer was arrested without a warrant due to the urgency of the situation, while in other cases, SPVM obtained an endorsed arrest warrant. In all cases, the police officers involved were released and had to comply with various conditions, including staying away from the victim. From the first contact, victims are offered CAVACs services for accompaniment and support. The use of resources in the communities is preferred.

Whereas the discussion of this indicator dealt with individuals accompanying victims during the interview with investigators and when being informed of the DCPD's decision, I note a severe lack

²³⁵ Québec, Director of Criminal and Penal Prosecutions, *Directive AGR-1 : Agression sexuelle et autres infractions à caractère sexuel envers les adultes*, November 16, 2018, s. 6, online: <www.dpcp.gouv.qc.ca/ressources/pdf/envoi/AGR-1.pdf>.

²³⁶ CAVACs provide free and confidential front-line services to all victims of crime, their immediate families, and people who have witnessed a crime. These services include accompanying individuals to court proceedings, providing information on victims' rights and available remedies, providing technical assistance in exercising some of these rights, providing post-traumatic and psychosocial intervention services, and referring people to specialized services. These professional services are offered in all of Québec's seventeen regions in French, English, and several other languages, including Indigenous languages such as Inuktitut, Cree, Innu, and Atikamekw. These services are offered at 185 points of service, including all courthouses in the province. For more information: <<https://cavac.qc.ca>>.

of support and information between those two stages. In other words, once the SPVM investigation was completed and turned over to the DCP, the victim was generally left on their own for many months while the DCP decided whether or not to press criminal charges. I discuss this below in Indicator 19.

INDICATOR 17: INTERVIEWS BE CONDUCTED BY A FEMALE INVESTIGATOR WHEN THE VICTIM EXPRESSES SUCH PREFERENCE (SEXUAL ASSAULT ALLEGATIONS)

Excerpt from the Phase 1 investigation report, pp. 61

Indigenous women appreciate being able to deal with a female police officer. In sexual assault investigations, it is common practice to ask the victim if they prefer to be interviewed by a male or female investigator. Abroad, this approach is part of best practices when dealing with victims of sexual violence at the investigation stage, and sometimes even at the trial stage.

Furthermore, as HRW states, the importance of assigning someone to the interview who can show compassion to the victim is key, whether that person is a man or a woman. If a victim expresses a desire to talk to a female investigator, their wish should naturally be respected wherever possible.

(References omitted)

Unlike in Phase 1 when almost all interviews were conducted by a female investigator when the allegation was of a sexual nature, fewer female investigators were used in Phase 2 for the same type of crime.

Eighteen of the 61 cases involved allegations of a sexual nature. Seventeen victims in these cases agreed to meet with SPVM, while two refused.²³⁷ Of the 17 victims interviewed, nine were interviewed by a female investigator and eight—two of them male—were interviewed by a male investigator. In the cases where a female victim was interviewed by a male investigator, I noted that no concerns were raised in this regard and that no victims asked to be interviewed by a female investigator. Many of the investigators were trained to intervene in sexual assault cases, and all acted with seriousness, tact, and sensitivity. They had between five and eleven years of investigative experience in sexual assault investigations at the time of the interview. Even so, it would have been better if SPVM investigators had asked victims if they wanted to be interviewed by a male or female investigator during the initial phone call.

Case 63

The detective sergeant who conducted the interview took appropriate steps to gain the victim's confidence, but the victim had difficulty describing the sexual acts. At the end of the interview, the interviewer asked the victim if she would like to meet with the DYP or a social worker, and she said yes. When asked about her preference, she said that she would prefer to speak to a woman. The

²³⁷ Each of the 18 cases involved only one victim, with the exception of Case 97, which involved two victims, bringing the total to 19 victims of sexual violence for Phase 2 of the investigations.

detective sergeant then asked her if she would have preferred to talk to a female investigator and if this would have changed her statement. The victim shrugged and said she didn't know, then answered no, but seemed unconvinced.

“Asking the victim whether they prefer a female or male investigator at the first telephone contact is good practice in the context of allegations of a sexual nature and should be applied whenever possible.”

Asking the victim whether they prefer a female or male investigator at the first telephone contact encourages them to make a free and informed decision.²³⁸ Asking this question in person at the end of the interview puts pressure on the victim, who may be concerned that saying yes would mean having to repeat their testimony to a female investigator.

Given the specialized expertise and experience of SPVM investigators in sexual assault cases, I am satisfied that this indicator is being met. However, I would reiterate that **asking the victim whether they prefer a female or male investigator at the first telephone contact is good practice in the context of allegations of a sexual nature and should be applied whenever possible.**

INDICATOR 18: TREATING THE VICTIM WITH UNDERSTANDING, EMPATHY, COURTESY, AND RESPECT FOR THEIR PRIVACY

Excerpt from the Phase 1 investigation report, pp. 55-56

This indicator measures the behavior of investigators during interviews with victims [...]. Courteous and respectful behavior shows understanding, empathy, and respect for the interviewee's private life. This is particularly important in criminal investigations by police officers targeting other police officers, especially when the victims are from different sociocultural communities or are subject to vulnerability factors that might increase the perception of investigator partiality. The preconceived notion that investigators do not take victims seriously, treat them like children, discredit them, and treat colleagues who are suspects as colleagues in need of protection, is the main cause of suspicions about police investigations of police. The role of the independent civilian observer is vital in this regard, to offset the inherent perceptions of partiality in such investigations.

This aspect is an essential part of SPVM's investigations. The initial contact with the victim is particularly important. The investigator carrying out these initial interviews must earn the trust of victims and make sure they do not feel judged or blamed. This is not about challenging or doubting the victim's account. Rather, the investigation must be based initially on the belief that the facts reported by the victim are true. For sexual offences, victims who decide to report their attacker need to hear "I believe you."

(Reference omitted)

To measure this indicator, I relied primarily on video interviews and discussions with individuals involved who could or wanted to provide me with information. All the interviews with victims were

²³⁸ See Kimberley Greenwood et al., *supra note* 234 (stating that victims of sexual violence should be able to choose the gender of the person conducting the interview, if possible).

filmed, except for the cases where victims withdrew their complaint and no interviews were conducted, as well as an interview that was recorded with audio only because the victim contacted investigators in the evening and asked them to meet her at her home immediately.

I can confirm that all interviews were conducted in a manner that was courteous and respectful toward the victims. Investigators appeared to be sensitive to the sociocultural context and to the particular realities of victims who file complaints against police officers, sometimes after their story has received media coverage. The investigators took the time to introduce themselves, explain the situation and their reasons for coming, how the interview would be carried out, and why it would be recorded. They asked open-ended questions and gave victims time to express themselves. Interviewers were aware of the discomforts and emotions that might arise during the interview and took “I believe you” as a starting point, often referring, for example, to “what happened to you” and initiating the conversation with questions such as “tell me what you experienced.” In short, **SPVM investigators did not seem to have any preconceived ideas about the events and took the victims seriously.**

There were many examples of investigators exhibiting respectful behavior during interviews with victims, but here is one:

Case 57

The investigation was opened in this case because of the victim’s testimony as a witness in another case. Initially, the victim did not want to cooperate with the investigation. Then, she contacted the investigators one evening to ask for an immediate interview at her home. During the interview, the victim was very emotional and explained that she had been raped and sexually assaulted multiple times by a priest when she attended a residential school. She had also witnessed the same priest assault her two sisters, in particular when the youngest was three years old. At the beginning of the interview, the victim expressed her fear of the police officers. Throughout the conversation, the police officers were incredibly attentive and sensitive. They were empathetic and told the victim they “100%” believed her. They were also meticulous in gathering information and took the time to explain to the victim why they were asking certain painful questions. During the interview, the victim stated that she trusted the police officers and was willing to cooperate in laying charges against her abuser.

Despite the investigators’ respectful, empathetic, and courteous behavior, some victims appeared to experience discomfort during their interviews. Remember that some concerns or frustrations were exacerbated because the victims were not allowed to have a support person with them at the interview, which I discussed above in [Indicator 16](#). Some of the anger, sadness, and frustration expressed by victims during the interviews may have simply been because they had to describe what they experienced, were asked repeated questions about certain details, and were tired, even if the investigator was patient, calm, and respectful. This could be because of a general distrust of police, especially if their complaint involved police officers,²³⁹ but also cultural differences that could lead to misinterpretation on both sides.

In one case, for example, 90 minutes into the interview, the victim became frustrated and said that the interviewers were “annoying with their pointed questions,” didn’t believe her, and were trying to poke holes in her story. The viewing of this interview video by my team and I confirmed that the investigators

²³⁹ Tulloch, *supra note* 114.

responded calmly to the victim, explained their objectives, and were respectful throughout the interview. They asked questions to clarify details to get stronger evidence based on the information they obtained in the rest of the investigation. These were normal and understandable reactions and did not appear to be caused by inappropriate behavior on the part of the investigators.

In a statement filed with CERP, a victim in another case said that, when the investigators’ refused to let someone accompany her, she felt angry at their “lack of openness and understanding.” She also noted that being alone for the interview and being filmed made her feel “like they were against me.” She said she felt disrespected and that it was unfair “because I was uncomfortable and I was alone with them. There were two investigators, and I felt like a criminal in this big interrogation and everything [...] they weren’t listening. They were in a hurry to fill out the forms and get through the investigation.”²⁴⁰

“I confirm that all interviews were conducted in a manner that was courteous and respectful toward the victims. [...] However, that didn’t stop the victim from feeling uncomfortable during the interview.”

In viewing of the 97-minute interview, we saw that the investigators used an appropriate tone and took the time to explain their role and how it differed from CERP’s role, and to fully understand the events as described by the victim. One of the investigators seemed more direct/authoritarian when asking questions, but I do not believe there was anything to suggest a lack of understanding, empathy, or courtesy. As noted above, it may have looked different from the perspective of the victim, who was already shaken by the events under investigation and by the fact that she didn’t have any support. From a privacy perspective, I noted that the investigator had the victim sign a consent form to allow CERP access to the victim’s testimony. She explained that this was at CERP’s request so it could look more generally at the events the victim experienced and evaluate all the public services the victim received from the police as well as healthcare services. The investigator explained that this was to avoid the victim having to repeat her traumatic story and that she did not have to give consent and could withdraw her consent at any time. In other words, the attitude of the investigators complied with the standards that are the subject of my evaluation. However, that didn’t stop the victim from feeling uncomfortable during the interview.

Victims also expressed disappointment, bitterness, distress, or anger when the DCPD informed them that criminal charges would not be laid against their aggressor due to a lack of evidence or otherwise. Their feelings were certainly understandable and could have been exacerbated by the long lapse between the initial interview with SPVM investigators and when they were notified of the DCPD’s decision.²⁴¹ I discuss the timeframes above in Indicator 1, but in the section that follows I will address the distressing lack of support and information provided to victims once the criminal investigation was completed and filed with the DCPD.

²⁴⁰ Public Inquiry Commission on Relations between Indigenous Peoples and Certain Public Services, *Stenographic notes from October 23, 2018, supra note 231*, pp. 54–55 (Annie Duciaume, reporting witness for the victim).

²⁴¹ The reaction of women in Val-d’Or who denounced abuses following DCPD decisions is a painful example: Marie-Michèle Sioui, “Autochtones de Val-d’Or: brisées mais toujours solidaires” *Le Devoir*, November 18, 2016, online: <<https://www.ledevoir.com/societe/484995/les-femmes-autochtones-de-val-d-or-profondement-decues>>.

INDICATOR 19: VICTIM GIVEN DETAILS ON HOW THE POLICE INVESTIGATION AND JUDICIAL PROCESS WOULD BE CONDUCTED AND PROVIDED WITH INFORMATION ON DECISIONS IN THE CASE

Excerpt from the Phase 1 investigation report, p. 49

Explaining the investigation and legal process to victims and keeping them up-to-date with progress in their case and the decisions made help reduce problems or fears associated with filing a complaint. This is mentioned specifically in the SPVM procedure for sexual assault investigations. It is also enshrined in the more general procedure for assisting crime victims.

In addition, the Canadian Victims Bill of Rights, which came into force in 2015, gives crime victims certain rights, including the right to information. More specifically, it mentions that all crime victims are entitled to obtain general information (in particular about the criminal justice system and the role of victims and the services and programs available to victims, such as restorative justice programs), information about the progress of the investigation and proceedings, and information about the accused or offender (right to be informed about the hearing to determine whether the accused is fit to stand trial and about reviews relating to release).

(References omitted)

For this indicator, I will first discuss the information provided to victims in Phase 2 about the progress of the investigation and the decisions made in their cases. I will also discuss the respective responsibilities of SPVM and the DCPD regarding delays in the investigation process and gaps in the information provided to victims. I will then briefly address the issues with the framework that the DCPD put in place when BEI was tasked with investigating complaints made by Indigenous people against police officers. Lastly, I will discuss recourse in matters of police ethics, another piece of the information that must be shared with victims about their options when filing complaints against police officers.

A) Information provided to victims in Phase 2: Responsibilities of SPVM and the DCPD

As noted in Indicator 1, SPVM investigators met with victims promptly after receiving a complaint. When they met, they explained the mandate given to SPVM by the government to investigate any criminal complaints made by an Indigenous person in Québec against police officers. They also explained how investigations are generally conducted and what role the DCPD plays. Victims and support workers were given the investigators' contact information, and the cases contain records of exchanges between victims and SPVM investigators from the initial telephone contact and the first interview through to the end of the process.

During the investigation, investigators also met again with some victims in cases of a sexual nature, with the DCPD present. The main purpose of these pre-authorization meetings, provided for in a DCPD

directive²⁴², was to create a bond of trust with the victim, to explain the proceedings and the DCP's role, to learn about the victim's expectations and concerns regarding the judicial process, and to examine certain aspects of the evidence in greater depth. When it was time for the DCP to notify victims of its decision whether or not to lay charges, the DCP and SPVM worked together and, where possible, traveled to the victim's community to inform them of the decision. The DCP explained to victims why they could not press charges in some cases. In the six cases that led to charges, investigators met with victims and informed them of the status of the investigation, the charges being laid, and the conditions that needed to be met. Throughout the judicial process, victims were able to contact investigators at any time if they had questions. I am therefore satisfied with how SPVM kept victims informed about the investigations and about decisions whether to prosecute.

“Investigators kept victims sufficiently up to date during the investigation, but as soon as SPVM informed them that their cases had been turned over to the DCP, they found themselves in an information void.”

However, there were other shortcomings. **Investigators kept victims sufficiently up to date during the investigation, but as soon as SPVM informed them that their cases had been turned over to the DCP, they found themselves in an information void.** Even if they contacted the investigator, the investigator had little new information to pass on (“your case is still being examined by the DCP”) until the DCP completed its analysis. And as discussed under Indicator 1, **Phase 2 cases took on average 9.3 months (279.5 days) after SPVM filed its investigative report for the DCP to announce whether criminal charges would be laid. The DCP analysis took more than 365 days in 41% of cases. These delays can cause great suffering to victims and permanently undermine their confidence in the justice system, especially when they receive no news on the progress of their case during this time.**

Statements to CERP from a handful of courageous victims shed light on the devastating consequences of delays and the lack of follow-up:

Case 81

The victim's statement to CERP explained how she felt about the delays and the lack of follow-up: “I was impatient and scared. I had to wait for too long. It took about eight months to get the call. It affected my mood and my spirit. I also noticed a change in my personality. I wasn't the same person anymore. Lots of people told me so. I found the process difficult and long. I didn't get any updates on my case. I wish I'd gotten a follow-up call.”²⁴³

Case 41

In her statement to CERP,²⁴⁴ the victim explained: “After I filed my complaint, I wasn't doing well. I was always thinking about it. I had nightmares and insomnia. I was scared. After I filed my complaint, I didn't hear a word about it. I had no news throughout the process, then they called me a

²⁴² Québec, Director of Criminal and Penal Prosecutions, *Directive AGR-1 : Agression sexuelle et autres infractions à caractère sexuel envers les adultes*, supra note 235.

²⁴³Public Inquiry Commission on Relations between Indigenous Peoples and Certain Public Services, *stenographic notes from October 23, 2018*, supra note 231, pp. 54–55 (Annie Duciaume, reporting witness for the victim).

²⁴⁴*Ibid*, pp. 44–45 (victim's testimony).

year later to tell me they were coming to Schefferville to meet with me. I felt... I thought that they were bringing me good news. It was seven o'clock in the evening (7 p.m.) when they met me at the clinic in Schefferville. My psychologist was there [...] That's when they told me the decision about my complaint. They told me that my complaint had been dismissed because there was no...there wasn't enough evidence and there were no witnesses. I reacted and said, 'You don't listen to Indigenous women,' and then I got angry. I was in crisis. I stood up because I didn't want to be there anymore, then I... I went to see my psychologist who was there and I said, 'I'm not listening to anyone anymore, I'm going to kill myself.'"

The delay was staggering in the latter case, arising from the second report on the program *Enquête* and involving allegations of sexual assault. SPVM's investigation was extensive and took a reasonable 78 days (2 months and 17 days). However, the DCPD took an extraordinary amount of time to examine the case: 502 days (1 year, 4 months, and 14 days). I note that no request for further investigation was made to the investigators.

Unfortunately, this case was not an exception. In cases involving allegations of a sexual nature that did not result in criminal prosecution, the average length of analysis by the DCPD was 283.6 days. As can be seen from the investigation timing table in Appendix E, many cases of this nature had astonishingly long processing times, for example of 488, 490, 381, 525, 392, and 299 days. Even taking into account the complexity and remote locations of some cases, these times far exceed the DCPD's goal of processing these types of allegations in under 34 days.²⁴⁵

The time it took the DCPD to process cases revealed major shortcomings in respect for the right of victims to be kept informed of the progress of the investigation. While the investigator was the contact person during the police investigation, once the case was turned over to the DCPD, the victim no longer knew who to contact for updates. Victims could obtain *general* information about the progress of their case by contacting the CAVAC network. However, until charges were laid, the CAVAC network could not refer victims to the prosecutor who was analyzing their case. Organizations that provide assistance and support services to victims, such as CAVACs, were not used systematically and victims were therefore unable to obtain sufficient information about their case while the DCPD was analyzing it. Victims could contact the prosecution's office to follow up with the prosecutor analyzing their case, but doing so is cumbersome and most victims are unlikely to do so. Victims should not bear the burden of obtaining information on the progress and outcome of their case.

"The time it took the DCPD to process cases revealed major shortcomings in respect for the right of victims to be kept informed of the progress of the investigation."

I found shortcomings in the content and application of the DCPD's directives, which are intended to instruct prosecutors on how to communicate with Indigenous victims.

The *Canadian Victims Bill of Rights* states that victims have the right to information about "the status and outcome of the investigation into the offence."²⁴⁶ This right to information exists from the start of an investigation by a police force up to the point when the DCPD decides whether or not to lay charges.

²⁴⁵ Québec, Director of Criminal and Penal Prosecutions, *Plan stratégique 2019–2023*, *supra* note 77, pp. 12–13.

²⁴⁶ *Canadian Victims Bill of Rights*, S.C. 2015, c. 13, s. 7(a).

DCPP Directive VIC-1²⁴⁷ establishes guiding principles for prosecutors when dealing with victims in order to respect their rights under the *Canadian Victims Bill of Rights*. It states in paragraph 9 that the prosecutor has an obligation to inform victims: “The prosecutor must ensure that reasonable steps are taken to provide the victim with relevant and useful information, both general and case-specific, in plain language and in a timely manner [...]”²⁴⁸ This obligation applies once the case has been authorized. The directive does not state that information must be provided during the analysis of the case and does not specify what information must be communicated to the victim at this stage of the process.

However, there are more specific obligations regarding victims who may be in a “vulnerable situation,” including victims of domestic violence and victims of sexual violence.²⁴⁹ As soon as the case is analyzed to determine whether or not to lay charges, and at any stage of the judicial process, prosecutors must be mindful of the vulnerable situation some victims may find themselves in. The prosecutor must meet with the victim before deciding to lay charges if the circumstances warrant it.²⁵⁰ These are the first strategic objectives set out by the DCPP, which are based on the premise that victims need information and support to increase their confidence in the administration of justice.²⁵¹

The special attention paid to victims of sexual crimes is commendable and necessary. The DCPP has also adopted more specific guidelines for such cases. The guidelines provide that each case be handled from start to finish by a single prosecutor to ensure maximum continuity and appropriate follow-up. Cases should be assigned to prosecutors who have received specific training on sexual assault.²⁵² The prosecutor assigned to the case should meet systematically with all victims of sexual assault to provide them with adequate information and refer them to support services adapted to their situation.²⁵³ This obligation applies when the prosecutor is ready to make a decision (at the pre-approval stage or if they decide not to lay charges). Like Directive VIC-1, Directive AGR-1 does not require the prosecutor to communicate with the victim while the case is being analyzed.

Even when the crime is of a different nature, Indigenous victims who file complaints against police officers are clearly in a vulnerable situation. It is therefore particularly important to provide victims with information about their case.

²⁴⁷ Québec, Director of Criminal and Penal Prosecutions, *Directive VIC-1 : Traitement des victimes et des témoins*, November 16, 2018, online: <<http://www.dpcp.gouv.qc.ca/ressources/pdf/envoi/VIC-1.pdf>>. It aims to encourage people to report offences, to encourage victims to participate in the judicial process, and to increase public confidence in the administration of justice and the institution of the DCPP.

²⁴⁸ *Ibid*, Section 9.

²⁴⁹ *Ibid*, Section 3.

²⁵⁰ Director of Criminal and Penal Prosecutions, *Directive ACC-3 : Accusation – Poursuites des procédures*, *supra note* 101.

²⁵¹ Québec, Director of Criminal and Penal Prosecutions, *Plan stratégique 2019–2023*, *supra note* 77, pp. 11–12.

²⁵² Québec, Director of Criminal and Penal Prosecutions, *Directive AGR-1 : Agression sexuelle et autres infractions à caractère sexuel envers les adultes*, *supra note* 235, Section 4.

²⁵³ Québec, *Orientations gouvernementales en matière d'agression sexuelle*, 2001, p. 43, online: <<http://www.scf.gouv.qc.ca/fileadmin/Documents/Violences/OrientationsGouv AS 2001.pdf>>; see also Québec, *Les violences sexuelles c'est non : Stratégie gouvernementale pour prévenir et contrer les violences sexuelles 2016-2021*, 2016, pp. 17 and 34 in *fine*, online: <http://www.scf.gouv.qc.ca/fileadmin/Documents/Violences/Brochure_Violences_Sexuelles.pdf>, about adopting a program for meetings between prosecutors and victims.

B) Information provided to Indigenous victims in BEI investigations

The shortcomings of the system with regard to Phase 2 victims are unfortunately likely to recur in investigations carried out by BEI. Even if BEI assigns investigators who strive to stay in contact with victims throughout the investigation process²⁵⁴, there still may be a lack of communication with victims during the DCP's decision-making process. BEI investigations, whether they are Independent investigation or criminal investigations (those that concern allegations of a sexual nature or involve Indigenous victims), are governed within the DCP by a special directive that dictates how the decision-making process must unfold.²⁵⁵ Without going into detail, I note that this directive has not yet been adapted to BEI's mandate concerning Indigenous peoples, assigned on September 17, 2018. In fact, it explicitly refers only to independent investigations and criminal investigations into allegations of a sexual nature against on-duty police officers. The DCP confirmed to me that this directive does apply to all BEI criminal investigations. That being said, I believe it is imperative that the directive be amended to reflect all of BEI's mandate. The DCP confirmed to me that it plans clarify this as part of a current review of its directives.

The DCP also told me that it is considering including in its guidelines the responsibility to provide information to Indigenous victims who file complaints against police officers during the DCP decision-making process, and clarifying how this responsibility should be applied as the case makes its way through the DCP.

I would like to reiterate that **even when there is an honest, impartial, timely, and transparent police investigation, victims' lack of information and long DCP analysis process can permanently undermine Indigenous victims' confidence in the justice system as a whole. I therefore believe that the DCP would benefit from clarifying the obligations of prosecutors to provide information to Indigenous victims who file complaints against police officers.**

Proposal 21

That DCP guidelines be amended to provide for prosecutors' obligations of information to Indigenous victims in cases involving criminal allegations against police officers from the early stage of analysis as to whether or not to lay criminal charges. The guidelines should provide that each case be handled from start to finish by a single prosecutor to ensure maximum continuity and appropriate follow-up. Cases of this nature should be assigned to a prosecutor who has received meaningful and specific training on Indigenous cultural safety.

C) Information for victims regarding the police ethics complaint process

Inappropriate behavior by a police officer may contravene various rules, all of which provide for separate complaint processes and result in different sanctions. The information provided to victims of such

²⁵⁴ Bureau des enquêtes indépendantes, *Déclaration de services aux citoyens 2019*, supra note 67, p. 10.

²⁵⁵ Director of Criminal and Penal Prosecutions, *Directive POL-1*, supra note 128.

behavior on the various remedies available to them is piecemeal and confused, hindering their access to justice. Below I discuss two problems that I observed during my mandate that contribute to a deplorable inconsistency in the articulation of the various remedies against abusive police behaviour: (i) the failure of police forces, including SPVM, to fulfill their obligations to inform victims of their recourse in matters of police ethics, and (ii) the lack of unified and publicly accessible information on the various remedies available to victims as well as the lack of effective support for the exercise of such remedies.

i. Failure of police officers to inform victims of recourse in matters of police ethics

All police officers must comply with the *Code of Ethics of Québec Police Officers*²⁵⁶, which sets out their duties and the standards governing their relations with the public. In the event of a violation of the rules of professional ethics, citizens may file a complaint with Commissaire à la déontologie policière. Citizens must be informed of the existence of such a remedy, which is distinct from the criminal process, in a timely and adequate manner.

The *Police Act* imposes a duty on every police officer to report to their director any conduct that may constitute a crime or a breach of ethics. Article 260 P.A. reads:

Every police officer is required to inform the director of police of conduct by another police officer that may constitute a criminal offence. The police officer is also required to inform the director of police of conduct by another police officer that may constitute a breach of professional ethics affecting the enforcement of rights or the safety of the public, if the police officer has a personal knowledge of that conduct. The requirements do not apply to a police officer who is informed of such conduct when acting in the capacity of a union representative.

Police force directors also have an important obligation to inform citizens in writing of their possible recourse in matters of police ethics.

Where he discovers or is informed of the presumed commission of an act derogatory to this Code, the director of a police force must notify in writing the citizen concerned of the rights granted by the *Police Act* (chapter P-13.1) and must send a copy of that written notification to the Police Ethics Commissioner.²⁵⁷

These two provisions are closely linked: under Section 260 P.A., police officers who witness a criminal act or have personal knowledge of a breach of ethics have a duty to inform the director of police who, under Article 12 of the *Code of Ethics of Québec Police Officers*, must notify the citizen concerned in writing and must send a copy of the notification to Commissaire à la déontologie policière.²⁵⁸ **However, there is no sanction for police directors who fail to comply with the obligation under Article**

“There is no sanction if a director of police fails to comply with the obligation under Article 12 of the Code of Ethics of Québec Police Officers. This does not seem to support victims’ awareness of the remedies available to them.”

