

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

Fannie Lafontaine, attorney and independent civilian observer
Québec City, November 15, 2016

* Translated from the French original and authoritative version

Québec City, November 15, 2016

Liette Larrivée
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Dear Ms. Larrivée:

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 RCM against First Nations members (Phase 1). On April 5, 2016, the mandate of Service de police de la Ville de Montréal was officially expanded to include complaints against police officers in other police forces across Québec (Phase 2). Phase 1 investigations have now been completed, and I am pleased to submit my report containing my observations and conclusions regarding the integrity and impartiality of those investigations.

Sincerely,



Fannie Lafontaine
Attorney
Independent Civilian Observer

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EXECUTIVE SUMMARY

Background

On October 23, 2015, Ministère de la Sécurité publique put SPVM in charge of investigations into criminal offences allegedly committed by SQ police officers. The decision was announced the day after damning testimony from Indigenous women gathered for a report that was broadcast on Radio-Canada's *Enquête* program. The acts the police officers are accused of took place in the Vallée-de-l'Or RCM. They involve allegations of sexual violence and abuse of power. The events described sparked public outrage in both Indigenous communities and the population in general.

Until that time, the investigations had been conducted internally by SQ and included 14 cases. At SQ's request, Ministère de la Sécurité publique transferred the investigations to SPVM and put it in charge of handling other similar complaints that might arise. SPVM's mandate came at a time when BEI was not yet operational and was unable to investigate these types of offences. To alleviate the public's concerns and skepticism about police officers called upon to investigate their peers, the premier announced that the SPVM investigation would be monitored by an independent civilian observer. On November 4, 2015, I was appointed to do so.

From October 23, 2015 to April 5, 2016, a total of 38 complaints were received and investigated by SPVM. They constitute what is referred to as "Phase 1" of the investigations. On April 5, 2016, following a second Radio-Canada report, SPVM's mandate was officially expanded to include any complaint from any Indigenous person against a police officer from a police force other than SPVM across Québec. The allegations made known to SPVM after April 5, 2016, are part of "Phase 2" of the investigations. My evaluation of the integrity and impartiality of the Phase 2 investigations will be presented in one or more separate reports when such investigations have been completed.

The 38 cases in Phase 1 were sent to the DCPD for analysis and a decision as to whether charges should be laid. All the cases were sent to the DCPD without prior screening by the investigators or any request for prosecution or pre-identification of specific offences, as is usually the case. This decision was made due to the special context of the investigations, given that SPVM is investigating another police force. Further investigations have been conducted in recent months, mainly at the request of DCPD attorneys, and all victims had to be interviewed. These steps, which are important in an investigation of this scope, explain the length of time between the start of the investigations in fall 2015 and the DCPD's pending decision as to whether charges will be laid in each of the cases.

Below is some relevant information on the cases in Phase 1:

- There are 38 investigation cases in Phase 1. The DCPD decided to move one of the cases to Phase 2. This case was assessed as part of this report and will be reassessed if necessary in a subsequent report that I will produce.
- These 38 cases involve 31 different victims (some victims made allegations involving more than one event, each of which was treated as a separate case).
- Out of the 31 victims, 24 are women. Three of the victims are not Indigenous.

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- Fifteen of the 38 cases involve allegations of a sexual nature.
 - Nine cases involve allegations of “forcible confinement,” referring to “*cures géographiques*” or “starlight tours,” which consist of dropping off individuals in remote areas and leaving them there “to sober up.”
 - Other cases involve allegations of assault (excessive use of force during an arrest or custody, etc.) or other types of widely varying allegations, some of which do not concern police officers or are more of a disciplinary nature.
 - Thirty-two of the 38 cases are from the Val-d’Or region and neighboring communities.

Mandate and observation process

The mandate entrusted to me consists of examining and evaluating the integrity and impartiality of the SPVM’s investigations. The objectives of the observation process are defined in my mandate as follows:

- 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.