²⁵⁶ *Code of Ethics of Québec Police Officers*, supra note 20.

²⁵⁷ *Code of Ethics of Québec Police Officers*, Art. 12.

²⁵⁸ Commissaire à la déontologie policière then follows up with the citizen if no complaint is filed within 30 days: Commissaire à la déontologie policière, *Rapport annuel 2018-2019*, Government of Québec, 2019, p. 60, online: <https://deontologie-policiere.gouv.qc.ca/fileadmin/commissaire/publicationsAdministratives/RAG_2018-2019_CommDP_VF_20190930.pdf>.

12 of the Code of Ethics of Québec Police Officers. This does not seem to support victims’ awareness of the remedies available to them.

The limitation period for filing a complaint with Commissaire à la déontologie policière is set out in Section 150 P.A. as follows:

The right to lodge a complaint regarding police ethics is prescribed one year after the date of the event or knowledge of the event that gave rise to the complaint.

This is a short limitation period, as victims of police misconduct may be reluctant to file complaints because of the trauma they experienced and the fear of retaliation. The problem may also be exacerbated by the fact that Indigenous victims often live in isolated communities with poor communications infrastructure.²⁵⁹ Furthermore, when criminal charges are laid against a police officer, the time required by the DCPD to analyze each case means that by the time the decision is handed down, the one-year time limit for filing a complaint has often expired.²⁶⁰ Whether or not the criminal investigation suspends the statute of limitations remains unclear. The Québec courts use the provisions of the *Civil Code of Québec*²⁶¹ as a supplement to Section 150 P.A. to determine when the limitation period starts and is suspended.²⁶² However, few decisions have dealt with the interpretation of this provision and I believe its application presents a number of uncertainties and inconsistencies. As I explain later, it is therefore not surprising that the police obligation to inform the public and report to superiors is sometimes overlooked.

Many therefore recommend that the government amend the *Police Act* to extend the statute of limitations for filing police ethics complaints to three years.²⁶³ Considering the failures I’ve seen in the interaction between police investigations and ethics appeals in phases 1 and 2 of the SPVM investigations, which I will discuss below, and considering the long delays between the opening of investigations and the DCPD decisions, I can only concur with these recommendations.

Proposal 22

That section 150 PA be amended to extend the limitation period for filing a police ethics complaint to three years.

During Phase 1, alleged ethical misconduct was brought to the attention of SPVM during the course of the investigations. However, no formal complaints were received and therefore none were forwarded to *Commissaire à la déontologie policière*.²⁶⁴ During meetings with victims, investigators provided verbal

²⁵⁹ Grand Council of the Crees, *supra note* 177, para. 155–156.

²⁶⁰ Viens report, *supra note* 16, p. 307.

²⁶¹ *Civil Code of Québec*, CQLR, c CCQ-1991 (hereinafter “CCQ”).

²⁶² *Morin v. Simard*, 2010 QCCA 2302, para. 33.

²⁶³ Viens report, *supra note* 16, p. 307, Call for Action 38; Quebec Native Women, *supra note* 191, p. 32; Grand Council of the Crees, *supra note* 177, p. 40, recommandation 33.

²⁶⁴ Since “any person” may lodge a complaint with Commissaire à la déontologie policière under Section 143 P.A., a person may file a complaint if they learn from the media that a police officer is the subject of a criminal investigation or is set to stand trial. Even if the facts are several years old, the one-year limitation period begins for this person when they become

explanations of the criminal investigation process and the concept of ethics complaints and referred victims to the *Commissaire à la déontologie policière* website where necessary. The same goes for Phase 2. SPVM is not the only police force not complying with the obligation under Article 12. The practice appears to be widespread and is occasionally misunderstood by police forces.

On August 29, 2018, CBC published an article on SPVM's failure to comply with its obligations under Article 12 of the *Code of Ethics of Québec Police Officers* as part of the Phase 2 investigations.²⁶⁵ In response, Commissaire à la déontologie policière sent a letter to SPVM to remind it of its obligations.²⁶⁶ On August 30, 2018, the assistant director of SPVM in charge of integrity and professional standards sent a memo to all staff, including the heads of various departments, reminding them of their obligations and the main actions required to comply with Article 12 of the *Code of Ethics of Québec Police Officers*.

For cases still under investigation by SPVM on the date of the reminder (i.e., cases 94, 95, 96, 97, and 99), investigators notified the citizens involved and sent a copy of the letter to Commissaire à la déontologie policière.²⁶⁷ No notice was sent to citizens involved in the other Phase 2 cases (i.e., cases 39 to 93). SPVM provided two main reasons for this in our written exchanges. First, SPVM felt that a number of cases were covered by the limitation period under Section 150 P.A. Second, since the majority of the cases stemmed from offences reported to another police force (SQ or a police organization in an Indigenous community), SPVM was of the opinion, based on Article 12 of the *Code of Ethics of Québec Police Officers*, that the obligation to notify Commissaire à la déontologie policière was the responsibility of the police force that originally received the complaint.

A large number of the cases investigated by SPVM in Phase 1 concerned events that took place many years ago, and many had been transferred by SQ and other police forces. In Phase 2, 27 of the 61 cases were transferred by another police force²⁶⁸ and it is true that Article 12 of the *Code of Ethics of Québec Police Officers* is open to interpretation with regard to which organization must notify citizens in these circumstances. As for the limitation period, the argument is more convincing for older cases (1960–1969: 2 cases; 1980–1989: 6 cases; 1990–1999: 3 cases; 2000–2009: 2 cases), but in my opinion and for reasons I will explain below, that argument does not hold up when the events are more recent (2010–2015: 7 cases; 2016–2019: 41 cases).

aware of the information and notify Commissaire à la déontologie policière. Based on this interpretation, Commissaire à la déontologie policière conducted investigations in all Phase 1 cases when my report was made public and a citizen formally filed a complaint. According to the information provided by Commissaire à la déontologie policière, no police officers were cited before Comité de déontologie policière in the 37 cases investigated.

²⁶⁵ Catou MacKinnon, “Allégations d'inconduites impliquant des Autochtones : le SPVM aurait dû alerter le commissaire à l'éthique” *Radio-Canada*, August 30, 2018, online: <<https://ici.radio-canada.ca/nouvelle/1120939/service-police-montreal-commissaire-ethique-autochtones>>.

²⁶⁶ Catou MacKinnon, “Commissaire à la déontologie : le SPVM rappelle aux policiers leurs obligations” *Radio-Canada*, September 3, 2018, online: <<https://ici.radio-canada.ca/nouvelle/1120939/service-police-montreal-commissaire-ethique-autochtones>>; Thomas Deshaies, “Commissaire à la déontologie : le SPVM rappelle aux policiers leurs obligations” *Radio-Canada*, September 3, 2018, online: <<https://ici.radio-canada.ca/nouvelle/1121531/commissaire-deontologie-policiere-spvm-enquetes-autochtones>>.

²⁶⁷ No letter was sent in Case 98, since the investigation determined that the incidents were the product of the victim's imagination.

²⁶⁸ See the table on the source of complaints in Section 2.1 above.

The obligations to inform the victim under Article 12 of the *Code of Ethics of Québec Police Officers* must be fulfilled from the first meeting with the victim in a criminal investigation if the events giving rise to the complaint could also constitute a breach of ethics, which is normally the case. Reporting obligations under Section 260 P.A. may also be triggered if the investigator discovers, in the course of their investigation, police conduct that likely constitutes an ethical breach.

Case 65

Upon arriving the police station, the victim, who was escorted by two police officers, fell face down on the ground. The officers looked at each other and smiled. The SPVM investigator who noticed this while watching the video should have notified their director, who should have informed the victim in writing of her ethical recourse and sent a copy of the letter to Commissaire à la déontologie policière.

Case 81

The victim mentioned during her interview that the police called her a “fat native.” The investigator told the victim that she was not in charge of the disciplinary or ethical aspects of the case: “If there are other steps, it’s up to you to take them.” Such a situation gave rise to the obligations set out in Section 260 P.A. and Article 12 of the *Code of Ethics of Québec Police Officers*.

From my discussions with SPVM, Commissaire à la déontologie policière, and BEI about compliance with the requirements to notify victims of ethical remedies, I conclude that the failure to comply was mainly due to a lack of knowledge and sometimes misinterpretations on the part of investigators. This is in fact very widespread.

BEI is particularly concerned with the requirement to notify citizens, since all of BEI’s cases concern police officers, whether they are independent investigations or criminal investigations. However, the figures provided by BEI and Commissaire à la déontologie show that BEI failed to meet its obligation in the early years of its mandate and that it has only recently begun to notify citizens as required, in the wake of revelations about SPVM and reminders from Commissaire à la déontologie.²⁶⁹ BEI has now made this a commitment to citizens²⁷⁰ and the new director informed me in July 2020 that he was preparing a directive to send to investigators regarding the application of Article 12 in BEI investigations.

The failure of SPVM and other police forces to comply with Section 260 P.A. and Article 12 of the *Code of Ethics of Québec Police Officers* is evidence of the general lack of knowledge of these provisions and of how little heed police directors pay to their obligation to report ethical breaches and notify victims. These issues are central to public confidence in the mechanisms to ensure police accountability. In addition to the sanctions they are supposed to apply,²⁷¹ BEI and other police forces must adopt measures to raise awareness and educate people about these crucial obligations.

²⁶⁹ Between October 1, 2016, and September 16, 2018, only one notice under Article 12 was sent. Between September 17 and January 20, 2020, 60 notices were sent.

²⁷⁰ Bureau des enquêtes indépendantes, *Déclaration de services aux citoyens 2019*, supra note 67, p. 10. BEI has promised that investigators will: “Refer victims to Commissaire à la déontologie policière by informing them in writing that they may file a complaint that an act has been committed that violates the *Code of Ethics of Québec Police Officers*.”

²⁷¹ See s. 311 P.A., supra note 8.

ii. ***Lack of unified and publicly accessible information on the different remedies available***

The issues discussed above are a symptom of a deeper problem regarding access to information for victims of police misconduct. The distinctions between remedies are poorly understood by victims and many others, who do not always know which door to knock on. Admittedly, BEI has its own tipline for Indigenous victims, and Commissaire à la déontologie policière conducts its own information campaigns, but it is extremely difficult for the public to find their way around. Victims of abusive police behavior should not have to bear the burden of deciding whether it constitutes a criminal offence (and therefore call BEI), ethical misconduct (and make a complaint to Commissaire à la déontologie policière), or a disciplinary offence (and make a complaint to the police department of the offending officer).

In light of the observations made during SPVM’s investigations and multiple consultations on the subject, I suggest creating a “single-window” solution that citizens can access to learn about all the avenues available to them to file complaints, based on the facts of the police conduct they deem to be at fault. Designed and created in collaboration with Indigenous representatives, this “single-window” solution could be similar to the Info-Social line (811)²⁷², which citizens can call to speak to a psychosocial worker who can offer advice and refer them to an appropriate resource in the health and social services network or in the community. The “single-window” solution should be accessible through a variety of technological means, including those primarily used by Indigenous people (such as Messenger and SMS), and should be available in French, English, and all Indigenous languages spoken in Québec. After a preliminary analysis of the complaint, victims would be redirected to the appropriate investigative body, i.e., Commissaire à la déontologie, BEI, or another police force. Victims would also be informed about and put in direct contact with resources available in their region to support and guide them through the process, including Native Friendship Centres, CAVACs, JURIPOP, and other organizations that could help.

The need for victim support in general is unequivocal. Indigenous communities in Québec have unequal access to available resources, especially in certain areas far from urban centers. A coordinated plan to support such victims should be implemented immediately by the government in collaboration with the community organizations in the regions concerned and Indigenous representatives, in addition to creating the “single-window” solution. In this regard, the recommendation made in the NIMMIWG report is noteworthy, namely that each Indigenous community in Québec be allowed to elect an independent liaison officer tasked with supporting community members when their rights have been violated.²⁷³ The Viens Commission also recommends that the government create and fund permanent liaison officers chosen by Indigenous authorities that are accessible in Nunavik, First Nations communities, and Native Friendship Centres in Québec.²⁷⁴

Ongoing support before complaints are filed would also help to resolve some of the issues raised about the complaint process to Commissaire à la déontologie policière. While it is possible to file a complaint in person at the offices of Commissaire à la déontologie policière in Montreal or Québec City, many

²⁷²For more information: Québec, *Info-Social 811*, online: <<https://www.quebec.ca/sante/trouver-une-ressource/info-social-811/>>.

²⁷³ NIMMIWG, Québec Report, *supra note* 11, p. 162.

²⁷⁴Viens Report, *supra note* 16, Call for Action 19, pp. 261–263.

victims, particularly Indigenous victims, live far from these centers. Their only options are to file a complaint online or at a police station. This is an issue because filing a complaint in writing or online can cause serious accessibility problems, for example due to language or education, and victims may be justifiably reluctant to go to a police station if it's where the officer who committed the misconduct works.²⁷⁵ Supporting the victim as soon as they contact the “single-window” solution would make it possible to provide the necessary assistance and make it easier for victims to access remedies.

The creation of a “single-window” solution would also be in line with Ministère de la Justice du Québec’s *strategic plan for 2019–2023*, which states that to improve guidance and support for citizens in matters of justice, we need to simplify the experience for citizens accessing various departmental services by providing, particularly through phone services, a center of expertise with unified access to justice services.²⁷⁶ This “single-window” solution would also make it possible to implement Commissaire à la déontologie policière’s proposal, endorsed by Justice Viens, to provide greater support before complaints are filed.²⁷⁷

Proposal 23

That a “single-window” solution, reachable through different technological tools, be created in collaboration with Indigenous representatives for victims to submit complaints against police officers, whether on criminal, ethical, or disciplinary matters, and to be informed of the various forms of recourse available and of the local resources available to provide assistance.

In November 2016, I commented on the need to conduct an information and awareness campaign among Indigenous populations regarding the complaint process against police officers. Justice Viens made a similar observation in September 2019 and issued a call for action to that effect.²⁷⁸ **As 2020 draws to a close, I again note the lack of joint efforts to clarify and publicize the various complaint mechanisms and make them easier to access.** I would therefore like to reiterate this recommendation and specify who I believe is best suited to implement it.

Proposal 24

That Ministère de la Sécurité publique conduct an information and awareness campaign among Indigenous populations regarding the complaint processes against police officers.

²⁷⁵Grand Council of the Crees, *supra note* 177, para. 144–145.

²⁷⁶ Québec, Ministère de la Justice, *Plan stratégique 2019-2023*, *supra note* 178, p. 16.

²⁷⁷Viens report, *supra note* 16, pp. 262–263.

²⁷⁸Viens Report, *Ibid* p. 308.

INDICATORS 20–23: ABSENCE OF CONFLICT OF INTEREST, REAL OR APPARENT

Excerpt from the Phase 1 investigation report, p. 50

[...] the notion of impartiality has an inherent individual dimension. Impartiality in police investigations requires a lack of bias for or against those involved in the events. I intend to assess the actual impact that certain elements, listed below, may have. I also want to be sure that there was no apparent conflict of interest as this would be just as harmful as a real conflict of interest in this investigation.

I considered the following factors to determine whether there was a conflict of interest:

- Existence of past or present professional, family, or social ties
- Presence of investigators who have been SQ police officers or otherwise employed by SQ
- Presence of investigators who have been police officers on or otherwise employed by another police force involved in the investigation
- Any other factor likely to undermine the appearance of an investigator's impartiality

The last series of indicators concerns conflicts of interest. This issue is central to the notion of impartiality. More specifically, I want to verify whether there is an actual or perceived conflict of interest between the members of the SPVM investigation team and the police officers involved, witness police officers, victims, other witnesses, or members of the management team at the station under investigation.

Shortly after I was appointed in the fall of 2015, supervisors informed me that a conflict of interest declaration had already been signed by all investigators. At my suggestion, a new form entitled *Conflict of Interest Declaration* was signed to expand the range of situations that may constitute an actual or perceived conflict of interest.²⁷⁹ The form reproduces the indicators of the protocol in this chapter, which are listed in the box above. It also includes a section where investigators can declare a conflict of interest with any individual and specify the name of the person and the nature of the conflict. The declaration is based on best practices for managing conflicts of interest in police investigations of police officers.

All members of the SPVM team involved in Phase 2 investigations signed the declaration in front of a witness. Those who took part in Phase 1 signed it again in Phase 2 and those who came on board later also signed it when they started. At my request, senior officers of SPVM also signed the declaration. Although these individuals were not directly involved in the investigative process, a number of important decisions fell under their authority. Therefore, it seemed to be desirable that senior management signed the declaration as well. The form was signed by everyone involved: deputy directors, commanding officers, chief inspectors, lieutenant detectives, Indigenous investigators, and members of Internal Affairs. The investigative team's detective sergeants and lead investigators also signed the document.

²⁷⁹The declaration is reproduced in [Appendix C](#).

In Phase 2, no conflict of interest was declared with respect to Indicator 20 (existence of past or present professional, family, or social ties between members of the SPVM investigation team and the police officers involved, police witnesses, other witnesses, supervisors of the position under investigation, or complainants), Indicator 21 (presence of investigators who have been SQ police officers or otherwise employed by SQ), or Indicator 22 (presence of investigators who have been police officers on or otherwise employed by another police force involved in the investigation). I did not observe any other factor likely to undermine the appearance of an SPVM investigator’s impartiality, particularly inappropriate or derogatory comments on subjects related to the investigation (Indicator 23). No problematic situations were reported to me by anyone who could provide me with information related to my mandate.

“I did not witness any actual conflicts of interest [...] in any Phase 2 cases.”

I note that eight Phase 2 cases involved police officers from the Eeyou Eenou Police Department. Remember that the Cree officer from this department did not participate in the Phase 2 investigations. He worked with SPVM in March 2017 to oversee an arrest that took place at a Eeyou Eenou Police station, but he has never been involved in any way in the investigation of a police officer from that police force. As previously indicated, this Indigenous investigator was not able to join the SPVM investigation team in Phase 2.

The concept of a conflict of interest in a police investigation of police must include criteria that reflect the particular concerns of the public. For example, it must consider not only potential conflicts of interest between individuals, but also those related to an individual’s past or present association with an organization whose member(s) are under investigation. That is the reason for indicators 21 and 22, which concern the presence of investigators who previously worked as police officers or were otherwise employed by a police force involved in an investigation.

At BEI, the notion of a conflict of interest with regard to investigators is more limited, although not restrictive. “The investigators of the Bureau must inform the director of the Bureau of any situation likely to put them in a conflict of interest and to compromise their impartiality, in particular present or past professional, family or social relations that they maintain with a police officer involved.”²⁸⁰ Knowing that at least half of BEI investigators are ex-police officers²⁸¹, I believe the definition of conflict of interest should be explicitly expanded to include investigators who have previously worked for a police organization. This is the law for BEI’s counterpart in Ontario, the Special Investigations Unit: “An investigator who was a member of a police force shall not be assigned to participate in a preliminary inquiry or investigation that relates to a member of that police force [...]”²⁸²

It seems imperative to me that the notion of conflict of interest for BEI investigators be clarified to include situations where investigators would be called upon to take part in investigations involving members of police forces of which they were previously members. This is, in my opinion, an essential measure to enhance public confidence in impartiality.

²⁸⁰ Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes, *supra* note 33, s. 8.

²⁸¹ Art. 289.10 P.A.

²⁸² Police Services Act, *supra* note 159, s. 113(6); Special Investigations Unit Act, *supra* note 75, s. 19(2).

Proposition 25

That Section 8 of the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes* be amended to extend the notion of conflict of interest to situations where investigators are called upon to take part in investigations involving members of police forces of which they were previously members.

In conclusion, my assessment of the conflict of interest indicators for Phase 2 of the SPVM investigations is favorable. I confirm, on the basis of all the information at my disposal, that there were no conflicts of interest, real or apparent, between the members of the SPVM investigation team and the police officers involved, police witnesses, victims, other witnesses or, more generally, the police forces involved in the investigations.

However, I cannot overlook a situation that was out of the Phase 2 SPVM team's control, but which nevertheless created great concern and real fears of conflict of interest among many victims, stakeholders, and Indigenous partners, especially in and around Val-d'Or. In December 2017 in the middle of Phase 2, SQ director Martin Prud'homme was appointed head of SPVM, in the wake of a scandal that shook up internal investigations within SPVM.²⁸³ Not only did the revelations that triggered the SPVM investigations concerned crimes allegedly committed by SQ police officers, but Martin Prud'homme was also very much in the public eye in an attempt to calm the resulting social tensions.²⁸⁴ His appointment as head of the police organization responsible for investigating the actions of officers of his home police force raised serious questions. In addition, in October 2018, he donned his green uniform again to testify to CERP as SQ director general regarding the events in Val-d'Or²⁸⁵. His testimony caused disappointment and frustration in Val-d'Or, particularly on the part of organizations that had supported the victims.²⁸⁶

The events surrounding Martin Prud'homme's appointment as head of SPVM created a great deal of confusion about the roles of various police forces in investigations involving other police forces. At the time, SPVM was investigating SQ for the events in Val-d'Or, and then the SQ director took the helm at SPVM. Because of the crisis at SPVM, a joint team co-chaired by SQ and BEI was asked to handle SPVM's internal investigations...are you following?

²⁸³ Jeanne Corriveau and Marie-Lise Rousseau, "Le directeur de la SQ aux commandes du SPVM" *Le Devoir* (December 7, 2017), online: <<https://www.ledevoir.com/politique/montreal/514797/le-ministre-coiteux-et-la-mairesse-plante-feront-le-point-sur-l-avenir-du-spvm>>.

²⁸⁴ Radio-Canada, "Val-d'Or : le patron de la SQ ne croit pas qu'il y ait une crise" *Radio-Canada*, (October 27, 2015), online: <<https://ici.radio-canada.ca/nouvelle/746474/val-dor-martin-prudhomme-sq-femmes-autochtones-crise>>.

²⁸⁵ Québec, Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services in Québec, *stenographic notes from October 26, 2018*, online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Transcriptions/Notes_stenographiques_-_CERP_26_octobre_2018.pdf>.

²⁸⁶ Val d'Or Native Friendship Centre, press release, "Val d'Or Native Friendship Centre's reaction to SQ Director General Martin Prud'homme's testimony before the Viens Commission," October 29, 2019, online: <<https://www.caavd.ca/actualite/reaction-du-centre-damitie-autochtone-de-val-dor-au-temoignage-de-martin-prudhomme-directeur-general-de-la-surete-du-quebec-a-la-commission-viens>>.

Immediately following the announcement of Mr. Prud'homme's appointment as head of SPVM, I wrote to the deputy director to inquire about the steps they would be taking with respect to the Phase 2 investigations. We had a number of discussions and I also spoke with the lieutenant detective in charge of the investigations. I had a meeting with the deputy director to reiterate my concerns and those expressed by many Indigenous partners regarding the perceived conflict of interest, and she confirmed to me in April 2018 that a "firewall" would be put in place. In other words, SPVM would establish a procedure to ensure that the Phase 2 investigations would not in any way pass through Martin Prud'homme or Sylvain Caron, who was SQ assistant director general and was appointed head of SPVM's Criminal Investigations Division, or through their staff. She also confirmed that documents related to the "Val-d'Or project" would not be forwarded to the SQ DNP, the Criminal Investigations Division of SPVM, or the joint investigation team.

These measures had to be adopted given the circumstances. In the Phase 2 cases, I found no interference or appearance of direct interference by former SQ members. In one specific case, SQ officers accused of unlawful confinement in Val-d'Or filed a complaint against the complainant for public wrongdoing. SPVM held discussions to determine who would be responsible for handling this counter-complaint (who would investigate the police complaint against the complainant in a case investigated by SPVM). I do not know if any of Mr. Prud'homme's staff took part in these discussions (which were not strictly related to the Phase 2 case), but I raised my concerns with SPVM and MSP, and it was quickly decided to transfer the case to SPVQ for investigation.

In sum, adequate measures were put in place to ensure a strict separation of powers regarding allegations within SPVM and to minimize fears of interference. I did not witness any actual conflicts of interest as a result of this in any Phase 2 cases. However, Mr. Prud'homme's appointment as head of SPVM created a perceived conflict of interest that may have negatively affected, for a time at least, perceptions of the impartiality of the Phase 2 investigations.

CONCLUSION

This report is the culmination of five years of work at the intersection of two fundamental societal issues: criminal investigations involving police officers and the resulting fears of bias and impunity, and the broken relationship of trust between Indigenous people and police departments.

The role of independent civilian observer entrusted to me—a first in Québec—began with the courageous and troubling story in 2015 of Indigenous women in Val-d’Or regarding police abuse. The events they described hit the collective conscience. Most incidents involved sexual violence and “starlight tours,” which consist of taking Indigenous people to the outskirts of town and leaving them there to walk home over long distances, often in dangerous conditions. The women’s accounts highlighted discriminatory policing practices and identified systemic racism in law enforcement.

The Viens Commission was created specifically to identify the patterns and underlying causes of broader social issues affecting the relationship between Indigenous people and public services, including policing. The commission’s conclusions highlight the systemic racism inherent in public services in Québec.²⁸⁷ NIMMIWG also concluded that colonialism was one of the root causes of the multiple forms of violence against Indigenous women and girls in Canada, and that this colonial relationship penetrated all aspects of Canadian society, including policing. The work of these and other commissions, combined with the voices of survivors of violence and Indigenous experts, testify to the importance of redefining the relationship between Indigenous peoples and public services in Québec, including the police.

The purpose of my special mandate was to increase public confidence in the impartiality of police investigations, increase the perception of integrity and transparency of the process, and build confidence in the respect for victims’ rights. The indicators I developed were used to identify and analyze how SPVM practices promoted public confidence in police-on-police investigations at a time when such confidence had traditionally been low, particularly when the victims were Indigenous. I hope that this report and the previous Phase 1 report, as well as the relationships of trust built over the years with the players involved, will have contributed to the achievement of these objectives.

However, the measures are part of unique process, entrusted to SPVM under independent civilian observation, at a time of crisis. All the hard work to build Indigenous people’s confidence in police investigations will be in vain if major changes are not made immediately to the process now in place and entrusted to BEI. This report contains my evaluation of the integrity and impartiality of SPVM’s Phase 2 investigations, but it also makes proposals regarding the minimum conditions required to maintain the legitimacy of the institutions responsible for investigations involving police officers and the confidence of the public, and specifically Indigenous people, in these investigations.

The revelations of Indigenous women from Val-d’Or have encouraged Indigenous persons all over Québec to report police abuse. Between when the revelations were broadcast on the program *Enquête* in October 2015 and July 2020, nearly 200 criminal investigation cases were opened concerning allegations made by an Indigenous person in Québec against a police officer (98 cases investigated by SPVM in Phases 1 and 2 and, as mentioned in the introduction, 100 cases opened by BEI, which does not include “independent investigations”). All these complaints show how widespread the issue of police violence

²⁸⁷ Viens Report, *supra* note 16.

against Indigenous people is and speak to the need for investigations that ensure integrity and impartiality and thus allow Indigenous people to have confidence in the justice system.

Accusing police officers requires great courage on the part of Indigenous victims, who have every reason to believe the system will not deal with their complaints with integrity and impartiality. But it is even more difficult when the local context makes them feel intimidated or threatened. This was the case in Val-d'Or in particular, where, while investigations were being conducted by SPVM, actions by SQ police officers were creating a feeling of fear among many First Nations members. Justice Viens reported that some 2,500 SQ police officers wore red armbands in support of their colleagues at Val-d'Or station 144 from fall 2016 to October 2018.²⁸⁸ Workers in the region also told me they were concerned for victims when a private detective, a former Royal Canadian Mounted Police (RCMP) officer, arrived to question Indigenous women who had testified in the *Enquête* report, as part of a lawsuit by SQ police officers against Radio-Canada, causing confusion and fear among many people.²⁸⁹ While these events did not directly affect the integrity of the SPVM investigations, they did help fuel a climate of deep mistrust of the system when Indigenous people report police abuse.

While there have been positive changes since the Val-d'Or crisis in 2015 in police investigations when the victim is an Indigenous person, the system has not yet adapted to the recommendations of commissions of inquiry aimed at redefining how government processes work with and for Indigenous people. Yet police violence and impunity are among the reasons why these commissions were created and, of all the issues documented by the commissions, are undoubtedly most representative of colonial violence, systemic racism, and marginalization of Indigenous perspectives and knowledge.

The way in which investigations involving police officers are conducted must change when Indigenous victims are involved. BEI's opacity and lack of representativity are unacceptable. It is, however, a young institution with the potential to become a leader in Canada in the way police investigations are conducted when the victim is Indigenous, if there is a political will to effect change. Changes are also needed at the office of the DCCP, which is responsible for the final and discretionary decision on whether to lay criminal charges. Shortcomings at this critical stage in the justice process can undermine the confidence of Indigenous victims in the justice system as a whole.

The specific proposals in this report are all formulated with a view to decolonizing²⁹⁰ the institutions in charge of police investigations and developing service delivery based on cultural safety. At the end of my work as an independent observer, I deliberately chose to make precise and concrete proposals that could be implemented fully within a short period of time.

²⁸⁸ *Ibid.*, pp. 283–284

²⁸⁹ See for example Radio-Canada, “Poursuite des policiers de Val-d'Or contre Radio-Canada” (November 17, 2016), online: <<https://ici.radio-canada.ca/nouvelle/1000539/poursuite-des-policiers-de-val-dor-contre-radio-canada?fbclid=IwAR0DHHLJgliPTR4HyFckL086l3EWCpv3OywGt-dQiA7ldZ4WuHntqNbWFTI>> (containing the wording of the lawsuit and the Radio-Canada press release).

²⁹⁰ As stated by NIMMIWG, a decolonizing approach “aims to resist and undo the forces of colonialism” and “challenges the colonial influence we live under by making space for marginalized Indigenous perspectives”: Canada, National Inquiry into Missing and Murdered Indigenous Women and Girls, *Interim Report: Our Women and Girls Are Sacred*, *supra note* 219, p 22. See also NIMMIWG, Final Report, vol. 1 a) and b), *supra note* 10 and NIMMIWG, Quebec Report, *supra note* 11.

These targeted proposals are inseparable from the more fundamental objectives they seek to achieve: transparency, full Indigenous participation and representation, and training based on cultural competence and safety. They are part of a broader process of transforming the relationship between Indigenous peoples and the Québec government. In my opinion, their implementation is essential to transform the methods that have led to a broken trust relationship, and to dismantle a persistent colonial legacy.

It is therefore my hope that this report and the proposals it contains will be taken into account in any legislative review process concerning police forces and BEI by the Advisory committee on police issues and by the mechanism established by government and Indigenous representatives for the implementation of CERP's calls to action and NIMMIWG's calls for justice. I am asking the Deputy Minister of Public Security to ensure follow-up of the study and adoption of the proposals made in this report.

APPENDICES

APPENDIX A – MANDATE OF THE INDEPENDENT CIVILIAN OBSERVER

MANDATE AS OF NOVEMBER 4, 2015

CRIMINAL ALLEGATIONS INVOLVING POLICE OFFICERS OF THE VALLÉE-DE-L'OR RCM:

Mandate of the independent observer appointed by the government

Background

On October 23, 2015, the Director General of Sûreté du Québec wrote to the Minister of Public Security to request that investigations involving allegations against officers at the Vallée-de-l'Or RCM police station be transferred to Service de police de la Ville de Montréal (SPVM).

On the same day, the minister agreed to that request, and the investigations underway were entrusted to SPVM. SPVM was also tasked with dealing with other similar allegations that may be brought to its attention.

In addition to this initiative, the government wanted to appoint an independent observer to evaluate the impartiality of SPVM's investigations. This special measure was taken because of the specific context.

Objectives

- Increase public confidence in the impartiality of police investigations
- Increase the perception of the integrity and transparency of the process
- Build confidence in the respect for victims' rights

Mandate

The mandate of the independent observer is to examine and assess the integrity and impartiality of SPVM's investigations.

To do so, the observer can:

- Obtain any documents or information deemed useful from SPVM
- Communicate with the supervisor of the investigators assigned to cases and obtain information relevant to the mandate
- Meet with anyone able to provide information relevant to the evaluation of the investigation's integrity or impartiality
- Visit certain locations related to the investigation as needed (accompanied by investigators)
- Review various testimonies, whether in the form of transcripts or video recordings or by witnessing them in person in an adjacent room

Restrictions regarding the mandate

Under no circumstances may the observer come into direct contact with victims, police officers subject to allegations, or witnesses or be present in the room during interviews or interrogations. Furthermore, the observer may not interfere in the investigation.

Deliverables

If, during the mandate, the observer notices any irregularities liable to compromise the impartiality of the investigation or notes SPVM's failure to fully cooperate, she must inform the Deputy Minister of Public Security.

Once an investigation has been completed and the case has been sent to the Director of Criminal and Penal Prosecutions, the observer must send a report on her observations regarding the integrity and impartiality of the investigation process to the Deputy Minister of Public Security within 30 days.

She must also send a summary outlining her findings as to whether the investigation was conducted with integrity and impartiality. This summary should not contain anything that could jeopardize potential criminal prosecutions. It can be made public by Ministère de la Sécurité publique.

Security clearance

The observer must sign an oath of confidentiality and obtain security clearance before assuming the role.

MANDATE AS OF APRIL 5, 2016

CRIMINAL ALLEGATIONS MADE BY INDIGENOUS PEOPLE AGAINST POLICE OFFICERS

Mandate of the independent observer appointed by the government

Background

On October 23, 2015, the Director General of Sûreté du Québec wrote to the then Minister of Public Security to request that investigations involving allegations against officers at the Vallée-de-l'Or RCM police station be transferred to Service de police de la Ville de Montréal (SPVM).

On the same day, the minister agreed to that request, and the investigations underway were entrusted to SPVM. SPVM was also tasked with dealing with other similar allegations that may be brought to its attention.

In addition to this initiative, the government appointed an independent observer whose mandate was to evaluate the impartiality of SPVM's investigations.

On April 5, 2016, the Minister of Public Security officially expanded SPVM's mandate to all complaints made by Indigenous women against police officers across Québec.

Objectives

- Increase public confidence in the impartiality of police investigations
- Increase the perception of the integrity and transparency of the process
- Build confidence in the respect for victims' rights

Mandate

The mandate of the independent observer is to examine and assess the integrity and impartiality of SPVM's investigations.

To do so, the observer can:

- Obtain any documents or information deemed useful from SPVM
- Communicate with the supervisor of the investigators assigned to cases and obtain information relevant to the mandate
- Subject to the restrictions below, meet with anyone able to provide information relevant to the evaluation of the investigation's integrity or impartiality
- Visit certain locations related to the investigation as needed (accompanied by investigators)
- Review various testimonies, whether in the form of transcripts or video recordings or by witnessing them in person in an adjacent room

Restrictions regarding the mandate

Under no circumstances may the observer come into direct contact with victims, police officers subject to allegations, or witnesses or be present in the room during interviews or interrogations. Furthermore, the observer may not interfere in the investigation.

Deliverables

Phase 1

If, during the mandate, the observer notices any irregularities liable to compromise the impartiality of the investigation or notes SPVM's failure to fully cooperate, she must inform the Deputy Minister of Public Security.

Once an investigation has been completed and the case has been sent to the Director of Criminal and Penal Prosecutions, the observer must send a report on her observations regarding the integrity and impartiality of the investigation process to the Deputy Minister of Public Security within 30 days. The report must also contain a separate evaluation of each investigation.

This report can be made public by Ministère de la Sécurité publique after ensuring that it contains no information that could jeopardize potential criminal prosecutions.

Phase 2 – Investigations opened following expansion of the mandate

The observer must produce the same deliverables as for Phase 1. However, the exact form of the report may be adjusted based on the DCCP's decision on how to handle the cases (individually or together) and must be subsequently agreed upon with the observer.

Security clearance

The observer must sign an oath of confidentiality and obtain security clearance before assuming the role.

APPENDIX B – INDEPENDENT CIVILIAN OBSERVER PROTOCOL

BACKGROUND

1. In response to criminal allegations against certain Sûreté du Québec police officers at the Vallée-de-l'Or RCM station, Ministère de la Sécurité publique decided on October 23, 2015, to entrust the investigations into these allegations to Service de police de la Ville de Montréal.
2. Service de police de la Ville de Montréal was also tasked with dealing with other similar allegations in other Québec municipalities that may be brought to its attention.
3. On November 4, 2015, the Québec government appointed attorney Fannie Lafontaine independent civilian observer to examine and evaluate the integrity and impartiality of Service de police de la Ville de Montréal's investigations.
4. On April 5, 2016, the Minister of Public Security officially expanded Service de police de la Ville de Montréal's mandate to any complaint against a police officer of any other police force in Québec. He also requested that Sûreté du Québec identify all complaints of a criminal nature filed in the past ten years by Indigenous women that involved one of its officers and send the list to Service de police de la Ville de Montréal. Complaints that the Director of Criminal and Penal Prosecutions (DCPP) has already ruled on or that were closed following consultation with the DCPP are excluded.
5. The independent civilian observer's objectives are to:
 - a. Increase public confidence in the impartiality of police investigations
 - b. Increase the perception of the integrity and transparency of the process
 - c. Build confidence in the respect for victims' rights

DEFINITIONS

6. The following definitions apply to this protocol:
 - a. "Members of the investigation team" refers to the investigators and the supervisors of the investigators assigned to the Service de police de la Ville de Montréal cases.
 - b. "Observer" refers to the independent civilian observer appointed by the Québec government to examine and evaluate the integrity and impartiality of Service de police de la Ville de Montréal's investigations.
 - c. "Police officer involved" refers to a police officer whose conduct during a police intervention, custody, or other circumstances may constitute a criminal act.
 - d. "SPVM" refers to Service de police de la Ville de Montréal.
 - e. "SQ" refers to Sûreté du Québec.
 - f. "Supervisor of the investigators" refers to the person in charge of the investigators assigned to the Service de police de la Ville de Montréal cases.
 - g. "Witness police officer" refers to a police officer who was present during the questionable conduct of a police officer involved or who has relevant information on the matter.

OBJECTIVE

7. The objective of this protocol is to establish the principles that will guide the observation process and determine an observation procedure that objectively measures the integrity and impartiality of the investigations conducted by SPVM.

PRINCIPLES GUIDING OBSERVATION

8. The observer must take a disciplined approach and act impartially, independently, and objectively. She must also respect the confidentiality of the information that she acquires in examining SPVM's case files.

OBSERVATION FRAMEWORK

9. As set out in the mandate, the observer may:
 - A. Obtain any documents or information deemed useful from SPVM
 - B. Communicate with the supervisor of the investigators assigned to cases and obtain information relevant to the mandate
 - C. Subject to the restrictions in Section 10, meet with anyone able to provide information relevant to the assessment of the integrity or impartiality of SPVM's investigation
 - D. Visit certain locations related to the investigation as needed (accompanied by investigators)
 - E. Review various testimonies, whether in the form of transcripts or video recordings or by witnessing them in person in an adjacent room
10. Under no circumstances may the observer come into direct contact with the victims, police officers involved, witness police officers, or other witnesses or be present in the room during interviews or interrogations. Furthermore, the observer may not interfere in the investigation.
11. If, during the mandate, the observer notices any irregularities liable to compromise the impartiality of the investigation or notes SPVM's failure to fully cooperate, she must inform the Deputy Minister of Public Security.

OBSERVATION PROCEDURE

12. The following indicators will be used to evaluate the integrity and impartiality of SPVM's investigation process:
 - A. **Consistent application of a rigorous established investigation process at every step of the investigation, particularly:**
 1. Timeliness of the investigations
 2. Courteous and respectful behavior at all times toward victims, witnesses, and police officers involved
 3. Presence of highly qualified investigators who have the training and experience required to lead investigations
 4. Appropriate intervention commensurate with the gravity of the incidents under investigation
 5. Investigation methods and approaches similar to those used for crimes of the same gravity committed by civilians
 6. For current incidents, measures taken by SPVM to isolate the police officers involved or witness police officers and to restrict communications between them after an incident until their interview with SPVM investigators
 7. For past incidents, verification by SPVM of the measures that were taken by SQ or another police force to isolate the police officers involved or witness police officers and to restrict communications between them after an incident until their interview with SPVM or SQ investigators, as the case may be
 8. Rank of the SPVM investigators who conduct interrogations with respect to the rank of police officers involved or witness police officers
 9. Respect for everyone's basic human rights, particularly those guaranteed by the *Canadian Charter of Rights and Freedoms* and Québec's *Charter of Human Rights and Freedoms*
 10. Seriousness and thoroughness of investigations, particularly by exploring all reasonable investigative leads to determine whether a criminal act was committed and identify those responsible, and by providing appropriate followup to further investigation requested by the Director of Criminal and Penal Prosecutions

B. Consideration of the Indigenous context and the sexual nature of allegations at every step of an investigation, particularly by:

11. Ensuring that the investigation process is transparent for the Indigenous communities involved
12. Establishing a climate of trust that puts victims at ease and takes into account the specific context of the investigation, including the location of the interview
13. Training investigators on Indigenous cultures and realities
14. Fostering adequate representation of Indigenous community members on the SPVM investigation team
15. Offering interpretation and translation services, as needed, to members of Indigenous communities who are interviewed
16. Promoting victim support when circumstances permit and communicating useful information to victims about psychological support services and assistance and protection services available to them
17. For allegations of a sexual nature, having an interview conducted by a female investigator when the victim expresses such preference
18. Treating the victim with understanding, empathy, courtesy, and respect for their privacy
19. Explaining to the victim the conduct of the police investigation and the legal process and keeping them informed of decisions made in the case

C. No real or apparent conflict of interest between the members of the SPVM investigation team and the police officers involved, witness police officers, other witnesses, members of the management team at the station under investigation, or the victims The following will be taken into consideration to determine whether there is a conflict of interest:

20. Existence of past or present professional, family, or social ties between members of the SPVM investigation team and the police officers involved, witness police officers, other witnesses, members of the management of the station under investigation, or victims
21. Presence of SPVM investigators who have been SQ police officers or otherwise employed by SQ
22. Presence of SPVM investigators who have been police officers on or otherwise employed by another police force involved in the investigation
23. Any other factor likely to undermine the appearance of an SPVM investigator's impartiality, including inappropriate or derogatory comments on subjects related to the investigation

APPENDIX C – CONFLICT OF INTEREST DECLARATION

CONFLICT OF INTEREST DECLARATION

Val-d'Or independent investigation

Definition: A conflict of interest is any real, apparent, or potential situation that is likely to compromise the independence and impartiality of a member of the investigation team. For example, there is a conflict of interest when:

- A member of the investigation team has a family, social, romantic, business, or conflictual relationship with one of the people (suspect, witness, victim) who may be part of the investigation or a witness or victim
- There are past or present professional, family, or social ties between members of the SPVM investigation team and the police officers involved, witness police officers, other witnesses, or managers of the station under investigation
- SPVM investigators were previously SQ police officers or otherwise employed by SQ
- SPVM investigators were previously police officers or otherwise employed by another police force involved in the investigation
- There is any other factor likely to undermine the appearance of an SPVM investigator's impartiality, including inappropriate or derogatory comments on subjects related to the investigation

Section 1: To be completed when there is no conflict of interest

Pursuant to the definition above, I declare that I have no real, apparent, or potential conflict of interest.

Print name:

Rank and number:

Signature

Date

Witness

Date

Montréal

CONFLICT OF INTEREST DECLARATION
(Val-d'Or independent investigation)

Section 2: To be completed in cases of real or apparent conflict of interest

Pursuant to the definition above, I declare that I have a conflict of interest with:

Name	Nature of conflict of interest

Consequently, I will refrain from having any interaction or communication whatsoever in connection with the investigation with the above-mentioned person(s).

Print name: _____

Rank and number: _____

Signature

Date

Witness

Date

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APPENDIX D – POLICE DISCLOSURE FORM SPAQ – SPVM



POLICE DISCLOSURE FORM

Department: Native Para-Judicial Services of Quebec

TO:	<u>SPVM</u>	EMAIL	██████████@spvm.qc.ca ██████████@spvm.qc.ca
SEXUAL ABUSE	<input type="checkbox"/>		
PHYSICAL ABUSE	<input type="checkbox"/>		
DISCIPLINARY MISCONDUCT	<input type="checkbox"/>		

COMPLAINANT:	Date of birth:
Address:	
Email:	
Telephone:	

SUSPECT 1 (if known):
SUSPECT 2 (if known):
Police department:

SITUATION:

APPENDIX E – TIME TABLE²⁹¹

Case no.	Date the complaint was filed with SPVM	Date the investigation was opened by SPVM	Date the case was transferred to the DCPD	Length of the SPVM investigation	Date the DCPD notified the victim <small>*(R): Refused to bring charges **(CC): Criminal charges</small>	DCPD case processing time	Total precharge screening time
23	2015-11-04	2015-11-04	2016-02-25	113 days (3 months and 21 days)	(R) 2016-05-17	82 days (2 months and 21 days)	195 days (6 months and 13 days)
39	2016-04-06	2016-04-06	2017-04-13	372 days (1 year and 7 days)	(R) 2018-06-08	421 days (1 year, 1 month, and 25 days)	793 days (2 years, 2 months, and 2 days)
40	2016-04-06	2016-04-06	2016-06-23	78 days (2 months and 17 days)	(R) 2017-07-19	391 days (1 year and 26 days)	469 days (1 year, 3 months, and 13 days)
41	2016-04-06	2016-04-06	2016-06-23	78 days (2 months and 17 days)	(R) 2017-11-07	502 days (1 year, 4 months, and 14 days)	580 days (1 year, 7 months, and 1 day)
42	2016-04-06	2016-04-06	2016-06-23	78 days (2 months and 17 days)	2017-10-19 (preauthorization meeting) (R) 2018-01-19	483 days (1 year, 3 months, and 26 days)	531 days (1 year, 5 months, and 13 days)
43	2016-04-14	2016-04-14	2016-07-04	81 days (2 months and 20 days)	(R) 2017-10-30	483 days (1 year, 3 months, and 26 days)	564 days (1 year, 6 months, and 16 days)
44	2016-04-13	2016-04-13	2016-07-13	91 days (3 months)	(Art. 810.1 of the Criminal Code) 2016-07-12	2 days	90 days (2 months and 29 days)
45	2016-04-12	2016-04-12	2016-06-23	72 days (2 months and 11 days)	(R) 2017-12-18	543 days (1 year, 5 months, and 25 days)	615 days (1 year, 8 months, and 6 days)
46	2016-04-12	2016-04-12	2016-06-23	72 days (2 months and 11 days)	(R) 2017-12-18	543 days (1 year, 5 months, and 25 days)	615 days (1 year, 8 months, and 6 days)
47	2016-04-14	2016-04-14	2016-05-27	43 days (1 month and 13 days)	(R) 2017-11-30	552 days (1 year, 6 months, and 3 days)	595 days (1 year, 7 months, and 16 days)
48	2016-04-06	2016-04-06	2016-06-23	78 days (2 months and 17 days)	(R) 2016-12-14	174 days (5 months and 21 days)	252 days (8 months and 8 days)
49	2016-04-06	2016-04-06	2016-06-23	78 days (2 months and 17 days)	(R) 2017-07-19	391 days (1 year and 26 days)	469 days (1 year, 3 months, and 13 days)
50	2016-04-06	2016-04-06	2017-01-31	300 days (9 months and 25 days)	(R) 2017-10-11	253 days (8 months and 11 days)	553 days (1 year, 6 months, and 5 days)
51	2016-04-22	2016-04-27	2016-09-08	139 days (4 months and 16 days)	(R) 2018-01-19	498 days (1 year, 4 months, and 11 days)	637 days (1 year, 8 months, and 27 days)
52	2016-04-26	2016-04-26	2016-06-23	58 days (1 month and 27 days)	(R) 2017-10-26	490 days (1 year, 4 months, and 3 days)	548 days (1 year and 6 months)
53	2016-05-25	2016-05-25	2017-01-31	251 days (8 months and 6 days)	(R) 2018-02-16	381 days (1 year and 16 days)	632 days (1 year, 8 months, and 22 days)
54	2016-07-26	2016-07-26	2017-03-13	230 days (7 months and 18 days)	(R) 2017-05-24	72 days (2 months and 11 days)	302 days (9 months and 29 days)
55	2016-06-06	2016-06-06	2017-01-31	239 days (7 months and 25 days)	Refused to meet with the DCPD; letter sent 2017-11-17	290 days (9 months and 17 days)	529 days (1 year, 5 months, and 11 days)
56	2016-08-15	2016-08-15	2017-01-31	169 days (5 months and 16 days)	(CC) 2017-03-29	57 days (1 month and 29 days)	226 days (7 months and 14 days)
57	2016-08-17	2016-08-17	2017-01-31	167 days (5 months and 14 days)	(R) 2018-07-10	525 days (1 year, 5 months, and 10 days)	692 days (1 year, 10 months, and 24 days)
58	2016-09-16	2016-09-19	2017-05-11	237 days (7 months and 25 days)	(R) 2018-12-11	579 days (1 year and 7 months)	816 days (2 years, 2 months, and 25 days)

²⁹¹Cases with numbers highlighted in yellow involve allegations of a sexual nature. Charges were brought in cases 44, 56, and 63.

Case no.	Date the complaint was filed with SPVM	Date the investigation was opened by SPVM	Date the case was transferred to the DCP	Length of the SPVM investigation	Date the DCP notified the victim <small>*(R): Refused to bring charges **(CC): Criminal charges</small>	DCP case processing time	Total precharge screening time
59	2016-09-16	2016-09-19	2017-08-28	346 days (11 months and 12 days)	(R) 2018-12-11	470 days (1 year, 3 months, and 14 days)	816 days (2 years, 2 months, and 25 days)
60	2016-10-24	2016-10-24	2017-03-23	150 days (4 months and 30 days)	(R) 2017-03-20	4 days	147 days (4 months and 27 days)
61	2016-10-25	2016-10-25	2017-04-17	174 days (5 months and 23 days)	(R) 2017-10-25	191 days (6 months and 8 days)	365 days (1 year)
62	2016-10-26	2016-10-26	2017-05-11	197 days (6 months and 16 days)	(R) 2018-04-25	349 days (11 months and 14 days)	546 days (1 year, 5 months, and 30 days)
63	2016-11-17	2016-11-17	2016-11-24	7 days	(CC) 2016-11-25	1 day	8 days
64	2016-12-07	2016-12-07	2017-04-05	119 days (3 months and 29 days)	(R) 2018-01-19	289 days (9 months and 14 days)	408 days (1 year, 1 month, and 12 days)
65	2016-12-13	2016-12-13	2017-04-13	121 days (4 months)	(R) 2017-10-19	189 days (6 months and 6 days)	310 days (10 months and 6 days)
66	2016-12-21	2016-12-21	2017-09-11	264 days (8 months and 21 days)	(R) 2017-10-19	38 days (1 month and 8 days)	302 days (9 months and 29 days)
67	2016-09-16	2016-09-19	2017-11-23	433 days (1 year, 2 months, and 7 days)	(R) 2018-12-11	383 days (1 year and 18 days)	816 days (2 years, 2 months, and 25 days)
68	2017-03-15	2017-03-15	2017-07-04	111 days (3 months and 20 days)	(CC) 2018-11-13	497 days (1 year, 4 months, and 9 days)	608 days (1 year, 7 months, and 29 days)
69	2017-03-15	2017-03-15	2017-10-20	111 days (3 months and 20 days)	(R) 2018-05-01	193 days (6 months and 12 days)	412 days (1 year, 1 month, and 17 days)
70	2016-09-16	2016-09-19	2017-05-30	256 days (8 months and 14 days)	(R) 2018-12-11	560 days (1 year, 6 months, and 12 days)	816 days (2 years, 2 months, and 25 days)
71	2017-04-10	2017-04-10	2017-05-30	50 days (1 month and 20 days)	(R) 2017-08-16	78 days (2 months and 17 days)	128 days (4 months and 6 days)
72	2017-05-07	2017-05-07	2018-01-26	264 days (8 months and 19 days)	Unsuccessful attempts to reach the victim starting on 2018-11-19; letter sent on 2019-02-22	392 days (1 year and 27 days)	656 days (1 year, 9 months, and 15 days)
73	2017-05-02	2017-05-02	2017-09-28	149 days (4 months and 26 days)	2019-01-25	484 days (1 year, 3 months, and 27 days)	633 days (1 year, 8 months, and 23 days)
74	2017-05-12	2017-05-12	2017-06-27	46 days (1 month and 15 days)	(Art. 810.1 of the Criminal Code) 2017-08-08	42 days (1 month and 11 days)	88 days (2 months and 27 days)
75	2017-05-23	2017-05-23	2017-09-28	128 days (4 months and 5 days)	(R) 2018-07-17	292 days (9 months and 19 days)	420 days (1 year, 1 month, and 25 days)
76	2017-06-02	2017-06-02	2017-09-28	118 days (3 months and 26 days)	(R) 2018-12-18	446 days (1 year, 2 months, and 20 days)	564 days (1 year, 6 months, and 16 days)
77	2017-07-05	2017-07-05	2017-07-17	12 days	(R) 2017-08-18	32 days (1 month and 1 day)	44 days (1 month and 13 days)
78	2017-07-07	2017-07-11	2017-10-18	103 days (3 months and 11 days)	(R) 2018-05-15	209 days (6 months and 28 days)	312 days (10 months and 8 days)
79	2017-07-17	2017-07-17	2017-11-23	129 days (4 months and 6 days)	(R) 2018-07-16	235 days (7 months and 23 days)	364 days (11 months and 30 days)
80	2017-07-31	2017-07-31	2017-11-24	116 days (3 months and 24 days)	(R) 2018-12-11	382 days (1 year and 17 days)	498 days (1 year, 4 months, and 11 days)
81	2017-08-14	2017-08-14	2017-09-28	45 days	(R) 2018-01-30	124 days	169 days (5 months and 16 days)