To carry out the mandate, it was agreed that I would have access to the documents, locations, and individuals required. More specifically, I 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 my mandate;
- Meet with anyone able to provide information relevant to the assessment of the investigation’s integrity or impartiality;
- Visit, as needed, certain locations related to the investigation (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.

Some usual restrictions were included in my mandate to preserve my independence and allow the criminal investigation process I am monitoring, but not conducting, to proceed as it should. In accordance with these restrictions, I did not come into direct contact with the victims, the police officers subject to the complaints, the witness police officers, or the civilian witnesses. I also did not attend the investigators’ interviews or interrogations in person, most of which were recorded in video or audio format and analyzed during the course of my mandate. Lastly, I did not interfere in the investigations conducted by the SPVM investigators.

To be effective and credible, the model for independent civilian observation of a police investigation of other police officers is based on a series of key conditions. They include:

- Full access to the evidence at every step of the investigation;
- Unrestricted access to the entire investigation team of the police force under observation and the police force’s full cooperation;

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- 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 witness police officers);
 - The transparency of the process and of the observation results;
 - The appropriate resources to carry out the task.

The scope of my mandate and the manner in which I interpreted and applied it respect these conditions.

Independent civilian observer protocol

This measure to have an independent civilian observer monitor a police investigation of police creates a precedent in Québec. My assessment of SPVM's work is based on a series of indicators used to objectively measure the integrity and impartiality of the investigations. The indicators are included in the Independent Civilian Observer Protocol (the "Protocol"), which I developed and followed as part of my observation. They are drawn from the best practices used in other investigation and civilian observation or monitoring experiences as well as valuable discussions I have had with various bodies and individuals who have expertise related to my mandate.

The purpose of the Protocol is to establish the guiding principles of the observation process and determine the observation procedure for evaluating SPVM's work. In fulfilling my mandate, I acted impartially, independently, and objectively, impervious to external pressures or influences. I also respected the confidentiality of the information I received during the examination of SPVM's investigation files. These principles guarantee that the observation process is credible and help fulfill its objectives.

The evaluation of the integrity and impartiality of SPVM's investigations is based on an examination of each of the indicators listed in the "Observation Procedure" section of my Protocol. These indicators are grouped into three categories. The first focuses on the investigation process followed by SPVM. The second deals with two distinctive features of the incidents under investigation, namely the sexual nature of a number of allegations and the fact that the alleged offences were committed against members of Indigenous communities, mainly women. The third concerns conflicts of interest.

Assessment

All the indicators in the Protocol were evaluated separately from one another. A summary of the detailed assessment contained in the report is presented here.

a. Consistent application of a rigorous established investigation process

- Timeliness of the investigations

The specific context of the investigation conducted by SPVM in Phase 1 meant that the time between the start of the investigations and the DCP's final announcement on whether or not charges would be laid would be perceived as quite long by some victims. In addition to the usual time required by the DCP to analyze a case, in this instance the victims had to wait until each of the 38 cases in Phase 1 were completed, including interrogations of the suspects and individual interviews of the victims with prosecutors, all scattered over a wide area, before learning the outcome of their cases. This inevitably slows down the individual process, but is justified by the collective aspect of the investigation process related to the many allegations made by First Nations members against police officers.

SPVM deployed all the resources necessary to conduct the investigations and the further investigations requested by the DCPD in a timely manner.

- **Courteous and respectful behavior**

All interviews were conducted in a manner that was courteous and respectful toward the victims, witnesses, and police officers involved. The investigators understood and were sensitive to the sociocultural context and specific reality of the Indigenous victims and witnesses. The interviews with the police officers involved, some of whom were extremely affected by their status as suspects, were characterized by an open and understanding yet firm and uncompromising attitude.

- **Presence of highly qualified investigators**

The investigators deployed by SPVM had the level of training and experience required for this investigation. Their skills and expertise were noted in the interviews I had the opportunity to see, particularly with the victims.

- **Appropriate intervention commensurate with the gravity of the incidents under investigation**

SPVM's degree of intervention was exemplary in several respects and leads me to draw a positive conclusion on this point. The SPVM management team quickly implemented a comprehensive approach that took into account the complexity of the issues in the field. SPVM's actions were also proportional to the gravity of the events under investigation.