Case no.	Date the complaint was filed with SPVM	Date the investigation was opened by SPVM	Date the case was transferred to the DCPD	Length of the SPVM investigation	Date the DCPD notified the victim <small>*(R): Refused to bring charges **(CC): Criminal charges</small>	DCPD case processing time	Total precharge screening time
				(1 month and 14 days)		(4 months and 2 days)	
82	2017-09-14	2017-09-25	2017-11-23	70 days (2 months and 9 days)	(R) 2018-12-11	383 days (1 year and 18 days)	453 days (1 year, 2 months, and 27 days)
83	2017-10-09	2017-10-09	2018-02-13	127 days (4 months and 4 days)	Unsuccessful attempts to reach the victim starting on 2018-11-19; letter sent on 2019-02-22	374 days (1 year and 9 days)	502 days (1 year, 4 months, and 14 days)
84	2017-10-10	2017-10-10	2018-05-03	127 days (4 months and 4 days)	(R) 2018-07-17	75 days (2 months and 14 days)	280 days (9 months and 7 days)
85	---	---	Case transferred to BEI	---	---	---	---
86	2017-12-18	2017-12-19	2018-01-18	31 days	(R) 2019-04-09	446 days (1 year, 2 months, and 22 days)	477 days (1 year, 3 months, and 22 days)
87	2017-12-18	2017-12-18	2018-02-22	66 days (2 months and 4 days)	(R) 2018-12-18	299 days (9 months and 24 days)	365 days (1 year)
88	2018-01-08	2018-01-08	2018-04-10	92 days (3 months and 2 days)	Refused to meet with the DCPD; 2018-11-21	225 days (7 months and 11 days)	317 days (10 months and 13 days)
89	2018-01-17	2018-01-17	2018-05-23	126 days (4 months and 6 days)	(R) 2019-03-25	306 days (10 months and 2 days)	432 days (1 year, 2 months, and 8 days)
90	2018-01-17	2018-01-17	2018-05-23	126 days (4 months and 6 days)	(R) 2019-03-25	306 days (10 months and 2 days)	432 days (1 year, 2 months, and 8 days)
91	2018-02-22	2018-02-22	2018-05-08	75 days (2 months and 14 days)	(R) 2018-08-30	114 days (3 months and 22 days)	189 days (6 months and 8 days)
92	2018-03-15	2018-03-15	2018-05-02	48 days (1 month and 18 days)	(R) 2019-03-20	322 days (10 months and 18 days)	370 days (1 year and 5 days)
93	2018-03-23	2018-04-05	2018-06-26	95 days (3 months and 3 days)	(R) 2018-12-03	160 days (5 months and 7 days)	255 days (8 months and 11 days)
94	2018-07-11	2018-07-24	2018-12-18	160 days (5 months and 7 days)	(R) 2019-06-07	171 days (5 months and 20 days)	331 days (10 months and 27 days)
95	2018-07-24	2018-07-24	2019-01-16	176 days (5 months and 23 days)	Unsuccessful attempts to reach the victim starting on 2019-03-18; letter sent on 2019-03-28	71 days (2 months and 12 days)	247 days (8 months and 4 days)
96	2018-07-26	2018-07-26	2019-01-16	174 days (5 months and 21 days)	Unsuccessful attempts to reach the victim starting on 2019-02-11; letter sent on 2019-02-22	37 days (1 month and 6 days)	211 days (6 months and 27 days)
97	2018-08-23	2018-08-23	2019-03-01	190 days (6 months and 9 days)	(R) 2019-06-21	112 days (3 months and 20 days)	302 days (9 months and 29 days)
98	2018-09-07	2018-09-07	2018-12-14	98 days (3 months and 7 days)	2019-02-14	62 days (2 months)	160 days (5 months and 7 days)
99	2018-09-11	2018-10-26	2019-02-13	155 days (5 months and 2 days)	Unsuccessful attempts to reach the victim starting on 2018-11-29; letter sent on 2019-04-04	50 days (1 month and 19 days)	205 days (6 months and 23 days)

Average time: All types of offences

	Average	0 to 91 days	92 to 182 days	183 to 273 days	274 to 364 days	365 days or more
Length of SPVM investigation	137.9 days	21 cases (34%)	27 cases (44%)	9 cases (15%)	2 cases (3%)	2 cases (3%)
Length of DCPP analysis	279.5 days	15 cases (25%)	6 cases (10%)	7 cases (11%)	8 cases (13%)	25 cases (41%)

Average time: Allegations of a sexual nature for which no charges were brought

	Average	0 to 91 days	92 to 182 days	183 to 273 days	274 to 364 days	365 days or more
Length of SPVM investigation	133.5 days	5 cases (33%)	5 cases (33%)	3 cases (20%)	1 case (7%)	1 case (7%)
Length of DCPP analysis	283.6 days	2 cases (13%)	4 cases (27%)	2 cases (20%)	1 case (7%)	6 cases (40%)

APPENDIX F – INDIVIDUAL EVALUATIONS OF INVESTIGATION CASES

CASE 23				
	General information on the case			
	Origin of the complaint filed with SPVM:	Interview with the victim in another case	Date of the events:	1969–1970
	Date of the complaint filed with SPVM:	Late October 2015	Known or unknown officer involved:	Not applicable; suspect is a civilian
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	Not applicable; suspect is a civilian
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Not applicable; suspect is a civilian
Location of the events:	Sept-Îles	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Sexual violence	
Indicator		Analysis		Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	November 4, 2015	
		Interview(s) with the victim:	November 4, 2015	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Not applicable	
		During interviews with the police officer involved:	Not applicable	
Relationships with the police officers involved and the witness police officers		Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable	
	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Uashat mak Mani-Utenam police station	
		Location of the victim's choice:	Yes	
		Climate of trust established during the interview with the victim:	Yes	
		For allegations of a sexual nature, interview conducted by a female investigator:	Yes	
	Language issues	Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	French	
Use of an interpreter:		No		
	Major communication difficulties:	No		
Other				

CASE 39

CASE 39				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	Second <i>Enquête</i> report	Date of the events:	Early June 2007
	Date of the complaint filed with SPVM:	April 6, 2016	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec
Location of the events:	Maniwaki	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Kidnapping	
Indicator		Analysis		Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	April 6, 2016	
		Interview(s) with the victim:	October 4, 2016	A number of contact attempts starting April 6
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Not applicable	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Yes	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Yes		
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Correctional Services Training Centre, Hamilton	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	English	
		Language(s) of interviews with other Indigenous witnesses:	Not applicable	
Other	Use of an interpreter:	No		
	Major communication difficulties:	No		

CASE 40

CASE 40				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	SPVM disclosure line	Date of the events:	Late March 2016
	Date of the complaint filed with SPVM:	April 6, 2016	Known or unknown officer involved:	Known
	Sex of the victim:	Male	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec
Location of the events:	Val-d'Or	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault and theft	
Indicator	Analysis			Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	April 6, 2016	
		Interview(s) with the victim:	May 10, 2016	First telephone contact on April 7, 2016
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Not applicable	Written statements
		During interviews with the police officer involved:	Yes	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Yes		
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Native Friendship Centre, Val-d'Or	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	Not applicable	
Other	Use of an interpreter:	No		
	Major communication difficulties:	No		

CASE 41

CASE 41				
	General information on the case			
	Origin of the complaint filed with SPVM:	Second <i>Enquête</i> report	Date of the events:	February 1980
	Date of the complaint filed with SPVM:	April 6, 2016	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Former Schefferville Municipal Police Force
Location of the events:	Schefferville	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Sexual violence	
	Indicator	Analysis	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	April 6, 2016	
		Interview(s) with the victim:	May 18, 2016	A number of telephone interviews with the victim starting April 6, 2016, including a call on June 8, 2016, to complete her statement
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Not applicable	
		During interviews with witness police officers:	Not applicable	
		During interviews with the police officer involved:	Not applicable	
Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable		
	Police officers notified of any change in status during the investigation:	Not applicable		
	Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable		
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		
	Exploration of all reasonable investigation leads:	Mixed	No interview with the police officers involved	
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Montagnais social services center, Schefferville	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
		For allegations of a sexual nature, interview conducted by a female investigator:	Yes	
	Language issues	Language of the interview with the victim:	Questions in French (sometimes English); answers in Innu (sometimes English)	Official interpreter requested
		Language(s) of interviews with other Indigenous witnesses:	Not applicable	
		Use of an interpreter:	Yes	
Major communication difficulties:		No		
Other				

CASE 42

CASE 42				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	Second <i>Enquête</i> report	Date of the events:	August 2012
	Date of the complaint filed with SPVM:	April 6, 2016	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec
Location of the events:	Val-d'Or	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Sexual violence and assault	
Indicator	Analysis			Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	April 6, 2016	
		Interview(s) with the victim:	May 12, 2016	Telephone call on April 7, 2016
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Not applicable	Written statements
		During interviews with the police officer involved:	Yes	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Yes		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Nemaska police station	Victim showed no apparent discomfort regarding the interview location
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
		For allegations of a sexual nature, interview conducted by a female investigator:	No	Interview conducted by a male investigator; no apparent problem
	Language issues	Language of the interview with the victim:	French and English	
		Language(s) of interviews with other Indigenous witnesses:	English	
	Use of an interpreter:	No		
	Major communication difficulties:	No		
Other				

CASE 43

CASE 43				
General information on the case				
Origin of the complaint filed with SPVM:	Transfer from SQ (filed in the past 10 years)	Date of the events:	Late January 2016	
Date of the complaint filed with SPVM:	April 14, 2016	Known or unknown officer involved:	Known	
Sex of the victim:	Male	Officer on or off duty at the time of the events:	Off duty	
Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Kahnawake Peacekeepers	
Location of the events:	Kahnawake	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Threats	
Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	April 14, 2016	
		Interview(s) with the victim:	None	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Not applicable	
		During interviews with civilian witnesses:	Not applicable	Written statement
		During interviews with witness police officers:	Not applicable	Written statements
		During interviews with the police officer involved:	Yes	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable	Police officer not on duty at the time of the events (Section 263 not applicable) but received the routine warnings given to any citizen suspected of a crime (right to remain silent and right to a lawyer)	
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Not applicable	
		Location of the victim's choice:	Not applicable	
		Climate of trust established during the interview with the victim:	Not applicable	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	Not applicable	
		Language(s) of interviews with other Indigenous witnesses:	English	
Other	Use of an interpreter:	No		
	Major communication difficulties:	No		

CASE 44

CASE 44				
General information on the case				
Origin of the complaint filed with SPVM:	Transfer from SQ (filed in the past 10 years)	Date of the events:	2015 and February 2016	
Date of the complaint filed with SPVM:	April 13, 2016	Known or unknown officer involved:	Known	
Sex of the victim:	Female	Officer on or off duty at the time of the events:	Off duty	
Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Manawan Police Department	
Location of the events:	Mainly Manawan but also other locations, including Trois-Rivières and Pessamit	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Sexual violence	
Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	April 13, 2016	
		Interview(s) with the victim:	May 5 and 24, 2016	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Not applicable	
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable	Police officer involved put under arrest; received the routine warnings given to any citizen arrested (right to remain silent and right to a lawyer)	
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Youth center, Joliette, and social services office, Manawan	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	No	Male investigator accompanied by an Indigenous female investigator for support; victim expressed no preference; no apparent problem
		Language of the interview with the victim:	French	
Other	Language(s) of interviews with other Indigenous witnesses:	French		
	Use of an interpreter:	No		
	Major communication difficulties:	No		

CASE 45

CASE 45				
	General information on the case			
	Origin of the complaint filed with SPVM:	Transfer from SQ (filed in the past 10 years)	Date of the events:	March 2016
	Date of the complaint filed with SPVM:	April 12, 2016	Known or unknown officer involved:	Known
	Sex of the victim:	Female (civilian victim) and male (two police officer victims)	Officer on or off duty at the time of the events:	Off duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Eeyou Eenou Police Department
Location of the events:	Waskaganish	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault, assault on a peace officer, and obstruction of justice	
	Indicator	Analysis		Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	April 12, 2016	
		Interviews with the civilian victim and the police officer victims:	May 10, 2016 (civilian)	Police officer victim met with on June 1, 2016. Other police officer unavailable during SPVM's visit; confirmed the written version of his investigation report by telephone
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Yes	
Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes		
	Police officers notified of any change in status during the investigation:	Not applicable		
	Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes		
	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable	Police officer not on duty at the time of the events (Section 263 not applicable) but received the routine warnings given to any citizen suspected of a crime (right to remain silent and right to a lawyer)	
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Waskaganish courthouse	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	English	Interpreter present as needed
		Language(s) of interviews with other Indigenous witnesses:	Cree, English, and French	Interpreter present as needed
Other	Use of an interpreter:	Yes		
	Major communication difficulties:	No		

CASE 46

CASE 46					
	General information on the case				
	Origin of the complaint filed with SPVM:	Transfer from SQ (filed in past 10 years)	Date of the events:	Early April 2016	
	Date of the complaint filed with SPVM:	April 12, 2016	Known or unknown officer involved:	Known	
	Sex of the victim:	Male (two police officer victims)	Officer on or off duty at the time of the events:	Off duty	
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Eeyou Eenou Police Department	
Location of the events:	Waskaganish	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault on a peace officer and obstruction of justice		
Indicator		Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	April 12, 2016		
		Interview(s) with the victims:	June 1, 2016	Other police officer victim unavailable during SPVM's visit; confirmed the written version of his investigation report by telephone	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes		
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes		
		During interviews with civilian witnesses:	Yes		
		During interviews with witness police officers:	Yes		
		During interviews with the police officer involved:	Yes		
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable		
		Police officers notified of any change in status during the investigation:	Not applicable		
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint): Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		Police officer not on duty at the time of the events (Section 263 not applicable) but received the routine warnings given to any citizen suspected of a crime (right to remain silent and right to a lawyer)
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	SPVM office	Victim showed no signs of discomfort regarding the interview location	
		Location of the victim's choice:	Information unavailable		
		Climate of trust established during the interview with the victim:	Yes		
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable		
		Language of the interview with the victim:	French		
		Language(s) of interviews with other Indigenous witnesses:	French and English		
	Use of an interpreter:	No			
	Major communication difficulties:	No			
Other					

CASE 47

CASE 47				
General information on the case				
Origin of the complaint filed with SPVM:	Transfer from SQ (filed in the past 10 years)	Date of the events:	Mid-April 2015	
Date of the complaint filed with SPVM:	April 14, 2016	Known or unknown officer involved:	Known	
Sex of the victim:	Female	Officer on or off duty at the time of the events:	On duty	
Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Katvik Regional Police Force	
Location of the events:	Kuujuuaq	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Dangerous driving causing bodily harm	
Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	April 14, 2016	
		Interview(s) with the victim:	Not applicable	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Not applicable	
		During interviews with civilian witnesses:	Not applicable	
		During interviews with witness police officers:	Not applicable	
		During interviews with the police officer involved:	Not applicable	Police officer involved invoked the right to remain silent when contacted by SPVM; previous statement provided to SQ during the initial investigation
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	Only the police officer involved was contacted
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable	
Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):		Yes		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Not applicable		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Not applicable	
		Location of the victim's choice:	Not applicable	
		Climate of trust established during the interview with the victim:	Not applicable	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	Not applicable	
		Language(s) of interviews with other Indigenous witnesses:	Not applicable	
Other	Use of an interpreter:	Not applicable		
	Major communication difficulties:	Not applicable		
			After reviewing all of documents submitted by SQ, I am of the opinion that SPVM had no further investigative steps to take, other than attempting to obtain another statement from the police officer involved.	

CASE 48

CASE 48					
	General information on the case				
	Origin of the complaint filed with SPVM:	Second <i>Enquête</i> report	Date of the events:	About 25 years ago	
	Date of the complaint filed with SPVM:	April 6, 2016	Known or unknown officer involved:	Unknown	
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	On duty	
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec	
Location of the events:	Schefferville	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Sexual violence		
Indicator		Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	April 6, 2016	Victim not ready to file a complaint; explanation of the investigation process provided. SPAQ asked to assist the victim; the victim reiterated that she was not ready to file a complaint	
		Interview(s) with the victim:	Telephone interviews on April 7 and December 5, 2016		
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Not applicable		
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Not applicable		
		During interviews with civilian witnesses:	Not applicable		
		During interviews with witness police officers:	Not applicable		
		During interviews with the police officer involved:	Not applicable		
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable		
		Police officers notified of any change in status during the investigation:	Not applicable		
	Seriousness and thoroughness of the investigation	Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable		
Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):		Not applicable			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Not applicable		
		Location of the victim's choice:	Not applicable		
		Climate of trust established during the interview with the victim:	Not applicable		
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable		
		Language of the interview with the victim:	Not applicable		
		Language(s) of interviews with other Indigenous witnesses:	Not applicable		
		Use of an interpreter:	Not applicable		
	Major communication difficulties:	Not applicable			
Other					

CASE 49

CASE 49				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	Second <i>Enquête</i> report	Date of the events:	November 2014 and March 2016
	Date of the complaint filed with SPVM:	April 6, 2016	Known or unknown officer involved:	Unknown
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	Off duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec
Location of the events:	Val-d'Or/Lac-Simon	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Kidnapping/intimidation	
Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	April 6, 2016	
		Interview(s) with the victim:	May 11, 2016 (first telephone contact on April 14, 2016)	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Not applicable	
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable	
Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):		Not applicable		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Health center, Lac-Simon	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	French	
Language(s) of interviews with other Indigenous witnesses:		French		
Use of an interpreter:		No		
	Major communication difficulties:	No		
Other				

CASE 50

CASE 50				
	General information on the case			
	Origin of the complaint filed with SPVM:	Second <i>Enquête</i> report	Date of the events:	Inexact date (between 1986 and 1994)
	Date of the complaint filed with SPVM:	April 6, 2016	Known or unknown officer involved:	Unknown
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Not applicable (courthouse correctional or detention officers)
Location of the events:	Sept-Îles	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault and sexual violence	
	Indicator	Analysis	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	April 6, 2016	
		Interview(s) with the victim:	August 31, 2016	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Information unavailable	
		During interviews with witness police officers:	Not applicable	
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Uashat mak Mani-Utenam police station	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Yes	
		Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	Information unavailable	
Other	Use of an interpreter:	No		
	Major communication difficulties:	No		
Other				

CASE 51

General information on the case				
Origin of the complaint filed with SPVM:	An interview in another case	Date of the events:	Inexact date (between 2011 and 2013)	
Date of the complaint filed with SPVM:	April 22, 2016	Known or unknown officer involved:	Known	
Sex of the victim:	Male	Officer on or off duty at the time of the events:	On duty	
Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec	
Location of the events:	Val-d'Or	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault	
Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	April 27, 2016	
		Interview(s) with the victim:	November 18, 2015, and May 10, 2016	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Not applicable	Written statements
		During interviews with the police officer involved:	Yes	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Information unavailable	Written statements
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Yes		
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Home	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	French	
Other	Use of an interpreter:	No		
	Major communication difficulties:	No		

CASE 52

CASE 52				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	SPVM disclosure line	Date of the events:	Fall 1980
	Date of the complaint filed with SPVM:	April 26, 2016	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	Off duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec
Location of the events:	Senneterre	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Sexual violence	
Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	April 26, 2016	
		Interview(s) with the victim:	May 25, 2016	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Not applicable	
		During interviews with witness police officers:	Not applicable	
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		
	Exploration of all reasonable investigation leads:	Mixed	No meeting with the police officer involved	
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Native Friendship Centre, Trois-Rivières	
		Location of the victim's choice:	Yes	
		Climate of trust established during the interview with the victim:	Yes	
		For allegations of a sexual nature, interview conducted by a female investigator:	Yes	
	Language issues	Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	Not applicable	
		Use of an interpreter:	No	
Other	Major communication difficulties:	No		

CASE 53

General information on the case				
Origin of the complaint filed with SPVM:	Interview with the victim in another case	Date of the events:	Early 1980s	
Date of the complaint filed with SPVM:	May 25, 2016	Known or unknown officer involved:	Known	
Sex of the victim:	Female	Officer on or off duty at the time of the events:	Off duty	
Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec	
Location of the events:	Between Val-d'Or and Senneterre	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Sexual violence	
Indicator	Analysis			Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	May 25, 2016	
		Interview(s) with the victim:	May 25 and September 19, 2016	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Not applicable	
		During interviews with witness police officers:	Not applicable	
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		
	Exploration of all reasonable investigation leads:	Mixed	No meeting with the police officer involved	
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Native Friendship Centre, Trois-Rivières	
		Location of the victim's choice:	Yes	
		Climate of trust established during the interview with the victim:	Yes	
		For allegations of a sexual nature, interview conducted by a female investigator:	Yes	
	Language issues	Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	Not applicable	
		Use of an interpreter:	No	
Other	Major communication difficulties:	No		

CASE 54

CASE 54				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	Kativik Regional Police Force	Date of the events:	February 2015
	Date of the complaint filed with SPVM:	July 26, 2016	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Kativik Regional Police Force
Location of the events:	Kuujuuarapik	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault	
Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	July 26, 2016	
		Interview(s) with the victim:	August 23, 2016	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Information unavailable	
		Police officers notified of any change in status during the investigation:	Yes	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable			
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Hôtel de la Coopérative de Kuujuuarapik	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
		For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
	Language issues	Language of the interview with the victim:	English	
		Language(s) of interviews with other Indigenous witnesses:	English	
		Use of an interpreter:	No	
		Major communication difficulties:	No	Some communication problems (nothing major) observed during the interview with the victim; the interviewer asked questions differently to improve the interaction
Other				

CASE 55

CASE 55				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	SPAQ	Date of the events:	Mid-September 2014
	Date of the complaint filed with SPVM:	June 6, 2016	Known or unknown officer involved:	Known
	Sex of the victim:	Male	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Lac-Simon Police Department
Location of the events:	Lac-Simon	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault	
Indicator	Analysis			Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	June 6, 2016	
		Interview(s) with the victim:	September 8, 2016	A number of telephone calls, including on June 14 and 27, 2016
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Yes	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Information unavailable	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Detention center, Amos	
		Location of the victim's choice:	Not applicable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	French	
Other	Use of an interpreter:	No		
	Major communication difficulties:	No		

CASE 56

CASE 56				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	SPAQ	Date of the events:	June 2016
	Date of the complaint filed with SPVM:	August 15, 2016	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	Off duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Eeyou Eenou Police Department
Location of the events:	Route 113 between Chapais and Lac Caché	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Sexual violence	
Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	August 15, 2016	
		Interview(s) with the victim:	August 30, 2016	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable	Police officer not on duty at the time of the events (Section 263 not applicable) but received the routine warnings given to any citizen suspected of a crime (right to remain silent and right to a lawyer)	
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Sécurité publique de Mashteuiatsh station, Pointe-Bleue	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	No	Interview conducted by a male investigator; no apparent problem
		Language of the interview with the victim:	French and English	
Language(s) of interviews with other Indigenous witnesses:		French		
Use of an interpreter:		No		
Other	Major communication difficulties:	No		

CASE 57

General information on the case				
Origin of the complaint filed with SPVM:	Interview with the victim in another case	Date of the events:	Inexact date (between 1964 and 1972)	
Date of the complaint filed with SPVM:	August 17, 2016	Known or unknown officer involved:	Not applicable; suspect is a civilian	
Sex of the victim:	Female	Officer on or off duty at the time of the events:	Not applicable	
Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Not applicable	
Location of the events:	Sept-Îles (Maliotenam Residential School)	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Sexual violence	
Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	August 17, 2016	
		Interview(s) with the victim:	August 31, 2016, and October 25, 2016	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Not applicable	
		During interviews with witness police officers:	Not applicable	
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable	Section 263 not applicable because the suspect is not a police officer, but the suspect still received the routine warnings given to any citizen suspected of a crime (right to remain silent and right to a lawyer)	
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Victim's home	
		Location of the victim's choice:	Yes	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Yes	
		Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	Not applicable	
Other	Use of an interpreter:	No		
	Major communication difficulties:	No		

CASE 58

CASE 58				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	SPAQ	Date of the events:	Mid-November 2010
	Date of the complaint filed with SPVM:	September 16, 2016	Known or unknown officer involved:	Known
	Sex of the victim:	Male	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Uashat Mak Mani-Utenam Police Department
Location of the events:	Uashat	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Theft	
Indicator	Analysis			Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	September 19, 2016	
		Interview(s) with the victim:	October 25 and December 14, 2016	Telephone calls on September 19 and October 19, 2016
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Not applicable	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Not applicable	Written statement
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Information unavailable	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable	Written statement at the initiative of the police officer involved	
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	RCMP station, Sept-Îles	Victim showed no apparent discomfort regarding the interview location
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	Not applicable	
Other	Use of an interpreter:	No		
	Major communication difficulties:	No		

CASE 59

CASE 59				
	General information on the case			
	Origin of the complaint filed with SPVM:	SPAQ	Date of the events:	June 2009
	Date of the complaint filed with SPVM:	September 16, 2016	Known or unknown officer involved:	Known
	Sex of the victim:	Male	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Uashat Mak Mani-Utenam Police Department
Location of the events:	Maliotenam	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault	
	Indicator	Analysis		Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	September 19, 2016	
		Interview(s) with the victim:	December 14, 2016	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Not applicable	
Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes		
	Police officers notified of any change in status during the investigation:	Not applicable		
	Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes		
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	RCMP station, Sept-Îles	Victim showed no apparent discomfort regarding the interview location
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	French	Interpreter present as needed
		Use of an interpreter:	Yes	
Major communication difficulties:	No			
Other				

CASE 60

CASE 60				
	General information on the case			
	Origin of the complaint filed with SPVM:	Transfer from SQ	Date of the events:	Mid-March 2016
	Date of the complaint filed with SPVM:	October 24, 2016	Known or unknown officer involved:	Known
	Sex of the victim:	Male	Officer on or off duty at the time of the events:	Off duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Eeyou Eenou Police Department
Location of the events:	Chisasibi	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault	
	Indicator	Analysis	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	October 24, 2016	
		Interview(s) with the victim:	Not applicable	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Not applicable	Emails exchanged
		During interviews with civilian witnesses:	Not applicable	
		During interviews with witness police officers:	Not applicable	Written statement
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):		Not applicable		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Not applicable	
		Location of the victim's choice:	Not applicable	
		Climate of trust established during the interview with the victim:	Not applicable	
		For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
	Language issues	Language of the interview with the victim:	English	
		Language(s) of interviews with other Indigenous witnesses:	English	
Use of an interpreter:		No		
	Major communication difficulties:	No		
Other				

CASE 61

CASE 61				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	SPAQ	Date of the events:	July 2016
	Date of the complaint filed with SPVM:	October 25, 2016	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec
Location of the events:	Schefferville	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault and forgery	
Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	October 25, 2016	
		Interview(s) with the victim:	January 18, 2017	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Yes	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Yes		
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Health center, Schefferville	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	French	
Other	Use of an interpreter:	No		
	Major communication difficulties:	No		

CASE 62

CASE 62				
General information on the case				
Origin of the complaint filed with SPVM:	SPAQ	Date of the events:	1981–1982	
Date of the complaint filed with SPVM:	October 26, 2016	Known or unknown officer involved:	Known	
Sex of the victim:	Female	Officer on or off duty at the time of the events:	On duty	
Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Former Schefferville Municipal Police Force	
Location of the events:	Schefferville	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault	
Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	October 26, 2016	
		Interview(s) with the victim:	January 18, 2017	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Not applicable	
		During interviews with the police officer involved:	Yes	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Yes		
	Exploration of all reasonable investigation leads:	Yes	A number of police officers who worked with the police officer involved were contacted by telephone only	
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Health center, Schefferville	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	French and Innu	Interpreter present as needed
		Language(s) of interviews with other Indigenous witnesses:	French and Innu	Interpreter present as needed
Other	Use of an interpreter:	Yes		
	Major communication difficulties:	No		

CASE 63

CASE 63					
	General information on the case				
	Origin of the complaint filed with SPVM:	Manawan Police Department	Date of the events:	November 2016	
	Date of the complaint filed with SPVM:	November 17, 2016	Known or unknown officer involved:	Known	
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	Off duty	
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Manawan Police Department	
Location of the events:	Manawan	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Sexual violence and breach of condition (in connection with Case 44)		
Indicator		Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	November 17, 2016		
		Interview(s) with the victim:	November 23, 2016		
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes		
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes		
		During interviews with civilian witnesses:	Yes		
		During interviews with witness police officers:	Yes		
		During interviews with the police officer involved:	Yes		
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable		
		Police officers notified of any change in status during the investigation:	Not applicable		
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes		
Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):		Not applicable		Police officer not on duty at the time of the events (Section 263 not applicable) but received the routine warnings given to any citizen suspected of a crime (right to remain silent and right to a lawyer)	
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Manawan police station	Victim showed no apparent discomfort regarding the interview location	
		Location of the victim's choice:	Information unavailable		
		Climate of trust established during the interview with the victim:	Yes		
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	No		Interview conducted by a male investigator who tried to establish a climate of trust; it was nevertheless difficult for the victim to describe sexual acts. Preference for an interview conducted by a female investigator stated at the end of the interview
		Language of the interview with the victim:	French		
		Language(s) of interviews with other Indigenous witnesses:	French/Atikamekw (one witness)		Interpreter present as needed
Other	Use of an interpreter:	Yes			
	Major communication difficulties:	No			

CASE 64

CASE 64				
	General information on the case			
	Origin of the complaint filed with SPVM:	Transfer from SQ	Date of the events:	Early December 2016
	Date of the complaint filed with SPVM:	December 7, 2016	Known or unknown officer involved:	Known
	Sex of the victim:	Male	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec
Location of the events:	Val-d'Or	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Kidnapping and assault	
	Indicator	Analysis	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	December 7, 2016	
		Interview(s) with the victim:	December 8, 14, and 15, 2016, January 11, 13, and 27, 2017, and February 20, 2017	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
	Relationships with the police officers involved and the witness police officers	During interviews with the police officer involved:	Not applicable	Police officer involved finally met with as witness police officer at the end of the investigation
		Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Hôpital du Sacré-Cœur, Conseil de bande du Lac-Simon, and police car	
		Location of the victim's choice:	Yes	
		Climate of trust established during the interview with the victim:	Yes	
		For allegations of a sexual nature, interview conducted by a female investigator when the victim expresses such preference:	Not applicable	
	Language issues	Language of the interview with the victim:	French	
Language(s) of interviews with other Indigenous witnesses:		French and English		
Use of an interpreter:		No		
Other	Major communication difficulties:	No		

CASE 65

CASE 65				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	Native Friendship Centre, Val-d'Or	Date of the events:	Late June 2016
	Date of the complaint filed with SPVM:	December 13, 2016	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec
Location of the events:	Val-d'Or	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault	
Indicator	Analysis			Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	December 13, 2016	
		Interview(s) with the victim:	December 21, 2016	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Yes	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Yes		
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Native Friendship Centre, Val-d'Or	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
		For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
	Language issues	Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	French	
		Use of an interpreter:	No	
Other	Major communication difficulties:	No		

CASE 66

CASE 66				
	General information on the case			
	Origin of the complaint filed with SPVM:	Native Friendship Centre, Val-d'Or	Date of the events:	November and December 2016
	Date of the complaint filed with SPVM:	December 21, 2016	Known or unknown officer involved:	Unknown (anonymous letters; no clues as to the identity of the author)
	Sex of the victim:	Female/male	Officer on or off duty at the time of the events:	Not applicable
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Not applicable
Location of the events:	Val-d'Or	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Threats	
	Indicator	Analysis		Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	December 21, 2016	
		Interview(s) with the victim:	January 27 and February 16, 2017	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Information unavailable	Written statement
		During interviews with civilian witnesses:	Information unavailable	Written statements
		During interviews with witness police officers:	Information unavailable	
		During interviews with the police officer involved:	Information unavailable	
Relationships with the police officers involved and the witness police officers		Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable	
	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Native Friendship Centre, Val-d'Or/Conseil de bande du Lac-Simon	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Information unavailable	
		For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
	Language issues	Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	French	
Use of an interpreter:		No		
	Major communication difficulties:	No		
Other				

CASE 67

CASE 67				
	General information on the case			
	Origin of the complaint filed with SPVM:	SPAQ	Date of the events:	December 1991
	Date of the complaint filed with SPVM:	September 16, 2016	Known or unknown officer involved:	Known
	Sex of the victim:	Male	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Former Sept-Îles Municipal Police Force
Location of the events:	Sept-Îles	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Criminal negligence	
	Indicator	Analysis	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	September 19, 2016	
		Interview(s) with the victim:	October 25 and December 14, 2016	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Yes	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):		Yes		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Home/RCMP station, Sept-Îles	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	Not applicable	
		Use of an interpreter:	Yes	
Other	Major communication difficulties:	No		

CASE 68

CASE 68				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	Transfer by the SQ DNP	Date of the events:	Mid-December 2016
	Date of the complaint filed with SPVM:	March 15, 2017	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Kativik Regional Police Force
Location of the events:	Kangirsuk	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault and forgery	
Indicator	Analysis			Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	March 15, 2017	
		Interview(s) with the victim:	April 19, 2017	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Information unavailable	Telephone interviews
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Not applicable	Did not want to make a statement; referred to statement made in writing to SQ
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	Consent obtained from witness police officers to make the statement over the telephone due to the remoteness of the location
	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Inuulitsivik health center, Dorval	
		Location of the victim's choice:	Yes	
		Climate of trust established during the interview with the victim:	Yes	
		For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
	Language issues	Language of the interview with the victim:	English	
		Language(s) of interviews with other Indigenous witnesses:	French and English	
		Use of an interpreter:	No	
	Major communication difficulties:	No		
Other				

CASE 69

CASE 69				
General information on the case	Origin of the complaint filed with SPVM:	Transfer by the SQ DNP	Date of the events:	Mid-February 2017
	Date of the complaint filed with SPVM:	March 15, 2017	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec
	Location of the events:	Maniwaki	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault
Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	March 15, 2017	
		Interview(s) with the victim:	April 18, 2017	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Not applicable	
		During interviews with the police officer involved:	Not applicable	
Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable		
	Police officers notified of any change in status during the investigation:	Not applicable		
	Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable		
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Health center, Lac-Rapide	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	French	Trusted person able to act as an interpreter present as needed
		Language(s) of interviews with other Indigenous witnesses:	French and English	
Other	Use of an interpreter:	Yes		
	Major communication difficulties:	No		

CASE 70

CASE 70				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	SPAQ	Date of the events:	November 2010
	Date of the complaint filed with SPVM:	September 16, 2016	Known or unknown officer involved:	Known
	Sex of the victim:	Male	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Uashat Mak Mani-Utenam Police Department
Location of the events:	Sept-Îles	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault	
Indicator	Analysis			Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	September 19, 2016	
		Interview(s) with the victim:	October 25, 2016, December 14, 2016, and April 27, 2017	Telephone call on September 19, 2016
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	RCMP station, Sept-Îles	Victim showed no apparent discomfort regarding the interview location
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
		For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
	Language issues	Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	French	
		Use of an interpreter:	No	
Other	Major communication difficulties:	No		

CASE 71

CASE 71					
	General information on the case				
	Origin of the complaint filed with SPVM:	Kahnawake Peacekeepers	Date of the events:	March 2017	
	Date of the complaint filed with SPVM:	April 10, 2017	Known or unknown officer involved:	Known	
	Sex of the victim:	Male (two victims)	Officer on or off duty at the time of the events:	Two suspects: one off duty and the other a former police officer	
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Kahnawake Peacekeepers	
Location of the events:	Kahnawake	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault		
	Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	April 10, 2017		
		Interview(s) with the victim:	Not applicable	Cross-complaint. Written statement by the two individuals involved in the altercation obtained by Kahnawake police; no meeting with SPVM as complainant or suspect	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes		
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Not applicable		
		During interviews with civilian witnesses:	Yes		
		During interviews with witness police officers:	Yes		
		During interviews with the police officer involved:	Yes		
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes		
		Police officers notified of any change in status during the investigation:	Not applicable		
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes		
Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):		Not applicable			
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Not applicable		
		Location of the victim's choice:	Not applicable		
		Climate of trust established during the interview with the victim:	Not applicable		
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable		
		Language of the interview with the victim:	Not applicable		
		Language(s) of interviews with other Indigenous witnesses:	English		
	Use of an interpreter:	No			
	Major communication difficulties:	No			
	Other				

CASE 72

CASE 72				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	Transfer from SQ	Date of the events:	May 2017
	Date of the complaint filed with SPVM:	May 7, 2017	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	Information unavailable since the victim was heavily under the influence at the time of the events
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Timiskaming Police Force
Location of the events:	Timiskaming	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Sexual violence	
Indicator		Analysis		Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	May 7, 2017	
		Interview(s) with the victim:	May 7, 2017	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Yes	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the Police Act (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the Police Act and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Yes		
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	SQ station, Ville-Marie	Victim showed no apparent discomfort regarding the interview location
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
		For allegations of a sexual nature, interview conducted by a female investigator:	Yes	
	Language issues	Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	English and French	
		Use of an interpreter:	No	
Other	Major communication difficulties:	No		

CASE 73

CASE 73				
	General information on the case			
	Origin of the complaint filed with SPVM:	SPAQ	Date of the events:	April 2017
	Date of the complaint filed with SPVM:	May 2, 2017	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec
Location of the events:	Sorel-Tracy	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault	
Indicator		Analysis		Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	May 2, 2017	
		Interview(s) with the victim:	May 11, 2017	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Yes	
Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes		
	Police officers notified of any change in status during the investigation:	Not applicable		
	Compliance with Section 262 of the Police Act (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes		
	Compliance with Section 263 of the Police Act and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Yes		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	SPVM station, Place Versailles	Victim showed no apparent discomfort regarding the interview location
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
		For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
	Language issues	Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	Not applicable	
	Use of an interpreter:	No		
	Major communication difficulties:	No		
Other				

CASE 74

CASE 74					
General information on the case	General information on the case				
	Origin of the complaint filed with SPVM:	Wendake Police	Date of the events:	Between fall 2016 and May 2017	
	Date of the complaint filed with SPVM:	May 12, 2017	Known or unknown officer involved:	Known	
	Sex of the victim:	Female and male	Officer on or off duty at the time of the events:	Off duty	
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	SPVQ	
Location of the events:	Wendake	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Threats and harassment		
Indicator	Analysis			Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	May 12, 2017		
		Interview(s) with the victim:	May 13, 2017		
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes		
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes		
		During interviews with civilian witnesses:	Yes		
		During interviews with witness police officers:	Not applicable		
		During interviews with the police officer involved:	Yes		
Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes			
	Police officers notified of any change in status during the investigation:	Not applicable			
	Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable			
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Wendake police station/ Home	Victim showed no apparent discomfort regarding the interview location	
		Location of the victim's choice:	Information unavailable		
		Climate of trust established during the interview with the victim:	Yes		
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable		
		Language of the interview with the victim:	French		
		Language(s) of interviews with other Indigenous witnesses:	French		
		Use of an interpreter:	No		
Other	Major communication difficulties:	No			

CASE 75

CASE 75					
General information on the case	General information on the case				
	Origin of the complaint filed with SPVM:	Transferred from SQ further to MSP's decision	Date of the events:	May 2017	
	Date of the complaint filed with SPVM:	May 23, 2017	Known or unknown officer involved:	Known	
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	On duty	
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Uashat Mak Mani-Utenam Police Department	
Location of the events:	Uashat	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Obstruction of justice		
Indicator		Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	May 23, 2017		
		Interview(s) with the victim:	June 13, 2017		
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes		
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes		
		During interviews with civilian witnesses:	Information unavailable		
		During interviews with witness police officers:	Yes		
		During interviews with the police officer involved:	Yes		
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes		
		Police officers notified of any change in status during the investigation:	Not applicable		
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes		
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		Police officer involved met with, but only to explain the nature of the alleged facts	
	Exploration of all reasonable investigation leads:	Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Home		
		Location of the victim's choice:	Yes		
		Climate of trust established during the interview with the victim:	Yes		
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable		
		Language of the interview with the victim:	French		
		Language(s) of interviews with other Indigenous witnesses:	French		
Other	Use of an interpreter:	No			
	Major communication difficulties:	No			

CASE 76

CASE 76					
General information on the case	General information on the case				
	Origin of the complaint filed with SPVM:	Transferred from SQ further to MSP's decision	Date of the events:	Late April 2017	
	Date of the complaint filed with SPVM:	June 2, 2017	Known or unknown officer involved:	Known	
	Sex of the victim:	Male	Officer on or off duty at the time of the events:	On duty	
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Kativik Regional Police Force	
Location of the events:	Kuujuuaq	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault		
Indicator		Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	June 2, 2017		
		Interview(s) with the victim:	None	Telephone interview on June 15, 2017	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Not applicable		
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Not applicable		
		During interviews with civilian witnesses:	Not applicable		
		During interviews with witness police officers:	Not applicable		
		During interviews with the police officer involved:	Not applicable		
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable		
		Police officers notified of any change in status during the investigation:	Not applicable		
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable		
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable			
	Exploration of all reasonable investigation leads:	Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Not applicable		
		Location of the victim's choice:	Not applicable		
		Climate of trust established during the interview with the victim:	Not applicable		
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable		
		Language of the interview with the victim:	Not applicable		
		Language(s) of interviews with other Indigenous witnesses:	Not applicable		
Other	Use of an interpreter:	Not applicable			
	Major communication difficulties:	Not applicable			

CASE 77

CASE 77				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	Transferred from Manawan police	Date of the events:	July 2017
	Date of the complaint filed with SPVM:	July 5, 2017	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	Off duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Manawan Police Department
Location of the events:	Manawan	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault and intimidation	
Indicator	Analysis			Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	July 5, 2017	
		Interview(s) with the victim:	July 6, 2017	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Yes	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Yes	Police officer not on duty at the time of the events (Section 263 not applicable) but received the routine warnings given to any citizen suspected of a crime (right to remain silent and right to a lawyer)	
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Home	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	French	
	Use of an interpreter:	No		
	Major communication difficulties:	No		
Other				

CASE 78

CASE 78				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	CAVAC	Date of the events:	April 2017
	Date of the complaint filed with SPVM:	July 7, 2017	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Listuguj Police Department
Location of the events:	Listuguj	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault	
Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	July 11, 2017	
		Interview(s) with the victim:	July 18, 2017	Telephone call on July 13, 2017
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Home	
		Location of the victim's choice:	Yes	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	English	Interpreter present as needed
		Language(s) of interviews with other Indigenous witnesses:	English and French	
Other	Use of an interpreter:	Yes		
	Major communication difficulties:	No		

CASE 79

CASE 79					
General information on the case	Origin of the complaint filed with SPVM:	Pessamit Police Department	Date of the events:	Early July 2017	
	Date of the complaint filed with SPVM:	July 17, 2017	Known or unknown officer involved:	Known	
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	Off duty	
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Pessamit Police Department	
	Location of the events:	Pessamit	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Harassment, wrongdoing, and unlawful presence	
Indicator	Analysis			Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	July 20, 2017		
		Interview(s) with the victim:	July 25, 2017	Telephone call on July 20, 2017	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	Victim met with promptly; witnesses met with later, on October 10, 2017, due to investigators' summer vacations	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes		
		During interviews with civilian witnesses:	Yes		
		During interviews with witness police officers:	Yes		
		During interviews with the police officer involved:	Not applicable		
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes		
		Police officers notified of any change in status during the investigation:	Not applicable		
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes		
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable			
	Exploration of all reasonable investigation leads:	Mixed		No meeting with the police officer involved	
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Québec City police station	Victim showed no apparent discomfort regarding the interview location	
		Location of the victim's choice:	Information unavailable		
		Climate of trust established during the interview with the victim:	Yes		
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator when the victim expresses such preference:	Not applicable		
		Language of the interview with the victim:	French		
		Language(s) of interviews with other Indigenous witnesses:	French		
		Use of an interpreter:	No		
Major communication difficulties:	No				
Other					

CASE 80

CASE 80				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	Telephone call to an SPVM investigator	Date of the events:	Early July 2017
	Date of the complaint filed with SPVM:	July 31, 2017	Known or unknown officer involved:	Known
	Sex of the victim:	Male	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec
Location of the events:	Sept-Îles	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Conspiracy and forgery	
Indicator	Analysis			Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	July 31, 2017	
		Interview(s) with the victim:	October 11, 2017	First telephone contact on July 31, 2017
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Yes	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
	Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Yes	
		Exploration of all reasonable investigation leads:	Yes	
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Detention center, Sept-Îles	
		Location of the victim's choice:	Not applicable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator when the victim expresses such preference:	Not applicable	
		Language of the interview with the victim:	French	Trusted person able to act as an interpreter present as needed
		Language(s) of interviews with other Indigenous witnesses:	French	
Other	Use of an interpreter:	No		
	Major communication difficulties:	No		

CASE 81

CASE 81					
	General information on the case				
	Origin of the complaint filed with SPVM:	Report via CERP	Date of the events:	July 2017	
	Date of the complaint filed with SPVM:	August 14, 2017	Known or unknown officer involved:	Known	
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	On duty	
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	SPVQ	
Location of the events:	Québec City	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault		
	Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	August 14, 2017		
		Interview(s) with the victim:	August 23, 2017	Telephone call on August 14, 2017	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes		
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes		
		During interviews with civilian witnesses:	Yes		
		During interviews with witness police officers:	Not applicable		
		During interviews with the police officer involved:	Not applicable		
Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable			
	Police officers notified of any change in status during the investigation:	Not applicable			
	Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable			
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable			
	Exploration of all reasonable investigation leads:	Mixed		No meeting with the witness police officers and the officers involved or with certain civilian witnesses	
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Assembly of First Nations Quebec-Labrador, Wendake		
		Location of the victim's choice:	Not applicable		
		Climate of trust established during the interview with the victim:	Yes	SPVM refused to allow a social worker to attend the interview and this made the victim uncomfortable, according to testimony to CERP	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable		
		Language of the interview with the victim:	French		
		Language(s) of interviews with other Indigenous witnesses:	Not applicable		
		Use of an interpreter:	No	Interpreter available on site as needed	
Other	Major communication difficulties:	No			

CASE 82

CASE 82					
General information on the case	Origin of the complaint filed with SPVM:	Telephone call to an SPVM investigator	Date of the events:	Mid-September 2017	
	Date of the complaint filed with SPVM:	September 14, 2017	Known or unknown officer involved:	Known correctional services officers	
	Sex of the victim:	Male	Officer on or off duty at the time of the events:	Correctional services officers on duty	
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Detention center, Sept-Îles	
	Location of the events:	Sept-Îles	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault	
Indicator	Analysis		Comments		
Investigation process	Timeliness of the investigation	Date investigation was opened:	September 25, 2017		
		Interview(s) with the victim:	October 11, 2017		
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes		
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes		
		During interviews with civilian witnesses:	Yes		
		During interviews with witness police officers:	Yes	Correctional officers	
		During interviews with the police officer involved:	Yes	Correctional officers	
Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable			
	Police officers notified of any change in status during the investigation:	Not applicable			
	Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable			
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		<i>Police Act</i> not applicable to correctional officers, but they received the routine warnings given to any citizen suspected of a crime (right to remain silent and right to a lawyer)	
	Exploration of all reasonable investigation leads:	Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Detention center, Sept-Îles		
		Location of the victim's choice:	Not applicable		
		Climate of trust established during the interview with the victim:	Yes		
		For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable		
	Language issues	Language of the interview with the victim:	French		
		Language(s) of interviews with other Indigenous witnesses:	French		
Use of an interpreter:		No			
Other	Major communication difficulties:	No			

CASE 83

CASE 83				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	SPAQ	Date of the events:	Late September 2017
	Date of the complaint filed with SPVM:	October 9, 2017	Known or unknown officer involved:	Known
	Sex of the victim:	Male	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Eeyou Eenou Police Department
Location of the events:	Waskaganish	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault	
Indicator	Analysis			Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	October 9, 2017	
		Interview(s) with the victim:	December 18, 2017	Telephone call on October 16, 2017
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Yes	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Yes		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Auberge Kanio-Kashee Lodge	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
		For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
	Language issues	Language of the interview with the victim:	English	
		Language(s) of interviews with other Indigenous witnesses:	English	
	Use of an interpreter:	No		
	Major communication difficulties:	No		
Other				

CASE 84

General information on the case				
Origin of the complaint filed with SPVM:	SPAQ	Date of the events:	1999	
Date of the complaint filed with SPVM:	October 10, 2017	Known or unknown officer involved:	Known	
Sex of the victim:	Male	Officer on or off duty at the time of the events:	On duty	
Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Uashat Mak Mani-Utenam Police Department	
Location of the events:	Maliotenam	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault	
Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	October 10, 2017	
		Interview(s) with the victim:	October 12, 2017, and January 10, 2018	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Information unavailable	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Information unavailable	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable	Written statement from one of the police officers involved; the other refused any form of statement	
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Detention center, Québec City	
		Location of the victim's choice:	Not applicable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	French	
Other	Use of an interpreter:	No		
	Major communication difficulties:	No		

CASE 86

CASE 86				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	MSP	Date of the events:	Early December 2017
	Date of the complaint filed with SPVM:	December 18, 2017	Known or unknown officer involved:	Known
	Sex of the victim:	Male (two victims)	Officer on or off duty at the time of the events:	Off duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Eeyou Eenou Police Department
Location of the events:	Oujé-Bougoumou	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Wrongdoing, breaking and entering, and assault	
Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	December 19, 2017	
		Interview(s) with the victim:	December 20, 2017	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Yes	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Yes		
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Sports center/Home	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	English	
		Language(s) of interviews with other Indigenous witnesses:	English	
Other	Use of an interpreter:	No		
	Major communication difficulties:	No		

CASE 87

General information on the case			
Origin of the complaint filed with SPVM:	MSP	Date of the events:	September 2017
Date of the complaint filed with SPVM:	December 18, 2017	Known or unknown officer involved:	Known
Sex of the victim:	Female	Officer on or off duty at the time of the events:	Off duty
Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Eeyou Eenou Police Department
Location of the events:	Mistassini	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Sexual violence
Indicator	Analysis		Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	December 18, 2017
		Interview(s) with the victim:	December 21, 2017
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes
		During interviews with civilian witnesses:	Yes
		During interviews with witness police officers:	Yes
		During interviews with the police officer involved:	Not applicable
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes
		Police officers notified of any change in status during the investigation:	Not applicable
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable	
	Exploration of all reasonable investigation leads:	Yes	
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Mistassini police station
		Location of the victim's choice:	Information unavailable
		Climate of trust established during the interview with the victim:	Yes
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Yes
		Language of the interview with the victim:	English
		Language(s) of interviews with other Indigenous witnesses:	English
		Use of an interpreter:	No
Other		Major communication difficulties:	No
Other			

CASE 88

CASE 88				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	Transfer by the SQ DNP	Date of the events:	2012 and 2017
	Date of the complaint filed with SPVM:	January 8, 2018	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	Off duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Kitigan Zibi Police Department
Location of the events:	Sept-Îles	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Sexual violence	
Indicator	Analysis			Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	January 8, 2018	
		Interview(s) with the victim:	January 16, 2018	Telephone call on January 8, 2018
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Not applicable	
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable	Police officer involved refused to make a statement	
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Home	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	No	Interview conducted by a male investigator; no apparent problem
		Language of the interview with the victim:	English	
		Language(s) of interviews with other Indigenous witnesses:	English and French	
Other	Use of an interpreter:	No		
	Major communication difficulties:	No		

CASE 89

CASE 89				
	General information on the case			
	Origin of the complaint filed with SPVM:	Transfer by the SQ DNP	Date of the events:	January 2018
	Date of the complaint filed with SPVM:	January 17, 2018	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec
Location of the events:	Maniwaki	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault	
Indicator		Analysis		Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	January 17, 2018	
		Interview(s) with the victim:	March 6, 2018	Telephone interview on January 18, 2018; victim unsure whether she wanted to pursue her complaint
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Yes	Refused to make a statement	
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Home	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
		Language of the interview with the victim:	English	
		Language(s) of interviews with other Indigenous witnesses:	English	
		Use of an interpreter:	No	
Other	Major communication difficulties:	No		

CASE 90

CASE 90				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	Transfer by the SQ DNP	Date of the events:	January 2018
	Date of the complaint filed with SPVM:	January 17, 2018	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec
Location of the events:	Maniwaki	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault	
Indicator	Analysis			Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	January 17, 2018	
		Interview(s) with the victim:	February 20, 2018	Telephone interview on January 18, 2018; victim unsure whether she wanted to pursue her complaint
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):		Not applicable	Police officers involved refused to make a statement	
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Home	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator when the victim expresses such preference:	Not applicable	
		Language of the interview with the victim:	English	
		Language(s) of interviews with other Indigenous witnesses:	English and French	
Other	Use of an interpreter:	No		
	Major communication difficulties:	No		

CASE 91

CASE 91					
General information on the case	General information on the case				
	Origin of the complaint filed with SPVM:	Transfer by the SQ DNP	Date of the events:	October 2017	
	Date of the complaint filed with SPVM:	February 22, 2018	Known or unknown officer involved:	Known	
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	Off duty	
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Manawan Police Department	
Location of the events:	Punta Cana, Dominican Republic	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Sexual violence		
Indicator		Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	February 22, 2018		
		Interview(s) with the victim:	February 26, 2018		
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes		
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes		
		During interviews with civilian witnesses:	Yes		
		During interviews with witness police officers:	Not applicable		
		During interviews with the police officer involved:	Yes		
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes		
		Police officers notified of any change in status during the investigation:	Not applicable		
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable		
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Yes			
	Exploration of all reasonable investigation leads:	Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	SQ station, Joliette	Victim showed no apparent discomfort regarding the interview location	
		Location of the victim's choice:	Information unavailable		
		Climate of trust established during the interview with the victim:	Yes		
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Yes		
		Language of the interview with the victim:	French		
		Language(s) of interviews with other Indigenous witnesses:	French and Atikamekw	Interpreter present as needed	
		Use of an interpreter:	Yes		
Other	Major communication difficulties:	No			