- **Investigation methods and approaches similar to those used for crimes of the same gravity committed by civilians**

Phase 1 investigations were generally conducted with no difference in treatment based on the functions of the individuals to which the complaints applied. This was subject to the applicability of specific provisions of the *Police Act* and the need for a communication mechanism between SPVM and SQ that provided for SPVM contact only with the SQ liaison officer responsible for responding to the many requests and queries associated with the investigation. The investigation team applied the investigation techniques that usually apply in cases of allegations of major crimes. The existing guidelines were followed and a victim-centered approach was used. Regarding a more specific issue, applications for sealing orders to ensure the protection of the police investigation underway were filed when necessary, but were filed late. As a result, a journalist was able to consult legal documents, namely certain detailed affidavits supporting applications for production orders from SPVM, which led to the publication of a news article. The article divulged information that worried the victims about the possibility of being identified and needlessly fueled rumors. The investigations should have been sealed from the start. That said, I believe that it was an honest mistake without any harmful consequences for the investigation process or the protection of victims' privacy.

- **Measures taken to isolate police officers and restrict communications**

Under the special circumstances of the Val-d'Or project, which mainly involved events that had taken place in the past, I believe that SPVM did whatever it could to restrict communications between the police officers before they were interviewed. It was impossible for SPVM to ensure that the police officers involved had not discussed among themselves the facts under investigation as the investigations had been initiated by SQ several months before. It was also difficult to measure the

impact of any such discussions on SPVM’s investigations. That said, despite the measures taken by SPVM, the identities of the SQ police officers involved were known to their colleagues. This knowledge, coupled with the recent public mobilisation by Val-d’Or police officers, would create the appearance of collaboration, which gave cause for concern. There was nothing that SPVM could do in this regard.

- **Rank of investigators who conducted interrogations**

SPVM detective sergeants did not interrogate police officers of equal or higher rank. Police officers did not receive any preferential treatment, and difficult or uncomfortable questions were asked. The investigators sought the truth in their interactions with the police officers involved, in an objective and uncompromising manner without fear or favor.

- **Relationships with the police officers involved and the witness police officers**

Witness police officers were promptly interviewed during the investigation, and the procedure followed the rules in effect. The witness police officers were notified of their status in the investigation and were assisted by a lawyer. They produced full written and signed statements and submitted copies of their personal notes and all reports relating to the examination of the complaints to SPVM investigators. For the police officers facing criminal allegations, the situation was different in each case. In 21 of the 38 cases in Phase 1, no suspected police officers could be interviewed, either because no suspect could be identified by the end of the investigation, the suspect was not a police officer, the presumed victim denied being subject to criminal acts or did not wish to pursue the matter, and in one case, the suspected police officer died. In the other cases, 15 police officers were invited to make a statement as suspects during the investigation in 11 cases, which they had the right to agree to (11) or decline (4). Certain other police officers will be questioned if they are arrested. The interrogations of police officers interviewed as suspects during the investigation complied fully with the rules provided for by law.

- **Seriousness and thoroughness 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. The independent civilian observer’s goal is to evaluate the integrity of the police investigation to ensure that the process followed is rigorous, thorough, and objective and that the end result—the DCP’s decision as to whether to lay charges—is not based on an incomplete or bungled investigation. The DCP’s decision is outside of my mandate. Following a thorough analysis of each of the 38 cases under investigation, I confirm that all the investigations were treated seriously and pursued exhaustively. The SPVM investigation team made significant efforts to establish the facts and identify those responsible for the allegations.

b. Consideration of the Indigenous context and the sexual nature of the allegations

- **Transparency of the investigation process with Indigenous communities**

Transparency was made possible thanks to a decision to quickly deploy a multidisciplinary team in the field, to meetings organized by SPVM with partners in Val-d’Or and communities and to its presence at an AFNQL Chiefs’ Assembly. There are limits as to what a police force can publicly disclose about an investigation. I believe that the SPVM investigation team was sensitive to the importance of being

transparent with the communities under the circumstances and that some concerns about the length of the investigation in particular could not have been entirely quelled by SPVM alone.