CASE 92

CASE 92					
General information on the case	General information on the case				
	Origin of the complaint filed with SPVM:	Transfer by the SQ DNP	Date of the events:	December 2017	
	Date of the complaint filed with SPVM:	March 15, 2018	Known or unknown officer involved:	Known	
	Sex of the victim:	Male	Officer on or off duty at the time of the events:	Off duty	
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Listuguj Police Department	
Location of the events:	Listuguj	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault		
Indicator		Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	March 15, 2018		
		Interview(s) with the victim:	April 3, 2018	Telephone call on March 22, 2018	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes		
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes		
		During interviews with civilian witnesses:	Yes		
		During interviews with witness police officers:	Yes		
		During interviews with the police officer involved:	Not applicable		
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes		
		Police officers notified of any change in status during the investigation:	Not applicable		
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes		
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable			
	Exploration of all reasonable investigation leads:	Mixed		No meeting with the police officer involved	
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Home		
		Location of the victim's choice:	Yes		
		Climate of trust established during the interview with the victim:	Yes		
		For allegations of a sexual nature, interview conducted by a female investigator when the victim expresses such preference:	Not applicable		
	Language issues	Language of the interview with the victim:	English		
		Language(s) of interviews with other Indigenous witnesses:	French and English		
Use of an interpreter:		No			
Other	Major communication difficulties:	No			

CASE 93

CASE 93				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	Transfer from BEI	Date of the events:	July 2017
	Date of the complaint filed with SPVM:	March 23, 2018	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	Off duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Katvik Regional Police Force
Location of the events:	Salluit	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Sexual violence	
Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	April 5, 2018	
		Interview(s) with the victim:	June 5, 2018	Contact attempts by phone and Facebook on April 12, 2018; telephone interview on April 17, 2018
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Not applicable	Meeting with the victim, who refused to make a statement
		During interviews with civilian witnesses:	Not applicable	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Information unavailable	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Information unavailable	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Information unavailable	
		Language of the interview with the victim:	Not applicable	
		Language(s) of interviews with other Indigenous witnesses:	Not applicable	
Other	Use of an interpreter:	Not applicable		
	Major communication difficulties:	Not applicable		

CASE 94

CASE 94				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	MSP	Date of the events:	Mid-June 2018
	Date of the complaint filed with SPVM:	July 11, 2018	Known or unknown officer involved:	Known
	Sex of the victim:	Male	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Kativik Regional Police Force
Location of the events:	Kuujuarapik	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault	
Indicator	Analysis			Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	July 24, 2018	
		Interview(s) with the victim:	September 12, 2018	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Yes	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		
	Exploration of all reasonable investigation leads:	Mixed	No meeting with the police officer involved	
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	CAVAC	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator when the victim expresses such preference:	Not applicable	
		Language of the interview with the victim:	English	Trusted person able to act as an interpreter present as needed
		Language(s) of interviews with other Indigenous witnesses:	English	
Other	Use of an interpreter:	Yes		
	Major communication difficulties:	No		

CASE 95

CASE 95				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	MSP	Date of the events:	Early July 2018
	Date of the complaint filed with SPVM:	July 24, 2018	Known or unknown officer involved:	Known
	Sex of the victim:	Male	Officer on or off duty at the time of the events:	Off duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Eeyou Eenou Police Department
Location of the events:	Oujé-Bougoumou	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault	
Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened: July 24, 2018 Interview(s) with the victim: November 8, 2018 Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature: Yes	No cooperation from the victim and civilian witnesses; several unsuccessful attempts by SPVM	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy): Not applicable During interviews with civilian witnesses: Not applicable During interviews with witness police officers: Yes During interviews with the police officer involved: Yes		
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview: Yes Police officers notified of any change in status during the investigation: Not applicable Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint): Yes Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint): Yes		
	Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads: Yes		
	Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim: Not applicable Location of the victim's choice: Not applicable Climate of trust established during the interview with the victim: Not applicable For allegations of a sexual nature, interview conducted by a female investigator when the victim expresses such preference: Not applicable	
		Language issues	Language of the interview with the victim: Not applicable Language(s) of interviews with other Indigenous witnesses: French Use of an interpreter: No Major communication difficulties: No	
		Other		

CASE 96

CASE 96				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	Transfer by the SQ DNP	Date of the events:	Early June 2018
	Date of the complaint filed with SPVM:	July 26, 2018	Known or unknown officer involved:	Known
	Sex of the victim:	Male	Officer on or off duty at the time of the events:	On duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec
Location of the events:	La Tuque	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Narcotics	
Indicator	Analysis			Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	July 26, 2018	
		Interview(s) with the victim:	September 19, 2018	Case received from the SQ DNP on August 29, 2018
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Not applicable	
		During interviews with witness police officers:	Not applicable	
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Not applicable	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Not applicable	
Seriousness and thoroughness of the investigation	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		
	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Health center, Wemotaci	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator when the victim expresses such preference:	Not applicable	
		Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	Not applicable	
Other	Use of an interpreter:	No		
	Major communication difficulties:	No		

CASE 97

CASE 97					
	General information on the case				
	Origin of the complaint filed with SPVM:	Wemotaci Police Department	Date of the events:	1980s	
	Date of the complaint filed with SPVM:	August 23, 2018	Known or unknown officer involved:	Known	
	Sex of the victim:	Male (two victims)	Officer on or off duty at the time of the events:	Off duty	
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Wemotaci Police Department	
Location of the events:	Wemotaci	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Sexual violence		
	Indicator	Analysis		Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	August 23, 2018		
		Interview(s) with the victim:	September 19 and October 10, 2018		
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes		
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes		
		During interviews with civilian witnesses:	Not applicable		
		During interviews with witness police officers:	Yes		
		During interviews with the police officer involved:	Not applicable		
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes		
		Police officers notified of any change in status during the investigation:	Not applicable		
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes		
Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):		Not applicable			
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Mixed		No meeting with the police officer involved or with certain civilian witnesses likely to provide information relevant to the investigation	
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Health center, Wemotaci		
		Location of the victim's choice:	Information unavailable		
		Climate of trust established during the interview with the victim:	Yes		
	Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	No		Male victims interviewed by a male investigator
		Language of the interview with the victim:	French		
		Language(s) of interviews with other Indigenous witnesses:	French		
Use of an interpreter:		No			
	Major communication difficulties:	No			
	Other				

CASE 98

CASE 98				
General information on the case	General information on the case			
	Origin of the complaint filed with SPVM:	Transfer by the SQ DNP	Date of the events:	Late August 2018
	Date of the complaint filed with SPVM:	September 7, 2018	Known or unknown officer involved:	Known
	Sex of the victim:	Female	Officer on or off duty at the time of the events:	Off duty
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec
Location of the events:	Wemotaci	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Sexual violence	
Indicator	Analysis			Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	September 7, 2018	
		Interview(s) with the victim:	September 18, 2018	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Yes	
		During interviews with civilian witnesses:	Not applicable	
		During interviews with witness police officers:	Yes	
		During interviews with the police officer involved:	Not applicable	
	Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes	
		Police officers notified of any change in status during the investigation:	Not applicable	
		Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes	
	Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Not applicable		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Health center, Wemotaci	
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes	
		For allegations of a sexual nature, interview conducted by a female investigator:	No	Interview conducted by a male investigator; no apparent problem
	Language issues	Language of the interview with the victim:	French	
		Language(s) of interviews with other Indigenous witnesses:	Not applicable	
Use of an interpreter:		No		
	Major communication difficulties:	No		
Other				

CASE 99

CASE 99							
General information on the case							
	Origin of the complaint filed with SPVM:	Transfer by the SQ DNP	Date of the events:	Early July 2018			
	Date of the complaint filed with SPVM:	July 11, 2018	Known or unknown officer involved:	Known			
	Sex of the victim:	Male	Officer on or off duty at the time of the events:	On duty			
	Indigenous/non-native:	Indigenous	Home police force of the officer involved:	Sûreté du Québec			
	Location of the events:	Lebel-sur-Quévillon	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, kidnapping, assault with a weapon, intimidation, dangerous driving causing bodily harm, etc.). *This is not a legal characterization*:	Assault			
	Indicator	Analysis		Comments			
Investigation process		Timeliness of the investigation	Date investigation was opened:	September 11, 2018			
		Interview(s) with the victim:	Not applicable			Case received from the SQ DNP on October 26, 2018; first telephone contact with the victim on October 31, 2018. Victim absent from the meeting scheduled for November 26, 2018	
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes				
			Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for their privacy):	Not applicable		
			During interviews with civilian witnesses:	Yes			
			During interviews with witness police officers:	Information unavailable	Written statement		
			During interviews with the police officer involved:	Not applicable			
			Relationships with the police officers involved and the witness police officers	Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes		
			Police officers notified of any change in status during the investigation:	Not applicable			
			Compliance with Section 262 of the <i>Police Act</i> (During the interview, the witness police officer may be assisted by a lawyer, must provide a full written and signed statement, and must provide a copy of their personal notes and reports relating to the examination of the complaint):	Yes			
			Compliance with Section 263 of the <i>Police Act</i> and the charters of rights (During the interview, the police officer involved must be notified that they are subject to a complaint involving allegations of a criminal nature, be provided with the usual cautions [right to a lawyer and right to remain silent], and be informed that they are not required to make a statement about the complaint):	Yes	Refused to make a statement on the advice of his lawyer		
			Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes		
Specific context			Establishment of a climate of trust with the victim	Location of the interview with the victim:	Not applicable		
			Location of the victim's choice:	Not applicable			
			Climate of trust established during the interview with the victim:	Not applicable			
				Language issues	For allegations of a sexual nature, interview conducted by a female investigator:	Not applicable	
				Language of the interview with the victim:	Not applicable		
				Language(s) of interviews with other Indigenous witnesses:	English		
				Use of an interpreter:	No		
				Major communication difficulties:	No		
				Other			

BIBLIOGRAPHY

This bibliography contains the sources cited in this report as well as those consulted during Phase 1. This report also draws on certain sources in the bibliography of my first report from November 2016 on Phase 1 of the investigations. These sources are not listed below.

LEGISLATION

Acts

Canadian Victims Bill of Rights, S.C. 2015, c. 13.
Canadian Charter of Rights and Freedoms, Part I of the *Constitution Act, 1982*, Schedule B to the *Canada Act 1982 (UK)*, 1982, c. 11.
Charter of Human Rights and Freedoms, CQLR, c C-12.
Criminal Code, R.S.C. 1985, c. C-46.
Special Investigations Unit Act, 2019, S.O. 2019, c. 1, Sched. 5 (not yet in effect).
An Act to amend the Police Act as concerns independent investigations, SQ 2013, c 6.
Act respecting equal access to employment in public bodies, CQLR c A-2.01.
Public Service Act, CQLR c F-3.1.1.
Royal Canadian Mounted Police Act, R.S.C. 1985, c. R-10.
Police Act, CQLR, c aP-13.1.
Act Respecting the Director of Criminal and Penal Prosecutions, CQLR, c aD-9.1.1.
Indian Act R.S.C., 1985, c. I-5
Police Services Act, ML 2009, c 32, CCSM c P94.5.
Police Services Act, R.S.O. 1990, c. P.15.
Act to Increase the Jurisdiction and Independence of the Anti-Corruption Commissioner and the Bureau des enquêtes indépendantes and Expand the Power of the Director of Criminal and Penal Prosecutions to Grant Certain Benefits to Cooperating Witnesses, SQ 2018, c 1.
Enhancing Royal Canadian Mounted Police Accountability Act, S.C. 2013, c. 18.
Police Act, RSA 2000, c P-17.
The Police Act, 1990, SS 1990-91, c P-15.01.

Bills

Bill 12, *An Act to Amend the Police Act As Concerns Independent Investigations*, 1st Sess., 40th Leg., Québec, 2012.
Bill 46, *An Act Respecting Independent Police Investigations*, 2nd Sess., 39th Leg., Québec, 2011.
Bill 57, *An Act to Amend the Police Act*, 1st Sess., 35th Leg., Québec, 1995.
Bill 107, *An Act to Increase the Jurisdiction and Independence of the Anti-Corruption Commissioner and the Bureau des enquêtes indépendantes and Expand the Power of the Director of Criminal and Penal Prosecutions to Grant Certain Benefits to Cooperating Witnesses*, 1st Sess., 41st Leg., Québec, 2016.

Regulations

Code of Ethics of Québec Police Officers, CQLR, c aP-13.1, r 1.
Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit, Ont. Reg. 267/10.
Police Service Regulation, Alta Reg. 356/1990.
Regulation Respecting the Selection Procedure and the Training of Investigators of the Bureau des enquêtes indépendantes, R.S.Q., c. P-13.1, r 2.2.
Regulation Respecting the Conduct of the Investigations of the Bureau des enquêtes indépendantes, R.S.Q. c. P-13.1, r 1.1.
Independent Investigations Regulation, M.R. 99/2015.

Decrees

P.C. 2016-0736 dated August 2, 2016 (institution of the National Inquiry into Missing and Murdered Indigenous Women and Girls).

D. 711-2016, August 9, 2016, 35 G.O. II, 4921 (institution of the Commission of Inquiry into Missing and Murdered Indigenous Women and Girls in Québec).

D. 1095-2016 dated December 21, 2016, 2 G.O. II, 24 (institution of the Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services in Québec: Listening, Reconciliation and Progress).

Order in Council 629/2016 dated April 29, 2016 (Ontario – appointment and mandate of the Independent Police Oversight Reviewer).

Order in Council 1530/2016 dated October 19, 2016 (Ontario – change to the mandate of the Independent Police Oversight Reviewer).

UN documents

International Convention on the Elimination of All Forms of Racial Discrimination, March 7, 1966, 660 UNTS 195.

Convention on the Elimination of All Forms of Discrimination against Women, December 18, 1979, 1294 UNTS 13.

United Nations Declaration on the Rights of Indigenous Peoples, Res. GA 61/295, UNGAOR, 61st Sess., Supp. no. 1, UN doc. A/RES/61/295 (2007).

JURISPRUDENCE

Amiri v. R., 2018 QCCA 417.

Attorney-General v. Hitchcock (1847), 1 Ex. 91, 154 ER 38.

Fraternité des policières et des policiers de Rivière-de-Loup v. Frenette, 2013 QCCS 2469, EYB 2013-222770.

McKerr v. United Kingdom, no. 28883/95, [2001] III ECHR 545.

Newfoundland Telephone Co. v. Newfoundland (Board of Commissioners of Public Utilities), [1992] 1 SCR 623.

R. v. Church of Scientology (1997), 33 O.R. (3rd) 65.

R. v. Grant, [2009] 2 SCR 353.

R. v. Kokopenace, [2015] 2 SCR 398.

R. v. Osolin, [1993] 4 SCR 595.

R. v. R. (D), [1996] 2 SCR 291.

R. v. Seaboyer; R. v. Gayme, [1991] 2 SCR 577.

R. v. Sherratt, [1991] 1 SCR 509.

R. v. Sinclair, (2010) 2 SCR 310.

R. v. Singh, [2007] 3 SCR 405.

Wood v. Schaeffer, [2013] 3 SCR 1053.

DOCTRINE

Scientific articles

Aubert, Laura and Mylène Jaccoud, “Genèse et développement des polices autochtones au Québec : sur la voie de l’autodétermination,” 2009. 42:2 *Criminol.* 101.

Boucher, Nathalie and Joanna Borrero Luz, “Les enjeux de la sécurité pour les Autochtones en milieu urbain. Une revue de la littérature international,” 2012, 2012:1. *Cahiers Odena* 1.

Cao, Liqun, “Aboriginal People and Confidence in the Police,” 2014. 56:5 *Canadian Journal of Criminology and Criminal Justice* 499.

Clarke, Stephen, “Arrested Oversight: A Comparative Analysis and Case Study of How Civilian Oversight of the Police Should Function and How it Fails,” 2009. 43:1 *Colum JL & Soc Probs* 1.

Conroy, Amy and Teresa Scassa, "Balancing Transparency and Accountability with Privacy in Improving the Police Handling of Sexual Assaults," 2016. 28:2 CJWL 1.

Douyon, Emerson, "Relations police-minorités ethniques," 1993. 18:1 Santé mentale au Québec 179.

Ferdik, Frank V., Jeff Rojek, and Geoffrey P. Alpert, "Citizen Oversight in the United States and Canada: an Overview," 2013. 14:2 Police Pract Res 104.

Freeman, Eric, "Civilian Oversight of Law Enforcement," 1990. 16:2 Commonwealth L Bull 630.

Greene, Jack R., "Make Police Oversight Independent and Transparent," 2007. 6:4 Criminol Public Policy 747.

Heyer, Garth den and Alan Beckley, "Police Independent Oversight in Australia and New Zealand," 2013. 14:2 Police Pract Res 130.

Hryniewicz, Danielle, "Civilian Oversight as a Public Good: Democratic Policing, Civilian Oversight, and the Social," 2011. 14:1 Contemp Justice Rev 77.

Jaccoud, Mylène, "Les cercles de guérison et les cercles de sentence autochtones au Canada," 1999. 32:1 Criminol 7.

Jaccoud, Mylène, "Peuples autochtones et pratiques d'accommodements en matière de justice pénale au Canada et au Québec," 2014. 1 Arch Pol Crim 1.

Porter, Louise E., "Police Oversight in the United Kingdom: The Balance of Independence and Collaboration," 2012. 40:3 Int'l JL Crime Justice 152.

Prenzler, Tim and Carol Ronken, "Models of Police Oversight: A Critique," 2011. 11:2 Polic Soc 151.

Savage, Stephen P., "Seeking 'Civilianness': Police Complaints and the Civilian Control Model of Oversight," 2013. 53:5 Brit J Crim 886.

Schulenberg, Jennifer L. et al., "An Application of Procedural Justice to Stakeholder Perspectives: Examining Police Legitimacy and Public Trust in Police Complaints Systems," 2017. 27:7 Polic Soc 779.

Scott, Ian D, "Taking Statements from Police Officers Suspected of Criminal Misconduct: A Proposed Protocol," 2004. 49:2 Crim LQ 166.

Seneviratne, Mary, "Policing the Police in the United Kingdom," 2004. 14:4 Polic Soc 2004 329.

Watt, Suzan, "The Future of Civilian Oversight of Policing," 1991. 33:3 4 Can J Crim 347.

Monographies

Arthur, Martin G, *Report of the Attorney General's Advisory Committee on Charge Screening, Disclosure, and Resolution Discussions*, Toronto, The Ministry, 1993.

Béliveau, Pierre and Martin Vaclair, *Traité général de preuve et de procédure pénale*, 22nd ed., 2015. Cowansville, Les éditions Yvon Blais.

Boucher, Jean-Carol, *Le contrôle de l'activité policière*, 1992. Cowansville, Les éditions Yvon Blais.

Brun, Henri, Pierre Brun and Fannie Lafontaine, *Chartes des droits de la personne : législation, jurisprudence et doctrine*, 29th ed., 2016. Coll Alter Ego, Montréal, Wilson & Lafleur.

Clayton, Richard and Hugh Tomlinson, *Civil Actions Against the Police*, 1992. London, Sweet & Maxwell.

Comack, Elizabeth. *Racialized Policing: Aboriginal People's Encounters with the Police*, 2012. Halifax, Fernwood Publishing.

De Blois, Robert, *La déontologie policière et la loi sur la police*, 5th ed., 2013. Sillery, Gestion R. De Blois.

Fiset, André, *Qui doit policer la police? Les enquêtes criminelles concernant un décès ou une blessure grave à la suite d'une intervention policière*, 2011. Cowansville, Yvon Blais.

Fiset, André, Jean-François Boucher, and Julie Delle Donne, *BEI : les enquêtes concernant un décès ou une blessure grave à la suite d'une intervention policière*, 2017. Montréal, Yvon Blais.

Fiset André, Marc Mancini, and Karine Landreville, *Traité de déontologie policière au Québec*, 2nd ed., 2015. Cowansville, Yvon Blais..

Goldsmith, Andrew and Colleen Lewis, *Civilian Oversight of Policing, Governance, Democracy and Human Rights*, 2000. Portland, Hart Publishing.

Jones, Gareth, *Conducting Administrative, Oversight and Ombudsman Investigations*, 2009. Aurora, Canada Law Book.

Mensales, Josée, Diane Veillette, and Guillaume Corbeil, *Pour l'amour de mon pimp...: six survivantes se racontent*, 2015. Montréal, Publistar.

Nadeau, Alain-Robert, *Droit policier québécois : Loi sur la police annotée et règlements concernant la police*, 21st ed., 2017. Cowansville, Yvon Blais.

Scott, Ian D, *Issues in Civilian Oversight of Policing in Canada*, 2014. Toronto, Canada Law Book.

Seneviratne, Mary, *Ombudsmen – Public Services and Administrative Justice*, 2002. East Kilbride, LexisNexis Butterworths.

Zwiers, Martijn. *The European Public Prosecutor's Office: Analysis of a Multilevel Criminal Justice System*, 2011. Portland, Intersentia.

COLLECTIVE WORK

Griffiths, Curt Taylor, "Policing Aboriginal Peoples: The Challenge of Change," in R.C. Macleod and David Schneiderman, eds., *Police Powers in Canada: The Evolution and Practice of Authority*, 1994. Toronto, University of Toronto Press.

OTHER SOURCES

Reports and documents submitted to enquiry commissions

Assembly of First Nations of Quebec-Labrador, *Brief Submitted to Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services in Québec: Listening, Reconciliation, Progress*, November 30, 2018, online: <https://apnql.com/en/wp-content/uploads/2019/04/CERP-APNQL_Memoire-20181130_FINAL-rev20190416-complet-ENGLISH.pdf>.

Bellot, Céline and Marie-Eve Sylvestre, *La judiciarisation de l'itinérance à Val d'Or*, 2016, online: https://www.researchgate.net/profile/Marie-Eve-Sylvestre/publication/311737420_La_judiciarisation_de_l_itinerance_a_Val_dOr/links/5858a34708aeffd7c4fbb9b7/La-judiciarisation-de-litinerance-a-Val-dOr.pdf.

Bureau des enquêtes indépendantes, "P-934 – Bureau des enquêtes indépendantes," document submitted to the Listening, Reconciliation, Progress Commission (October 19, 2018), p. 13, online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-934.pdf>

Canada, Truth and Reconciliation Commission of Canada, *Calls to Action*, 2015, online: <http://www.trc.ca/assets/pdf/Calls_to_Action_English2.pdf>.

Canada, Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future: Final Report of the Truth and Reconciliation Commission of Canada*, 2015, online: <http://www.trc.ca/assets/pdf/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf>.

Canada, Truth and Reconciliation Commission of Canada, *The Final Report of the Truth and Reconciliation Commission of Canada: Canada's Residential Schools: The History, Part 1 Origins to 1939*, Vol. 1, 2015, online: <http://www.trc.ca/assets/pdf/Volume_1_History_Part_1_English_Web.pdf>.

Canada, Truth and Reconciliation Commission of Canada, *The Final Report of the Truth and Reconciliation Commission of Canada: Canada's Residential Schools: The History, Part 2 1939 to 2000*, Vol. 1, 2015, online: <http://www.trc.ca/assets/pdf/Volume_1_History_Part_2_English_Web.pdf>.

Canada, Royal Commission on Aboriginal Peoples, *Report of the Royal Commission on Aboriginal Peoples*, 1996, online: <<https://qspace.library.queensu.ca/handle/1974/6874>>.

Canada, National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming our Power and Place. The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, Vol. 1a, 2019, online: <https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf>.

Canada, National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming our Power and Place. The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, Vol. 1b, 2019, online: <https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1b.pdf>.

Canada, National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming our Power and Place. A Supplementary Report of the National Inquiry into Missing and Murdered Indigenous Women*

and Girls, *Kepek-Québec*, Vol. 2, 2019 (Commissioner Michèle Audette), online: <https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_2_Quebec_Report-1.pdf>.

Canada, National Inquiry into Missing and Murdered Indigenous Women and Girls, *Calls for Justice*, 2019, online: <<https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Calls-Web-Version-EN.docx>>.

Canada, National Inquiry into Missing and Murdered Indigenous Women and Girls, *Interim Report: Our Women and Girls Are Sacred*, 2017, online: <<https://www.mmiwg-ffada.ca/wp-content/uploads/2018/03/ni-mmiwg-interim-report.pdf>>.

Canada, Working Group on Access to Justice for Adult Victims of Sexual Assault, *Report of the Coordinating Committee of Senior Officials Working Group on Access to Justice for Adult Victims of Sexual Assault*, November 2018, online: <https://scics.ca/en/product-produit/reporting-investigating-and-prosecuting-sexual-assaults-committed-against-adults-challenges-and-promising-practices-in-enhancing-access-to-justice-for-victims/#a51>.

Canada, Working Group on the Prevention of Miscarriages of Justice, *Report on the Prevention of Miscarriages of Justice*, Ottawa, Government of Canada, 2004, online: <<https://www.justice.gc.ca/eng/rp-pr/cj-jp/ccr-rc/pmj-pej/pmj-pej.pdf>>.

British Columbia, Cariboo-Chilcotin Justice Inquiry, *Report on the Cariboo-Chilcotin Justice Inquiry*, 1993, (The Honourable Anthony Sarich), online: <<http://www.llbc.leg.bc.ca/public/pubdocs/bcdocs/149599/cariboochilcotinjustice.pdf>>.

British Columbia, Davies Commission Inquiry into the Death of Frank Paul, *Alone and cold: Interim report*, February 12, 2009, (William H Davies), online: <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/inquiries/daviescommission-interimreport.pdf>.

British Columbia, Missing Women Commission of Inquiry, *Forsaken: The Report of the Missing Women Commission of Inquiry, Executive Summary*, November 19, 2012, (The Honourable Wally T. Oppal), online: <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/inquiries/forsaken-es.pdf>.

Quebec Native Women, “P-1172 – Brief from Quebec Native Women (QNW)” (November 30, 2018), online: www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-1172_M-031.pdf.

Quebec Native Women, *Brief of Quebec Native Women (QNW) filed with The Honourable Justice Viens, Commissioner for the Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services (CERP)*, November 30, 2018, online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-1172_M-031.pdf>.

Grand Council of the Crees (EeyouIstchee)/Cree Nation Government and the Cree Board of Health and Social Services of James Bay, *Final Brief of the Grand Council of the Crees (EeyouIstchee)/Cree Nation Government and the Cree Board of Health and Social Services of James Bay to the Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services: Listening, Reconciliation and Progress*, November 30, 2018, online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-1173_M-032.pdf>.

Grand Council of the Crees (Eeyou Istchee)/Cree Nation Government and the Cree Board of Health and Social Services of James Bay, *Final Brief of the Grand Council of the Crees (Eeyou Istchee)/Cree Nation Government and the Cree Board Of Health And Social Services Of James Bay to the Public Inquiry Commission on Relations between Indigenous Peoples and certain Public Services in Québec: Listening, Reconciliation and Progress*, November 30, 2018, online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-1173_M-032.pdf>.

Jaccoud Mylène et al., *Les services policiers en contexte autochtone : une recension des écrits. Report submitted to the Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services in Québec: Listening, Reconciliation and Progress*, January 31, 2018, online:

<https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/PD-6.pdf>.