- **Establishment of a climate of trust with the victims**

The team of investigators, most of whom were specialized in sexual assault, was able to establish a climate of trust with the victims. 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 neutral meeting place was chosen for the interviews with the victims. The investigators were dressed in civilian clothes and female investigators conducted the interviews in virtually all cases involving allegations of a sexual nature.

- **Investigators' training on Indigenous cultures and realities**

All SPVM members involved in the Val-d'Or project received training on the realities of First Nations members. The subjects covered in the course were key themes that needed to be taught in the context of the present police investigation. I also acknowledge the qualifications of the individuals who provided the instruction. That said, the syllabus was extremely ambitious in relation to the length of the course, which should have been a few hours longer. The need for *ad hoc* training specific to the investigation entrusted to SPVM was that much greater because all non-native police officers in Québec clearly lack training on Indigenous realities and cultures.

- **Adequate representation of Indigenous community members on the investigation team**

Two Indigenous police officers joined the SPVM's regular investigation team. One was a female Abenaki police officer from the Abenaki Police Force of Odanak and the other was a Cree police officer from the Eeyou Eenuou Police Force of Mistissini. Their assignment, requested by the AFNQL chiefs, was announced on December 15, 2015, by MSP. Both Indigenous investigators performed tasks similar to those of the SPVM investigators, including interviews with witnesses. They were firmly integrated into the investigation team and passed on their investigative expertise and knowledge of the Indigenous communities to the team. While the assignment of the two Indigenous police officers and their full integration into the SPVM investigation team is to be commended, it would have been preferable for SPVM to immediately assign Indigenous police officers from its own force to the Val-d'Or project. During an investigation in the Indigenous community, the reflex should be to incorporate Indigenous investigators wherever possible.

- **Language issues (interpretation and translation services)**

The investigators did not use an interpreter, and no victims in Phase 1 specifically requested one. I believe, however, 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. Furthermore, I did not note any major communication problems during interviews with the victims and Indigenous witnesses.

- **Support for victims and communication of useful information on psychological support services and assistance and protection services**

SPVM promoted support for the victims. Ties were established with local resources available for the victims, whether or not they wished to file a complaint. It should be noted that there are more resources available to support victims in Val-d'Or than in communities like Kitcisakik and Lac-Simon. Although SPVM has put in place everything necessary to support victims outside Val-d'Or, the gap between available resources is regrettable and calls for special attention from the authorities.

- **Explanation to the victim of the conduct of the police investigation and the legal process as well as information on decisions made in the case**

I am satisfied with the action taken by SPVM to inform the victims of the conduct of the police investigation and the legal process. The particular collective context of the investigation and the delays incurred as a result certainly contributed to raising concerns among some victims, but in my opinion, SPVM satisfactorily fulfilled its obligations regarding information, given the circumstances.

- 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:**

- **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.**

All the members of the investigation team, including SPVM management, signed a *Conflict of Interest Statement*. My overall assessment is positive. Two investigators stated they knew people associated with cases. In one instance, the investigator did not take part in the case involved and in the other, the stated conflict was negligible and too remote to lead to a real, or even apparent, conflict of interest.

Conclusion and findings

Following my assessment of Phase 1 of the SPVM investigations, I confirm that they were conducted impartially and with integrity. The indicators in the *Independent Civilian Observer Protocol*, which I used to carry out my mandate, all received a positive general rating despite a few concerns about certain respects. This positive assessment applies to the general evaluation of the investigation process established by SPVM and the individual evaluation of each of the 38 cases investigated. My conclusion regarding the integrity and impartiality of the investigations is based on a mandate and sufficient powers of observation to duly monitor the SPVM investigation process.

SPVM's investigations were conducted in a particularly sensitive context. The tense social climate in Val-d'Or and the general suspicion concerning police investigations of police officers made independent civilian observation all the more necessary and important. That said, a standard criminal investigation has limited objectives, namely to determine whether a criminal act was committed and identify those responsible. There is little or no room for identifying patterns of behavior or explaining the underlying causes of a phenomenon that is documented in a piecemeal manner based on individual complaints. The SPVM investigation can therefore provide only part of the answer to a

profound social crisis marked by more collective and systemic issues. In a crisis situation, a criminal investigation is necessary, but insufficient. “Justice” in this context, a key ingredient of reconciliation, must be served both individually and collectively via measures complementary to the criminal process.

The specific context of the investigation leads me to draw conclusions regarding:

- The urgent need to protect and support victims;
- The need to quickly clarify how complaints from Indigenous people 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 people in this process and of training based on a competency- and cultural safety–based approach;
- The need for an overall strategy to train non-native police officers;
- The need to shed light on the underlying causes of the present 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 the existence of systemic racism on the part of the police against Indigenous people. Identifying measures to complement the criminal investigation conducted by SPVM to highlight more collective and systemic issues requires a formal and immediate consultation process between the government, police forces, and Indigenous organizations.

The complaints made to SPVM by Indigenous women in Val-d’Or and elsewhere are acting as a catalyst for a movement of whistleblowing, solidarity, and the refusal to let situations of injustice continue. Testimonies that break the silence are worthwhile, even when they do not result in a police officer being found individually criminally responsible due to reasons specific to the criminal justice system that in no way call into question the true story. However, they are the first steps toward healing and reconciliation only to the extent that each individual story is recognized other than through the criminal justice process. These stories must be heard and acknowledged in and of themselves as well as an integral part of a more generalized pattern of similar incidents experienced by others, which should be documented and named.

ABBREVIATIONS, ACRONYMS, AND DEFINITIONS

AFNQL	Assembly of the First Nations of Quebec and Labrador
BEI	Bureau des enquêtes indépendantes
CALACS	Centre d'aide et de lutte contre les agressions à caractère sexuel
DCPP	Director of Criminal and Penal Prosecutions
ÉN PQ	École nationale de police du Québec
MSP	Ministère de la Sécurité publique
NPJSQ	Native Para-Judicial Services of Quebec
Police officer involved	Police officer whose conduct during a police intervention, custody, or other circumstances may constitute a criminal act
QNW	Quebec Native Women
RCM	Regional county municipality
RCMP	Royal Canadian Mounted Police
SPVM	Service de police de la Ville de Montréal
SQ	Sûreté du Québec
TRC	Truth and Reconciliation Commission of Canada
Witness police officer	Police officer who was present during the questionable conduct of a police officer involved or who has relevant information on the matter

INTRODUCTION

This report contains my conclusions as independent civilian observer appointed by the Québec government to evaluate the integrity and impartiality of the investigations conducted by Service de police de la Ville de Montréal (SPVM) into allegations of criminal acts committed by police officers of Sûreté du Québec (SQ) and other police forces against First Nations members, mainly women, in the Val-d'Or region and across Québec. It concerns "Phase 1" of the investigations, i.e., those dealing with complaints received since the investigation was opened on October 23, 2015, up to April 5, 2016.

This is the first independent civilian observation of a police investigation of police in Québec. It is being conducted in a tense social climate marked by allegations of sexual violence and abuse of power that have sent a shockwave through the public in general and Indigenous communities in particular. The importance of an objective and independent evaluation of the criminal investigation of these allegations against police officers in this context should not be underestimated.

On October 23, 2015, Ministère de la Sécurité publique (MSP) put SPVM in charge of investigations of criminal offences allegedly committed by SQ police officers.¹ The offences were allegedly committed mainly in the Val-d'Or region by agents from the Vallée-de-l'Or regional county municipality (RCM) station. The decision was announced the day after damning testimony from Indigenous women was broadcast in a report on Radio-Canada's television program *Enquête*.²

Until then, SQ's Professional Standards Branch had been investigating allegations of a criminal nature involving its own police officers. That investigation started on May 12, 2015, and consisted of 14 cases. On October 23, 2015, the SQ director general requested MSP to turn the investigation over to SPVM. SQ also suspended eight of its agents. Lise Thériault, then Minister of Public Security, granted SQ's transfer request. She also tasked SPVM with dealing with other similar allegations that might be brought to its attention.