Jaccoud, Mylène, Marie-Claude Barbeau-Leduc, and Myriam Spielvogel, “La police et les violences à l’égard des femmes autochtones – Fiche synthèse présentée à la CERP” (2019), Québec, online: https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Fiches_synthese/Violences_a_l_endroit_des_femmes_autochtones.pdf.

Lévesque, Carole et al., “La condition itinérante parmi la population autochtone au Québec – Partie 2 : Une enquête qualitative à Val-d’Or” (2018) Cahiers ODENA, online: <<http://devucs.inrs.ca/wp-content/uploads/2019/12/CahierODENA2018-03.pdf>>.

Lévesque, Carole, “P-036 – Éléments de réflexion et pistes d’action pour améliorer les conditions de vie des Autochtones, combattre le racisme et promouvoir la sécurisation culturelle au sein des services publics. Présentation orale faite à la Commission Écoute Réconciliation Progrès” (June 19, 2017), online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-036.pdf>.

Lévesque, Carole, “P-038 – Sécurisation culturelle : moteur de changement social. Pour l’amélioration de la qualité de vie et des conditions de vie” (June 19, 2017), online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-038.pdf>.

Ligue des droites et libertés, “P-1156 – Mémoire de la Ligue des droits et libertés présenté à la Commission d’enquête sur les relations entre les Autochtones et certains services publics” (October 24, 2017), online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-1156_M-014.pdf>.

Manitoba, Aboriginal Justice Implementation Commission, *Report of the Aboriginal Justice Inquiry of Manitoba*, November 1991, online: <http://www.ajic.mb.ca/volume.html>>

Manitoba, Manitoba Department of Justice Prosecutions, *The Inquiry Regarding Thomas Sophonow*, Manitoba Justice, 2001, online: <https://digitalcollection.gov.mb.ca/awweb/pdfopener?smd=1&did=12713&md=1>.

Mark, Janet and Donna McBride, “P-233 – Développement des compétences sur les questions autochtones” (November 23, 2017), online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-233.pdf>.

Morency, Judith, “P-552 - De la sécurisation culturelle à l’accordage culturel : la guérison et la réconciliation, l’affaire de tous” (April 19, 2018), online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-552.pdf>.

New Zealand, Commission of Inquiry into Police Conduct, *Report of the Commission of Inquiry into Police Conduct. Te Kōmihana Tirotiro Whanonga Pirihimana*, Vol. 1, Wellington, March 2007 (Dame Margaret Bazley), online: <<https://www.parliament.nz/resource/0000055162>>.

Ontario, Office of the Independent Police Review Director, *Broken Trust. Indigenous Peoples and the Thunder Bay Police Service*, December 2018 (Gerry McNeilly), online: <<http://oiprd.on.ca/wp-content/uploads/OIPRD-BrokenTrust-Final-Accessible-E.pdf>>.

Ontario, Independent Police Oversight Review, *Report of the Independent Police Oversight Review*, March 31, 2017 (The Honourable Michael Tulloch), online: <https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/police_oversight_review/>.

Ontario, Ministry of the Attorney General, *First Nations Representation on Ontario Juries: Report of the Independent Review Conducted by The Honourable Frank Iacobucci*, February 2013, (The Honourable Frank Iacobucci), online:
<[https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/iacobucci/First Nations Representation Ontario Juries.html](https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/iacobucci/First_Nations_Representation_Ontario_Juries.html)>

Québec, Public Inquiry Commission appointed to inquire into the Sûreté du Québec, *Pour une police au service de l'intégrité et de la justice*, Sainte-Foy, Publications du Québec, 1998, (The Honourable Lawrence A. Poitras), online:
<https://www.bibliotheque.assnat.qc.ca/DepotNumerique_v2/AffichageNotice.aspx?idn=67755>.

Québec, Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services, “P-950 – courriels,” online:
<https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-950.pdf>.

Québec, Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services, “Notes sténographiques du 16 août 2018,” online:
<https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Transcriptions/Notes_stenographiques_CERP_16_aout_2018.pdf>.

Québec, Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services, “P-871-53 – transcription des notes sténographiques” (August 17, 2018), online:
<https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Transcriptions/Notes_stenographiques_CERP_16_aout_2018.pdf>.

Québec, Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services in Québec: Listening, Reconciliation and Progress. *Final Report*, Government of Quebec, 2019 (Commissioner Jacques Viens), online:
<https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Rapport/Final_report.pdf>.

Québec, *Independent Civilian Observer's Report: Evaluation of the integrity and impartiality of SPVM's investigations of allegations of criminal acts committed by SQ police officers against Indigenous women in Val-d'Or and elsewhere. Phase 1 of the Investigations*, November 15, 2016 (Fannie Lafontaine), online:
<<https://www.securitepublique.gouv.qc.ca/fileadmin/Documents/ministere/rapports/rapport-observatrice-independante-enquete-spvm-sq-en.pdf>>.

Québec, *Mi oowe tac masinaikan e ikitomakak e ickwa mikitcikatek : Nta kikenimakaniowak SPVM epitci kwiak ntakikentamowakwen kaki iciinactaonikowatecin anicinapekwen Val d'Or ikiwe takoniwewinik SQ. Mi oowe nitam ka nta kikentcikatek Phase 1 icinikate*, November 15, 2016 (Fannie Lafontaine), online:
<https://www.securitepublique.gouv.qc.ca/fileadmin/Documents/ministere/rapports/rapport-observatrice-independante-enquete-spvm-sq-sommaire-al_01.pdf>

Québec, *Independent Civilian Observer's Report. Evaluation of the integrity and impartiality of SPVM's investigations of allegations of criminal acts committed by SQ police officers against Indigenous women in Val-d'Or and elsewhere. Phase 1 of the Investigations*, November 15, 2016 (Fannie Lafontaine), online:
<<https://www.securitepublique.gouv.qc.ca/fileadmin/Documents/ministere/rapports/rapport-observatrice-independante-enquete-spvm-sq-en.pdf>>.

Québec, Sécurité publique, *Rapport d'enquête administrative sur la Division des affaires internes du Service de police de la Ville de Montréal*, Montréal, November 30, 2017 (Michel Bouchard), online:
<https://www.securitepublique.gouv.qc.ca/fileadmin/Documents/police/publications/rapport_enquete_administrative_SPVM_1.pdf>.

Rosa, Julie, Valérie Courville and Michelle Côté, *Enquête sociale à Val-d'Or et ses environs, “P-708 – Rapport de recherche”* (February 2016), online:
<https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-708.pdf>.

Saskatchewan, Commission of Inquiry into Matters Relating to the Death of Neil Stonechild, *Report of the Commission of Inquiry into Matters Relating to the Death of Neil Stonechild*, October 2004 (The Honourable David H. Wright), online: <<http://www.turtleisland.org/news/neilstonechild.pdf>>.

Service de police de la Ville de Montréal, “P-218 - Réalisation du SPVM en matière autochtone : Mémoire déposé devant la Commission Viens” (October 10, 2017), online: <https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-218.pdf>.

Newfoundland and Labrador, Commission of Inquiry Respecting the Death of Donald Dunphy, *Promoting Public Trust: Police Investigating Police-Involved Shootings*, 2017, (The Honourable Leo Barry), online: <http://www.ciddd.ca/documents/final_report_june_20_2017-toc.pdf>.

Government Documents

Canada, House of Commons, Standing Committee on the Status of Women, “Taking Action to End Violence Against Young Women and Girls in Canada” (March 2017) (Chair: Marilyn Gladue), online: <<https://www.ourcommons.ca/DocumentViewer/en/42-1/FEWO/report-7>>.

Canada, House of Commons, Special Committee on Violence Against Aboriginal Women, “Invisible Women: A Call to Action – A Report on Missing and Murdered Indigenous Women” (March 2014) (Chair: Stella Ambler), online: <<https://www.ourcommons.ca/DocumentViewer/en/41-2/TWFA/report-1/>>.

Canada, Civilian Review and Complaints Commission for the RCMP, *Report Following a Public Interest Investigation into a Chair-Initiated Complaint Respecting the Death in RCMP Custody of Mr. Robert Dziekanski*, December 8, 2009, online: <<https://www.crcc-ccetp.gc.ca/en/report-following-public-interest-investigation-chair-initiated-complaint-respecting-death-rcmp>>.

Canada, Civilian Review and Complaints Commission for the RCMP, *Independent Observer Program Protocol*, March 12, 2009, online: <<http://www.crcc-ccetp.gc.ca/fr/protocole-relatif-au-programme-dobservateur-ind-pendant>>.

Canada, Commission for Public Complaints Against the RCMP, *Police Investigating Police, Final Public Report*, August 11, 2009, online: <<https://www.crcc-ccetp.gc.ca/en/police-investigating-police-final-public-report>>.

Canada, Commission for Public Complaints Against the RCMP, *Final Report – Review of the Independent Observer Pilot Project*, online: <<https://crcc-ccetp.gc.ca/fr/rapport-final-examen-du-projet-pilote-dobservateur-ind-pendant>>

Canada, National Inquiry into Missing and Murdered Indigenous Women and Girls, *Lexicon of Terminology*, June 1, 2019, online: <https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/MMIWG_Lexicon_FINAL_ENFR.pdf>.

Canada, National Inquiry into Missing and Murdered Indigenous Women and Girls, “Our Mandate, Our Vision, Our Mission,” online: <<https://www.mmiwg-ffada.ca/mandate/>>.

Canada, Royal Canadian Mounted Police, *Missing and Murdered Aboriginal Women: 2015 Update to the National Operational Overview*, 2015, online: <<https://www.rcmp-grc.gc.ca/en/missing-and-murdered-aboriginal-women-2015-update-national-operational-overview>>.

Canada, Royal Canadian Mounted Police, *Missing and Murdered Aboriginal Women: A National Operational Overview*, 2014, online: <<https://www.rcmp-grc.gc.ca/en/missing-and-murdered-aboriginal-women-national-operational-overview>>.

Canada, Government of Canada, “National Inquiry into Missing and Murdered Indigenous Women and Girls” online: *Crown-Indigenous Relations and Northern Affairs Canada* <<https://www.rcaanc-cirnac.gc.ca/eng/1448633299414/1534526479029>>.

Canada, Government of Canada, *Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls*, 2014, online: <<https://cfc-swc.gc.ca/fun-fin/ap-pa/action-eng.pdf>>.

Canada, Public Safety and Emergency Preparedness, *A Comparative Study of Indigenous Policing Models in Canada, the United States, Australia and New Zealand*, 2007, online: <<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/cmprsn-ndgns-plcng/cmprsn-ndgns-plcng-eng.pdf>>.

Canada, Public Safety, *Human Security and Aboriginal Women in Canada*, by Connie Deiter and Darlene Rude, 2005, online: <<https://www.inspq.qc.ca/violence-conjugale/comprendre/contextes-de-vulnerabilite/femmes-autochtones>>.

Royal Canadian Mounted Police and Assembly of First Nations, *Relationship Building Protocol Between the Assembly of First Nations and the Royal Canadian Mounted Police*, July 12, 2016, online: <<https://www.afn.ca/uploads/files/afn-rcmp.pdf>>.

Grand Council of the Cree Nation et al., *Déclaration de Val-d'Or*, December 15, 2015, online: <https://ville.valdor.qc.ca/uploads/1_La%20ville/D%C3%A9mocratie/Declaration%20ValdOr/Documents/DeclarationVD.pdf>.

Letter from Raymonde Saint-Germain, Ombudswoman, to Lise Thériault, Minister of Public Security (April 25, 2014), online : <https://protecteurducitoyen.qc.ca/sites/default/files/pdf/Memoire_projet_de_loi/2014/2014-04-25-lettre-reglement-bureau-enquetes-police.pdf>.

Letter from Raymonde Saint-Germain, Ombudswoman, to Lise Thériault, Minister of Public Security (August 21, 2015), online: <https://protecteurducitoyen.qc.ca/sites/default/files/pdf/reactions/2015-08-21_lettre-bureau-enquetes-independantes.pdf>.

Ligue des droits et libertés and Coalition contre la Répression et les Abus Policiers, *Bilan des trois premières années d'activités du Bureau des enquêtes indépendantes – Constats citoyens – Une commission parlementaire est nécessaire*, October 3, 2019 (letters from the Director of Bureau des enquêtes indépendantes to the management of certain Québec police forces reporting violations of the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes*, online: <<https://liguedesdroits.ca/wp-content/fichiers/reponse-bei-lettres-aux-directeurs-de-police.pdf>>.

Ontario, Office of the Independent Police Review Director, *One Year After Broken Trust. Report on Implementation*, Stephen Leach, February 2020, online: <<https://www.oiprd.on.ca/wp-content/uploads/One-Year-After-Broken-Trust-Report-on-Implementation.pdf>>

Ontario, Ombudsman, *Oversight Unseen: Investigation into the Special Investigations Unit's operational effectiveness and credibility*, September 2008, online: <<https://www.ombudsman.on.ca/resources/reports-and-case-summaries/reports-on-investigations/2008/oversight-unseen>>.

Québec, National Assembly, *Journal des débats de la Commission des institutions*, 36th Leg., 1st Sess., Vol. 36, No. 72 (May 10, 2000).

Québec, National Assembly, *Journal des débats*, 41-1, Vol. 44, No. 119 (October 27, 2015).

Québec, National Assembly, *Québec National Assembly resolutions of March 20, 1985, on the recognition of Aboriginal rights and of May 30, 1989, on the recognition of the Malecite Nation*, online, 32-5, Vol. 28, No. 38, online: <https://www.sqrc.gouv.qc.ca/documents/positions-historiques/positions-du-qc/part3/Document19_en.pdf>.

Québec, Bureau des enquêtes indépendantes, “Training,” online: <<https://www.bei.gouv.qc.ca/home/investigators/training.html>>.

Québec, Bureau des enquêtes indépendantes, “History,” online: <<https://www.bei.gouv.qc.ca/home/organization/history.html>>.

Québec, Commissaire à la déontologie policière, *Rapport annuel 2018-2019*, Government of Québec, 2019, online: <https://deontologie-policiere.gouv.qc.ca/fileadmin/commissaire/publicationsAdministratives/RAG_2018-2019_CommDP_VF_20190930.pdf>.

Québec, Commission des droits de la personne du Québec, Comité d'enquête sur les relations entre les corps policiers et les minorités visibles et ethniques, *Enquête sur les relations entre les corps policiers et les*

minorités visibles et ethniques : rapport final du Comité d'enquête à la Commission des droits de la personne du Québec, Montréal, CDP, 1988, (Jacques Bellemare).

Québec, Commission des droits de la personne et des droits de la jeunesse, *Commentaires sur le projet de loi n° 46, Loi concernant les enquêtes policières indépendantes*, by Evelyne Pedneault, February 2012, online: <http://www.cdpcj.qc.ca/Publications/memoire_pl46_enquetes_police.pdf>.

Québec, Commission des droits de la personne et des droits de la jeunesse, *Commentaires sur le projet de règlement sur le déroulement des enquêtes dont est chargé le Bureau des enquêtes indépendantes*, by Evelyne Pedneault, August 27, 2015, online: <http://www.cdpcj.qc.ca/publications/commentaires_reglement_enquetes_bei.pdf>.

Québec, Commission des droits de la personne et des droits de la jeunesse, *Mémoire à la Commission des institutions de l'Assemblée nationale : Projet de loi n° 12, Loi modifiant la loi sur la police concernant les enquêtes indépendantes*, by Evelyne Pedneault, February 2013, online: <http://www.cdpcj.qc.ca/Publications/memoire_pl12_enquetes_police.pdf>.

Québec, Commission des droits de la personne et des droits de la jeunesse, *Racial Profiling and Systemic Discrimination of Racialized Youth: Report of The Consultation on Racial Profiling and Its Consequences*, by Paul Eid, Johannes Magloire, and Michèle Turenne, 2011, online: <https://www.cdpcj.qc.ca/storage/app/media/publications/Profiling_final_EN.pdf>.

Québec, Commission des droits de la personne et des droits de la jeunesse, *Rapport triennal 2016-2019 - 20e anniversaire : Loi sur l'accès à l'égalité en emploi dans des organismes publics*, by Lisa Savoie et al., April 17, 2020, online: <https://www.cdpcj.qc.ca/Publications/Rapport_triennal_PAE_2016_2019.pdf>.

Québec, Committee on Citizen Relations, *Order of Initiative on Aboriginal Women's Living Conditions as Affected by Sexual Assault and Domestic Violence: Interim Report*, May 2016, online: <http://www.assnat.qc.ca/Media/Process.aspx?MediaId=ANQ.Vigie.Bill.DocumentGenerique_114181en&process=Default&token=ZyMoxNwUn8ikQ+TRKYwPCjWrKwg+vIv9rjij7p3xLGTZDmLVSmJLoqe/vG7/YWzz>.

Québec, Conseil du statut de la femme, *Let's meet Québec's Aboriginal women*, Québec City, CSF, September 2016, online: <https://csf.gouv.qc.ca/wp-content/uploads/femmes_autochtones_anglais_web.pdf>.

Québec, .Conseil du statut de la femme, *La violence faite aux femmes : à travers les agressions à caractère sexuel*, Québec City, CSF, February 1995, online: <<https://www.csf.gouv.qc.ca/wp-content/uploads/la-violence-faite-aux-femmes-a-travers-les-agressions-a-caractere-sexuel.pdf>>.

Québec, Director of Criminal and Penal Prosecutions, *Directive AGR-1 : Agression sexuelle et autres infractions à caractère sexuel envers les adultes*, November 16, 2018, online: <www.dpcp.gouv.qc.ca/ressources/pdf/envoi/AGR-1.pdf>.

Québec, Director of Criminal and Penal Prosecutions, "Directives de la directrice et instructions," November 15, 2019, online: <<http://www.dpcp.gouv.qc.ca/documentation/directives-directeurs.aspx>>.

Québec, Director of Criminal and Penal Prosecutions, *Directive ACC-3 : Accusation – Poursuites des procédures*, June 18, 2015, online: <<http://www.dpcp.gouv.qc.ca/ressources/pdf/envoi/ACC-3-DM.pdf>>.

Québec, Director of Criminal and Penal Prosecutions, *Directive INF-1 : Infractions envers les enfants*, December 19, 2013, online: <<http://www.dpcp.gouv.qc.ca/ressources/pdf/envoi/INF-1.pdf>>.

Québec, Director of Criminal and Penal Prosecutions, *Directive INF-2 : Infractions d'ordre sexuel envers les adultes*, December 19, 2013,online: <http://www.dpcp.gouv.qc.ca/ressources/pdf/envoi/INF-2.pdf>>.

Québec, Director of Criminal and Penal Prosecutions, *Directive POL-1 : Poursuite criminelle contre un policier*, December 11, 2015, online: <<http://www.dpcp.gouv.qc.ca/ressources/pdf/envoi/pol-1.Pdf>>.

Québec, Director of Criminal and Penal Prosecutions, *Directives VIC-1 : Traitement des victimes et des témoins*, November 16, 2018, online: <<http://www.dpcp.gouv.qc.ca/ressources/pdf/envoi/VIC-1.pdf>>.

Québec, Director of Criminal and Penal Prosecutions, *Lignes directrices du Directeur des poursuites criminelles et pénales concernant la publication des motifs d'une décision de ne pas porter d'accusation*, December 11, 2015, online: <http://www.dpcp.gouv.qc.ca/ressources/pdf/Lignes_directrices.pdf>.

Québec, Director of Criminal and Penal Prosecutions, *Plan stratégique 2019-2023*, Québec City, Government of Québec, 2019, online: <http://www.dpcp.gouv.qc.ca/ressources/pdf/01331_PL_strat_2019-2023.pdf>.

Québec, Groupe de travail chargé d'examiner les pratiques en matière d'enquêtes criminelles au sein des corps de police du Québec, *Les pratiques en matière d'enquêtes criminelles au sein des corps de police du Québec*, November 1996, (Jacques Bellemare), online: <<http://collections.banq.qc.ca/ark:/52327/bs343647>>.

Québec, Groupe de travail sur les relations entre les communautés noires et le Service de police de la Communauté urbaine de Montréal, *Une occasion d'avancer : rapport du Groupe de travail du ministre de la Sécurité publique du Québec sur les relations entre les communautés noires et le Service de police de la Communauté urbaine de Montréal*, Montréal, 1992 (Claude Corbo).

Québec, Ministère de la Justice, *Expert Committee on Support for Victims of Sexual Assault and Domestic Violence*, online: <<https://www.justice.gouv.qc.ca/en/victims/consultation/committee>>.

Québec, Ministère de la Justice, *Orientations et mesures du ministre de la Justice en matière d'affaires criminelles et pénales*, 2007:14 GO II 1792, online: <<http://legisquebec.gouv.qc.ca/en/ShowDoc/cr/M-19.%20r.%201>>.

Québec, Ministère de la Justice, *Plan stratégique 2019-2023*, Québec City, Government of Québec, 2019, online: <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/justice/publications-adm/plan-strategique/PL_strat_2019-2023_MJQ.pdf?1575473414>.

Québec, Ministère de la Santé et des Services sociaux, *Orientations gouvernementales en matière d'agression sexuelle*, Québec City, Government of Québec, 2001, online: <http://www.scf.gouv.qc.ca/fileadmin/Documents/Violences/OrientationsGouv_AS_2001.pdf>.

Québec, Ministère de la Sécurité publique, *À la recherche d'un système de déontologie policière juste efficient et frugal: rapport de l'examen des mécanismes et du fonctionnement du système de déontologie policière effectué à la demande du ministre de la Sécurité publique du Québec*, Montréal, 1996, (Claude Corbo), online: <<http://collections.banq.qc.ca/ark:/52327/bs54046>>.

Québec, Ministère de la Sécurité publique, Direction générale des affaires policières, *Guide de pratiques policières à l'exclusive usage des corps de police*, May 4, 2009, online: <https://www.securitepublique.gouv.qc.ca/fileadmin/Documents/ministere/diffusion/documents_transmis_acces/2019/132144.pdf>.

Québec, Ministère de la Sécurité publique, *Le respect des droits fondamentaux au IIIe Sommet des Amériques : Une question de sécurité et de dignité. Rapport du groupe d'observateurs indépendants formé par le ministre de la Sécurité publique pour surveiller le travail des corps policiers et des services correctionnels pendant le Sommet des Amériques (19 au 22 avril 2001)*, Montréal, April 26, 2001, online: <http://collections.banq.qc.ca/ark:/52327/bs43068>.

Québec, Ministère de la sécurité publique, *Plan stratégique 2019-2023*, Québec City, Government of Québec, 2019, online: https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/securite-publique/publications-adm/plan-strategique/PL_strategique_MSP_2019-2023.pdf?1575486459.

Québec, Ministère de la Sécurité publique, *Pratique policière 2.3.12 - Décès à l'occasion d'une intervention policière ou durant la détention*, 1995 (and subsequent updates).

Québec Ombudsman, *Québec Ombudsman's Brief Presented to the Committee on Institutions as Part of the Special Consultations on Bill 12, An Act to amend the Police Act as concerns independent investigations*, Québec City, March 2013, online: <https://protecteurducitoyen.qc.ca/sites/default/files/pdf/Memoire_projet_de_loi/2013/2013-03-12_Memoire_PL12_EN.pdf>.

Québec Ombudsman, *Ombudsman's Brief Presented to the Commission on Institutions As Part of the Special Consultations on Bill 46, An act respecting independent police investigations* February 27, 2012, online: <https://protecteurducitoyen.qc.ca/sites/default/files/pdf/Memoire_projet_de_loi/2012/2012-02-27_PL46_memoire_EN.pdf>.

Québec Ombudsman, *For A Credible, Transparent and Impartial Process That Inspires Confidence and Respect. Québec Ombudsman's Report on the Québec Investigative Procedure for Incidents Involving Police Officers*, February 15, 2010 (Jean Maurice Paradis et al.), online: <https://protecteurducitoyen.qc.ca/sites/default/files/pdf/rapports_speciaux/2010-02-16_Rapport_police_EN.pdf>.

Québec, Secrétariat à la condition féminine, *Forum itinérant en matière d'agression sexuelle : Cahier de réflexion*, 2015, online: <<http://www.scf.gouv.qc.ca/fileadmin/Documents/Violences/Cahier-Forum-AS.pdf>>.

Québec, Secrétariat à la condition féminine, *Stratégie gouvernementale pour prévenir et contrer les violences sexuelles 2016-2021*, Québec City, Government of Québec, 2016, online: <<http://www.scf.gouv.qc.ca/violences/document-html/strategie-gouvernementale-pour-prevenir-et-contrer-les-violences-sexuelles-2016-2021/>>.

Québec, Secrétariat aux affaires autochtones, *Do More, Do Better. Government Action Plan for the Social and Cultural Development of the First Nations and Inuit (2017–2022)*, Québec City, Government of Québec, 2017, online: <https://www.autochtones.gouv.qc.ca/publications_documentation/publications/PAS/plan-action-social-en.pdf>.

Service de Police de la Ville de Montréal, “The Service de police de la Ville de Montréal (SPVM) organizational chart 2018,” online: https://spvm.qc.ca/upload/Decouvrir_spvm/Organigramme_SPVM_2018.pdf?fbclid=IwAR03-gVQL-Iyj18kAw7oREJd1tFZ8zYKFe6LcCIhfL58vgP_NWu6htPdtI.

Service de Police de la Ville de Montréal, “The Service de police de la Ville de Montréal (SPVM) organizational chart 2020,” online: <https://spvm.qc.ca/upload/Decouvrir_spvm/Organigramme_SPVM_2020.pdf>.

Service de Police de la Ville de Montréal, “Report an event,” online: <<https://spvm.qc.ca/en/Pages/Report-an-event>>

Service de police de la Ville de Montréal, *Intervention particulière : agression sexuelle*, Pr 249-1, January 29, 2014.

Service de police de la Ville de Montréal, *Intervention particulière : aide aux victimes d'actes criminels*, Pr 249-16, December 11, 2013.

Statistics Canada, *Violent Victimization of Aboriginal Women in the Canadian Provinces*, 2009, by Shannon Brennan, Catalogue no. 85-002-X, Ottawa, Statistics Canada, May 17, 2011, online: <<https://www150.statcan.gc.ca/n1/pub/85-002-x/2011001/article/11439-eng.pdf>>.

Statistics Canada, *Victimization of Aboriginal People in Canada, 2014*, by Jillian Boyce, Catalogue no. 85-0002-X, Ottawa, Statistics Canada, June 28, 2016, online: <<https://www150.statcan.gc.ca/pub/85-002-x/2016001/article/14631-eng.pdf>>.

Statistics Canada, *Criminal Victimization in Canada, 2014*, by Samuel Perreault, Catalogue no. 85-002-X, Ottawa, Statistics Canada, November 23, 2015, online: <<https://www150.statcan.gc.ca/n1/pub/85-002-x/2015001/article/14241-eng.pdf>>.

Statistics Canada, *Victimization and Offending Among Aboriginal People in Canada*, by Jodi-Anne Brzozowski, Andrea Taylor-Butts, and Sara Johnson, Catalogue no. 85-002-XIE, Ottawa, Statistics Canada, 2006, online: <<https://www150.statcan.gc.ca/n1/en/pub/85-002-x/85-002-x2006003-eng.pdf?st=JNsK23hG>>.