The events described in the news report hit the collective consciousness. They referred to sexual violence allegedly committed by law enforcement officers against Indigenous women. The offences were said to be mainly perpetrated by police officers during the performance of their duties. The alleged behavior is clearly contrary to their primary mission, which consists of maintaining peace, order, and security and preventing and responding to crime.³ The prospect that police officers, vested with broad powers to fulfill their duties, could have committed criminal acts against those they are supposed to protect seriously undermines the public's trust in its authorities. It is therefore not surprising that the events in Val-d'Or struck a chord at the United Nations.⁴

On November 4, 2015, the Premier of Québec announced that the investigation entrusted to SPVM would be monitored by an independent civilian observer and assigned the mandate to me.⁵ The decision fulfilled a commitment made a few days earlier in the National Assembly.⁶ It was announced at a time of crisis when the public's and victims' trust in law enforcement was under intense pressure.

On April 5, 2016, the government announced that the scope of the investigation entrusted to SPVM would officially be expanded to include all of Québec.⁷ A few days earlier, the program *Enquête* had aired a second report where Indigenous women in other Québec regions also reported abuse by police officers.⁸ Expanding the mandate meant that SPVM would have to investigate any complaints against police officers from police forces other than its own when the victim was Indigenous. Allegations brought to SPVM's attention after that date are part of what is known as "Phase 2" of the investigation, and I will provide my assessment of the impartiality and integrity of the investigation involving them in one or more subsequent reports. This report refers only to Phase 1.

In fall 2015, as in the past, the issues of the impartiality and transparency of investigations of police officers were important issues that attracted public attention. The fact that SQ is not investigating its own agents addresses some concerns,⁹ but skepticism persists. When police officers investigate their peers, even those from another force, the strength of police solidarity undermines the public perception of the impartiality of the investigations.¹⁰ Bureau des enquêtes indépendantes (BEI) existed at the time, but was not yet operational. It became operational in June 2016.¹¹ The central role of this office consists of investigating "if 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."¹² The definition of "serious injury" is very restrictive and would exclude in particular a number of crimes of a sexual nature.¹³ In its November 4, 2015 press release, the Québec government also announced its intention to broaden BEI's scope so that it could examine allegations of sexual assault made against police officers. A bill to this effect was tabled last June and was still being reviewed by the National Assembly at the time this report was submitted.¹⁴ It should be pointed out that if BEI had been operational in fall 2015, the Minister of Public Security could have opted to entrust it with the task of conducting all the Val-d'Or investigations under Section 289.6 of the *Police Act*. It was agreed in fall 2016 that BEI would take charge of any new complaints of a sexual nature against police officers.¹⁵ This transfer does not therefore involve any cases in Phase 1.

Police investigations of police have long been the preferred practice in Québec and other jurisdictions. A ministry policy seeking to regulate these types of investigations came into effect in 1995. Such investigations were commonly known as "independent investigations." The term as such was criticized¹⁶ and the process enshrined in the policy was called into question.¹⁷ Nevertheless, Québec has now followed the lead of other provinces by handing over responsibility for criminal investigations of police officers to an independent body.

It should be pointed out that the investigations in this matter were not transferred to SPVM under the policy on "independent investigations." The offences do not involve death or "serious injuries" resulting from police intervention or detention. That said, the situation has some similarities to the extent that one police force is investigating another and certain potentially criminal offences have allegedly been committed by police officers on duty. Furthermore, as this report indicates, SPVM applied many features of independent investigations to its investigation process in this case.

Given the climate of strong social tension and suspicion of law enforcement and the lack of an independent office to conduct the investigation, the government was prompted by this specific context to set up an independent civilian observation process to monitor SPVM's work.