Statistics Canada, *Aboriginal Languages in Canada: Languages, 2011 Census of the Population*, Ottawa, Statistics Canada, 2012, online: https://www12.statcan.gc.ca/census-recensement/alternative_alternatif.cfm?t=98-314-

[XWE2011003&k=425&l=eng&loc=http://www12.statcan.gc.ca/census-recensement/2011/as-sa/98-314-x/98-314-x2011003_3-eng.pdf](http://www12.statcan.gc.ca/census-recensement/2011/as-sa/98-314-x/98-314-x2011003_3-eng.pdf).

Non-government documents

Amnesty International, *Stolen Sisters: Discrimination and Violence Against Indigenous Women in Canada*, 2004, online: https://www.amnesty.ca/sites/default/files/Stolen%20Sisters%202004%20Summary%20Report_0.pdf

Amnesty International, *Violence against Indigenous Women and Girls in Canada: A Summary of Amnesty International's Concerns and Call to Action*, 2014, online: https://www.amnesty.ca/sites/amnesty/files/iwfa_submission_amnesty_international_february_2014_-_final.pdf.

Assembly of First Nations of Quebec-Labrador, "National Inquiry into Missing and Murdered Indigenous Women and Girls: the Couillard Government Continues to refuse to Meet its Responsibilities and Hides behind the Feds," August 17, 2016, online: <http://www.apnql-afnql.com/fr/actualites/pdf/comm-2016-08-17.pdf>.

Native Women's Association of Canada, *What their stories tell us: Research findings of the SIS Initiative*, 2010, online: <https://www.nwac.ca/wp-content/uploads/2015/07/2010-What-Their-Stories-Tell-Us-Research-Findings-SIS-Initiative.pdf>.

Capobianco, Laura, *Community safety and indigenous peoples: sharing knowledge, insights and action*, (2009) International Centre for the Prevention of Crime – Working document for ICPC workshops at the Aboriginal Policy Research Conference, Ottawa, March 9–12, 2009, online: https://cipc-icpc.org/wp-content/uploads/2019/08/Securite_quotidienne_et_peuples_autochtones_FR.pdf.

Crime Victims Assistance Centre (CAVAC), "Psychosociojudicial Services," online: <https://cavac.qc.ca/en/services/>.

Expert Panel on the Future of Canadian Policing Models, *Policing in Canada in the 21st Century: Policing for New Challenges*, Ottawa, Council of Canadian Academies, 2014, online: https://cca-reports.ca/wp-content/uploads/2018/10/policing_fullreporten.pdf.

Expert Panel on Policing in Indigenous Communities, *Towards Peace, Harmony and Well-being: Policing in Indigenous Communities*, Ottawa, Council of Canadian Academies, 2019, online: <https://cca-reports.ca/wp-content/uploads/2019/04/FullReport-Toward-Peace-Harmony-and-WellBeing.pdf>.

Council of Europe (Commissioner for Human Rights), *Opinion of the Commissioner for Human Rights, Thomas Hammarberg, concerning independent and effective determination of complaints against the police*, Off. HR Comm. doc. (2009)4 (2009), online: <https://rm.coe.int/opinion-of-the-commissioner-for-human-rights-thomas-hammarberg-concern/16806daa54>.

International Criminal Court, Office of the Prosecutor, *Policy Paper on Sexual and Gender-Based Crimes*, June 2014, online: <https://www.icc-cpi.int/iccdocs/otp/otp-policy-paper-on-sexual-and-gender-based-crimes--june-2014.pdf>.

Quebec Native Women, *Discrimination des femmes autochtones*, 2001, online: http://www.faq-qnw.org/wp-content/uploads/2016/07/memoire_discrimination.pdf.

Quebec Native Women, *Nānīawīg Māmawe Nīnawīnd. Stand with Us. Missing and Murdered Indigenous Women in Quebec*, Kahnawake, 2015, online: <https://www.faq-qnw.org/wp-content/uploads/2016/11/Naniawig-Mamawe-Ninawind-Stand-with-us-Oct-2016-engl-FINAL.pdf>

Frenette, Michèle et al., *Femmes victimes de violence et système de justice pénale : expériences, obstacles et pistes de solution*, Montréal, Service aux collectivités de l'Université du Québec à Montréal, 2018, online: https://sac.uqam.ca/upload/files/Rapport_femmes_violence_justice.pdf.

Greenwood, Kimberley et al., *Canadian Framework for Collaborative Police Response on Sexual Violence*, December 6, 2019, online: https://www.cacp.ca/crime-prevention-committee.html?asst_id=2059.

Human Rights Watch, *Those Who Take Us Away: Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia, Canada*, 2013, online: <https://www.hrw.org/report/2013/02/13/those-who-take-us-away/abusive-policing-and-failures-protection-indigenous-women>.

Human Rights Watch, *Improving Police Response to Sexual Assault*, 2013, online: https://www.hrw.org/sites/default/files/reports/improvingSAInvest_0.pdf.

Lévesque, Carole, “Pour l’amélioration de la qualité de vie et des conditions de santé. Promouvoir la sécurisation culturelle,” *Revue droits et libertés* 34:2 (2016) 16, online: <https://liguedesdroits.ca/pour-lamelioration-de-la-qualite-de-vie-et-des-conditions-de-sante-promouvoir-la-securisation-culturelle/>.

Ligue des droits et libertés and Coalition contre la Répression et les Abus Policiers, *Bilan des trois premières années d’activités du Bureau des enquêtes indépendantes - Constats citoyens - Une commission parlementaire est nécessaire*, October 3, 2019, online: https://liguedesdroits.ca/wp-content/fichiers/2019/10/constat_rapport_bei_20191003.pdf.

Ligue des droits et libertés, *Pour un mécanisme d’enquête sur la police complètement indépendant: le PL 46 ne nous offre pas le modèle qu’il nous faut. Mémoire déposé à la Commission des institutions*, March 2012, online: <http://liguedesdroitsqc.org/wp-content/uploads/2012/03/M%C3%A9moire-Commission-parlementaire-PL-46-Mars-2012.pdf>.

United Nations, Office of the Prosecutor of the International Criminal Tribunal for Rwanda, *Prosecution of Sexual Violence – Best Practices Manual for the Investigation and Prosecution of Sexual Violence Crimes in Post-Conflict Regions: Lessons Learned from the Office of the Prosecutor for the International Criminal Tribunal for Rwanda*, January 30, 2014, online: https://unictr.irmct.org/sites/unictr.org/files/legal-library/140130_prosecution_of_sexual_violence.pdf

United Nations, Human Rights Committee, *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant. Concluding Observations of the Human Rights Committee, Canada*, UN HRCOR, 85th Sess., UN doc. CCPR/C/CAN/CO/5 (2006).

United Nations, Human Rights Committee, *List of issues to be taken up in connection with the consideration of the Fifth Periodic Report of Canada (CCPR/C/CAN/2004/5)*, UN doc. CCPR/C/85/L/CAN (2005).

United Nations, Committee on the Elimination of Discrimination against Women, *Report of the Inquiry Concerning Canada of the Committee on the Elimination of Discrimination against Women Under Article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women*, UN doc. CEDAW/C/OP.8/CAN/1 (2015).

United Nations (Committee on the Elimination of Racial Discrimination), *Consideration of Reports Submitted by States Parties Under Article 9 of the Convention. Concluding Observations of the Committee on the Elimination of Racial Discrimination, Canada*, UN CERDOR, 70th Sess., UN doc. CERD/C/CAN/CO/18 (2007).

United Nations, Human Rights Council, *Report of the Special Rapporteur on violence against Women, its causes and consequences. Indicators on violence against women and states responses*, UNHRCOR, 7th Sess., UN doc. A/HRC/7/6 (2008).

United Nations, Economic and Social Council, *Draft report*, Permanent Forum on Indigenous Issues, 15th Sess., UN doc. E/C.19/2016/L.4 (2016).

United Nations, Office on Drugs and Crime, *The Integrity and Accountability of the Police: Criminal Justice Assessment Toolkit*, New York, United Nations, 2008, online: https://www.unodc.org/documents/justice-and-prison-reform/cjat_eng/2_Integrity_and_Accountability_Police.pdf

OAS, Inter-American Commission on Human Rights, *Missing and Murdered Indigenous Women in British Columbia, Canada*, Off. doc. OEA/Ser.L/V/II Doc. 30/14 (2014), online: <http://www.oas.org/en/iachr/reports/pdfs/indigenous-women-bc-canada-en.pdf>

Table de concertation sur les agressions à caractère sexuel de Montréal, *Guide d’information à l’intention des victimes d’agression sexuelle*, 2018, online: http://agressionsexuellemontreal.ca/client_file/upload-guide-2018/guidebleu-2018-vfinal-francais.pdf.

Women's Initiatives for Gender Justice, *Gender in Practice: Guidelines & Methods to Address Gender Based Crime in Armed Conflict*, The Hague, 2005, online: http://www.iccwomen.org/whatwedo/training/docs/Gender_Training_Handbook.pdf.

Women's Law Project, *Policy Brief – Advocacy to Improve Police Response to Sex Crimes*, Philadelphia, 2013, online: https://www.womenslawproject.org/wp-content/uploads/2017/06/Policy_Brief_Improving_Police_Response_to_Sexual_Assault_Feb2013_FINAL-revd-2016.pdf.

Other online resources

Seminars and conferences

Lawyers Without Borders Canada, “Sexual Violence: Which Support for the Victims?” 2015 LWBC annual forum, in partnership with the International Bureau for Children's Rights, October 2–3, 2015, Montréal.

Press releases

Amnesty International, press release, “Lettre ouverte au premier ministre Couillard : Enquête de Val-d'Or,” February 18, 2016, online: <https://amnistie.ca/sinformer/communiqués/local/2016/canada/lettre-ouverte-premier-ministre-couillard-enquete-val-dor>.

Assembly of First Nations of Quebec-Labrador, press release, “Letter to the Minister of Public Safety,” December 9, 2015, online: <http://aptn.ca/news/wp-content/uploads/sites/4/2015/12/Pierre-Moreau-officiers-PN-à-lenquête-09-12-15-fr.pdf>.

Barreau du Québec, press release, “Projet de loi 12 – Loi modifiant la Loi sur la police concernant les enquêtes indépendantes, lettre du 11 mars 2013 adressée au ministre de la Sécurité publique,” March 11, 2013, online: <http://www.barreau.qc.ca/fr/actualites-medias/communiqués/2013/03/12-enquetes-policieres>.

Barreau du Québec, press release, “Projet de loi 46 – Loi concernant les enquêtes policières indépendantes : la transparence, la qualité et la compétence doivent être assurées lors des enquêtes policières indépendantes,” February 28, 2012, online: <http://www.barreau.qc.ca/fr/actualites-medias/communiqués/2012/02/28-enquetes>.

Quebec Native Women, press release, “Enquête nationale sur les femmes et les filles autochtones disparues ou assassinées : le Québec se disengage,” August 18, 2016, online: <http://www.faq-qnw.org/news/le-canada-reconnait-la-declaration-des-nations-unies-sur-les-droits-des-peuples-autochtones-2/>.

Grand Council of the Crees (Eeyou Istchee), press release, “Cree Nation Government Maintains Call Upon Quebec for a Provincial Judicial Inquiry to Examine the Relationship Between Public Security Forces and Indigenous Women,” August 17, 2016, online: <https://www.newswire.ca/news-releases/cree-nation-government-maintains-call-upon-quebec-for-a-provincial-judicial-inquiry-to-examine-the-relationship-between-public-security-forces-and-indigenous-women-590500011.html>.

Ligue des droits et libertés, press release, “Plusieurs corps de police entravent le déroulement des enquêtes du BEI – Les autorités concernées doivent agir en urgence,” November 5, 2018, online: https://liguedesdroits.ca/plusieurs-corps-de-police-entravent-deroulement-enquetes-bei-autorites-concernees-doivent-agir-urgence/?fbclid=IwAR0eBz8G87AXTFGhNbv2h5XBqVioLTSbZAIuj_bTGafgOk7Pq_0AKxzKNgM.

Ontario, Office of the Independent Police Review Director, press release, “OIPRD to Review Thunder Bay Police Service Practices for Policing Indigenous Peoples,” November 3, 2016, online: <https://www.oiprd.on.ca/oiprd-to-review-thunder-bay-police-service-practices-for-policing-indigenous-peoples/>.

Québec, Premier's Office, "The premier of Québec Philippe Couillard announces measures to improve the living conditions of Aboriginal women," November 4, 2015, online: <https://www.premier-ministre.gouv.qc.ca/actualites/communiqués/details-en.asp?idCommunique=2814>

Québec, Director of Criminal and Penal Prosecutions, press release, "Allégations d'abus à l'égard de plaignantes et plaignants autochtones – Le DPCP a terminé l'analyse des dossiers," November 14, 2016, online:

http://www.dpcp.gouv.qc.ca/ressources/communiqués/2016/COMM_2016_11_14_%20Allégations_ab_us_plaignants_autochtones_VF.pdf.

Québec, Director of Criminal and Penal Prosecutions, press release, "Le DPCP analyse les rapports d'enquête concernant les allégations d'abus commis principalement par des policiers à l'égard de plaignantes et plaignants autochtones," June 3, 2016, online: http://www.dpcp.gouv.qc.ca/ressources/communiqués/2016/COMM_2016_06_03_Rapport_enquete_autochtones_VF.pdf.

Québec, Ministère de la Sécurité publique, press release, "Allégations criminelles contre des policiers : nouveau processus de traitement des plaintes formulées par des membres des Premières nations et des Inuits," August 9, 2018, online: www.fil-information.gouv.qc.ca/Pages/Article.aspx?idArticle=2608094824.

Québec, Ministère de la Sécurité publique, press release, "Allégations visant des policiers du poste de la MRC de la Vallée-de-l'Or – Le gouvernement ne tolérera aucun écart de conduite des policiers et entend soutenir la population de Val-d'Or," October 23, 2015, online: <https://www.securitepublique.gouv.qc.ca/ministere/salle-presse/communiqués/detail/12710.html>.

Québec, Ministère de la Sécurité publique, press release, "Le gouvernement pose un geste supplémentaire afin de faciliter l'accès à la dénonciation pour les femmes autochtones," April 5, 2016, online: <https://www.securitepublique.gouv.qc.ca/ministere/salle-presse/communiqués/detail/12968.html>.

Québec, Ministère de la Sécurité publique, press release, "Le Gouvernement du Québec nomme deux enquêteurs autochtones," December 15, 2015, online: <https://www.securitepublique.gouv.qc.ca/ministere/salle-presse/communiqués/detail/12874.html>.

Québec, Ministère de la Sécurité publique, press release, "Le gouvernement pose un geste supplémentaire afin de faciliter l'accès à la dénonciation pour les femmes autochtones," April 5, 2016, online: <https://www.securitepublique.gouv.qc.ca/ministere/salle-presse/communiqués/detail/12968.html>.

Québec, Ministère de la Sécurité publique, press release, "Le ministère de la Sécurité publique rend public le rapport de l'observatrice civile indépendante," November 16, 2016, online: <http://www.securitepublique.gouv.qc.ca/ministere/salle-presse/communiqués/detail/13581.html>.

Québec, Secrétariat aux affaires autochtones, open letter, "Val-d'Or, un an plus tard : le gouvernement poursuit ses efforts pour soutenir les femmes autochtones," October 24, 2016, online: https://www.autochtones.gouv.qc.ca/centre_de_presse/lettres-ouvertes/2016/2016-10-24-en.asp.

Regroupement des centres d'amitié autochtones du Québec, press release, "The RCAAQ's Reaction to the Government of Quebec's Involvement in the National Inquiry into Missing and Murdered Indigenous Women and Girls," August 18, 2016, online: <http://www.rcaaqaq.info/wp-content/uploads/2018/04/2016-08-18-The-RCAAQ%E2%80%99s-Reaction-to-the-Government-of-Quebec%E2%80%99s-Involvement-in-the-National-Inquiry-into-Missing-and-Murdered-Indigenous-Women-and-Girls.pdf>.

Secrétariat aux affaires autochtones, press release, "The premier of Quebec Philippe Couillard announces measures to improve the living conditions of Aboriginal women," November 4, 2015, online: https://www.autochtones.gouv.qc.ca/centre_de_presse/communiqués/2015/2015-11-04-en.asp.

Service de police de la Ville de Montréal, press release, "The Sûreté du Québec requests the transfer of an investigation to the Service de police de la Ville de Montréal," October 23, 2015, online: <https://spvm.qc.ca/en/PressReleases/Details/13029>.

Service de police de la Ville de Montréal, press release, “Rencontre de mise à jour concernant les enquêtes sur les allégations visant des policiers à l’égard d’Autochtones,” June 7, 2016, online: <<https://www.spvm.qc.ca/fr/Communiques/Details/13271>>.

Service de police de la Ville de Montréal, press release, “Suivi de l’enquête sur les allégations visant des policiers à l’égard de plaignants et de plaignantes autochtones,” November 14, 2016, online: <<https://spvm.qc.ca/fr/Communiques/Details/13432>>.

Service de police de la Ville de Montréal, press release, “Follow-up of investigations transferred to the Service de police de la Ville de Montréal,” October 30, 2015, online: <<https://spvm.qc.ca/en/PressReleases/Details/13037>>.

Service de police de la Ville de Montréal, press release, “Follow-up of investigations transferred to the Service de police de la Ville de Montréal (SPVM): two new video clips in Inuktitut and in Cree,” November 9, 2015, online: <<https://spvm.qc.ca/en/PressReleases/Details/13050>>.

Sûreté du Québec, press release, “La Sûreté du Québec à l’écoute des recommandations formulées dans le rapport d’enquête de la commission Viens,” October 1, 2019, online: <https://www.sq.gouv.qc.ca/communiques/sq_commission-viens/>.

Newspapers, newswires, and other news

Blatchford, Christie “Mounties ran into Toronto’s blue wall of silence,” *The Globe and Mail*, January 20, 2004, online: <<https://www.theglobeandmail.com/news/national/mounties-ran-into-torontos-blue-wall-of-silence/article741231/>>.

Croteau, Martin, “Policiers et autochtones : Québec élargit l’enquête à toute la province,” *La Presse*, April 5, 2016, online: <www.lapresse.ca/actualites/politique/politique-quebecoise/201604/05/01-4967926-policiers-et-autochtones-quebec-elargit-lenquete-a-toute-la-province.php>.

Croteau, Martin, “Reportage à Val-d’Or : 41 policiers poursuivent Radio-Canada,” *La Presse* October 20, 2016, online: <<http://www.lapresse.ca/actualites/justice-et-affaires-criminelles/actualites-judiciaires/201610/20/01-5032333-reportage-a-val-dor-41-policiers-poursuivent-radio-canada.php>>.

Deshaies, Thomas, “BEI : près de la moitié des allégations impliquent une présumée victime autochtone,” *Radio-Canada* October 19, 2018, online: <<https://ici.radio-canada.ca/nouvelle/1130802/bei-allegation-sactes-criminels-presumee-victime-autochtone->>.

Dupuis, Josée and Anne Panasuk, “Le silence est brisé,” *Radio-Canada – Enquête*, March 31, 2016, online: <<http://ici.radio-canada.ca/tele/enquete/2015-2016/segments/reportage/6143/enquete-femmes-autochtones-surete-du-quebec-police>>.

Dupuis, Josée, “Abus de la SQ: les femmes brisent le silence,” *Radio-Canada – Enquête*, October 22, 2015, online: <<http://ici.radio-canada.ca/tele/enquete/2015-2016/episodes/360817/femmes-autochtones-surete-du-quebec-sq>>.

Fraternité des Policiers et Policières de Montréal, “Délais d’enquête, un enjeu qui prend de l’ampleur,” *La Flute* (Winter 2020), online: <<http://www.fppm.qc.ca/medias/publications/laflute-76-no-1.pdf>>.

Handfield, Catherine, “Une police blanche,” *La Presse*, June 16, 2020, online: <<https://www.lapresse.ca/actualites/grand-montreal/2020-06-16/une-police-blanche>>.

The Canadian Press, “Des femmes autochtones ont encore peur des policiers de la Sûreté du Québec,” *Radio-Canada*, October 17, 2019, online: <<https://ici.radio-canada.ca/espaces-autochtones/1350261/des-femmes-autochtones-ont-encore-peur-des-policiers-de-la-surete-du-quebec>>.

The Canadian Press, “Les Autochtones veulent une enquête ‘vraiment indépendante’ au Nouveau-Brunswick,” *Le Devoir*, June 16, 2020, online: <<https://www.ledevoir.com/societe/580914/les-autochtones-veulent-une-enquete-vraiment-independante-au-nouveau-brunswick>>.

Larouche, Vincent, “Enquête sur la SQ à Val-d’Or : 30 victimes potentielles,” *La Presse*, April 8, 2016, online: <<http://www.lapresse.ca/actualites/justice-et-affaires-criminelles/faits-divers/201604/07/01-4968958-enquete-sur-la-sq-a-val-dor-30-victimes-potentielles.php>>.

Lévesque, Fanny, “Abus policiers envers des Autochtones: beaucoup d’appels, mais peu de plaintes,” *Le Soleil*, October 19, 2016, online: <<https://www.lesoleil.com/actualite/abus-policiers-envers-des-autochtones-beaucoup-dappels-mais-peu-de-plaintes-720bb31199d1646fcdd7f099a55c8abc>>.

Lévesque, Lia, “Agressions sexuelles et violence conjugale: création d’un comité d’experts,” *Le Soleil*, March 18, 2019, online : <www.lesoleil.com/actualite/politique/agressions-sexuelles-et-violence-conjugale-creation-dun-comite-dexperts-3b7b5fbc0e5b0b20efe09517a7f630f5>.

Palmater, Pamela, “Canada: le racisme qu’on feint d’ignorer,” *Le Journal des alternatives*, June 10, 2020, online: <<https://journal.alternatives.ca/Canada-le-racisme-qu-on-feint-d-ignorer>>.

Pashagumskum, Jamie, “Police oversight needs Indigenous input says Chantel Moore’s family,” *National News*, July 28, 2020, online: <<https://www.aptnnews.ca/national-news/police-oversight-needs-indigenous-input-says-chantel-moores-family/>>.

Radio-Canada, “Décision du DPCP à Val-d’Or : entre colère et incompréhension,” *Radio-Canada*, November 18, 2016, online: <<https://ici.radio-canada.ca/nouvelle/1000753/decision-du-dpcp-a-val-dor-entre-colere-et-incomprehension>>.

Radio-Canada, “Femmes autochtones : pas d’enquête fédérale approfondie sur Val-d’Or,” *Radio-Canada*, December 15, 2016, online: <<http://ici.radio-canada.ca/nouvelle/1006235/val-dor-mandat-enquete-nationale-femmes-autochtones-disparues-assassinees>>.

Radio-Canada, “L’ex-directeur adjoint du SPVM poursuit la Ville de Montréal pour 1,75 M\$,” *Radio-Canada*, December 17, 2019, online: <<https://ici.radio-canada.ca/nouvelle/1438009/police-montreal-bernard-lamothe-poursuite-spvm-philippe-pichet>>.

Radio-Canada, “Les minorités visibles encore peu représentées au sein des forces policières de la région,” *Radio-Canada*, June 2, 2020, online: <<https://ici.radio-canada.ca/nouvelle/1709278/minorites-visibles-corps-policiers-gatineau-outaouais-ottawa>>.

Radio-Canada, “Québec examinera le traitement des plaintes d’agression sexuelle par les policiers,” *Radio-Canada*, February 17, 2017, online: <<http://ici.radio-canada.ca/nouvelle/1017459/sq-revisera-plaintes-agressions-sexuelles-classees-non-fondees>>.

Radio-Canada, “Québec veut améliorer le traitement judiciaire des agressions sexuelles,” *Radio-Canada*, March 18, 2018, online: <<https://ici.radio-canada.ca/nouvelle/1159001/quebec-agressions-sexuelles-conjugales-comite-experts-sonia-lebel-moiaussi>>.

Radio-Canada, “Poursuite des policiers de Val-d’Or contre Radio-Canada,” November 17, 2016, online: <<https://ici.radio-canada.ca/nouvelle/1000539/poursuite-des-policiers-de-val-dor-contre-radio-canada?fbclid=IwAR0DHHLJgliPTR4HyFckL086l3EWCpv3OywGt-dQiA7ldZ4WuHntqNbWfTI>>.

Renaud, Daniel, “De grandes ambitions pour le nouveau patron du BEI,” *La Presse*, July 9, 2020, online: <https://www.lapresse.ca/actualites/justice-et-faits-divers/2020-07-09/de-grandes-ambitions-pour-le-nouveau-patron-du-bei.php?fbclid=IwAR1vc8q2qnhokYMLGY7Z3abUtK9lPogFc3u9ln_deGu0S47LDoPIUfEkAU>.

Robillard, Jean-Philippe, “Les tensions commencent à s’apaiser à Val-d’Or,” *Radio-Canada*, June 5, 2017, online: <<http://ici.radio-canada.ca/nouvelle/1037977/tensions-blancs-autochtones-val-dor-apaisement>>.

Rock, Allan and Elizabeth Sheehy “Allan Rock and Elizabeth Sheehy: The way forward on sexual assault on campus,” *Ottawa Citizen*, February 5, 2016, online: <<https://ottawacitizen.com/opinion/columnists/allan-rock-and-elizabeth-sheehy-the-way-forward-on-sexual-assault-on-campus>>.

Sheehy, Elizabeth and Teresa Scassa, “Unfounded: For real change, we need more than internal police reviews,” *The Globe and Mail*, February 28, 2017, online: <http://www.theglobeandmail.com/opinion/unfounded-for-real-change-we-need-more-than-internal-police-reviews/article34152459/?utm_source=twitter.com&utm_medium=Referrer:+Social+Network+Media&utm_campaign=Shared+Web+Article+Links>.

Tait, Carrie and Ian Bailey, “Drawn-out investigations into police misconduct delay justice for victims, watchdogs say,” *The Globe and Mail*, June 10, 2020, online: <<https://www.theglobeandmail.com/canada/british-columbia/article-drawn-out-investigations-into-police-misconduct-delay-justice-for/>>.

The Globe and Mail, “Dossier de l’enquête pancanadienne sur les corps de police,” *The Globe and Mail – Investigation*, February 10, 2017, online: <<http://www.theglobeandmail.com/news/investigations/unfounded-timeline/article33972269/>>.

TVA Nouvelle, “Val-d’Or : un policier suspendu se sent trahi par la SQ,” *TVA Nouvelles*, October 25, 2015, online: <<http://fr.canoe.ca/infos/societe/archives/2015/10/20151025-164138.html>>.

Social networks and other media

Service de police de la Ville de Montréal, “Capsules autochtones, YouTube account online: *YouTube*, <<https://www.youtube.com/playlist?list=PLhvbhIZG3rZkAUbB1pHRBSBZmBDTKUQsk>>.

Service de Police de la Ville de Montréal, “Police Montréal @SPVM,” Twitter account online: *Twitter* <<https://twitter.com/SPVM>>.