Monitoring police investigations of police has been tried and tested in other jurisdictions and was considered at one time to be the measure to adopt in Québec before the decision was made to create BEI. The best practices used in these jurisdictions assisted me in interpreting and executing my mandate.

The Val-d'Or crisis raises an issue of fundamental interest, namely the relationship between law enforcement personnel and First Nations members. The disclosures, which refer to possible sexual abuse and abuse of power by SQ agents against Indigenous women, who are already exposed to various vulnerability factors, obviously spark public outrage. Behind the events in Val-d'Or is the issue of racist police practices, which threaten the integrity and security of Indigenous women. Some alleged practices are evidence of this, such as the "*cures géographiques*," which consists of taking Indigenous people to the outskirts of town and leaving them there to walk home over long distances, often in dangerous conditions. This technique has also been reported elsewhere in Canada, where it is known as a "starlight tour."

The allegations of Indigenous women in Val-d'Or have also been made public in a specific sociopolitical context. Two contemporary issues, namely the issue of residential schools brought to light by the work of the Truth and Reconciliation Commission of Canada (TRC)¹⁸ and that of missing and murdered Indigenous women, now the subject of the *National Inquiry into Missing and Murdered Indigenous Women and Girls*,¹⁹ are directly and indirectly related to the Val-d'Or allegations. These two matters of national importance are related to the victimization of Indigenous people and their relationships with law enforcement personnel. They are not separate from the issues raised by the crisis in Val-d'Or. They help us understand the context of the crisis and foster discussion on the measures to take to identify the underlying causes, particularly the existence of systemic racism in Québec's police institutions and the over-incarceration of Indigenous people.

The large-scale investigation conducted by SPVM in Val-d'Or and the presence of an observer aroused great expectations in the communities involved. From the very first meetings in November 2015 and many times thereafter, people called for a more comprehensive understanding of the issues raised by the allegations made by the women who are now channeled into the criminal process. Related to these issues are the urgent need to concentrate on the broken relationship of trust between police officers and Indigenous people in Val-d'Or and elsewhere and the uncertainty over the measures that will be taken to ensure complaints from First Nations members will be handled rigorously and impartially when the SPVM is gone. These fundamental issues form part of the context of the criminal investigation conducted by SPVM, but go beyond its limited objective, namely to establish the facts in order to determine whether a criminal act was committed and identify those responsible. The emphasis of a traditional criminal investigation on individual cases leaves little room for collective and systemic considerations. This inherent limitation of criminal investigations points to the need to use other measures to shed light on the issues underlying this wave of denunciations. A criminal investigation is necessary in this context, but is by itself not enough to establish a collective truth, a reconciliation between law enforcement personnel and Indigenous people based on cultural competence and safety, and a real healing process. I will return to this below in the "Conclusion and Findings" section.

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. The second part reveals the results of my evaluation. It begins with a general presentation of SPVM’s investigation, followed by an evaluation of the integrity and impartiality indicators provided in the Protocol, starting with those relevant to the general evaluation of the investigation process, then those that apply to the individual evaluation of each case in Phase 1. The report concludes with a summary of my conclusions specific to the evaluation of the impartiality and integrity of SPVM’s investigation and more general findings related to the context of this unique investigation. The appendices form an integral part of the report. They contain the observer’s mandate, the Independent Civilian Observer Protocol, the Conflict of Interest Statement signed by the members of the SPVM investigation team, the list of individuals and organizations interviewed, a summary of relevant independent civilian observation experiences, and an individual analysis chart for each investigation case.

1. MANDATE AND OBSERVATION PROCESS

This first section explains my mandate in greater detail (1.1). It also presents the protocol I developed and followed to evaluate the impartiality and integrity of the investigation conducted by SPVM (1.2).

1.1. Mandate of the independent civilian observer

Introduction to the mandate

As indicated earlier, shortly after the investigations were transferred to SPVM, I was appointed independent civilian observer by the government. I received a mandate “to examine and assess the integrity and impartiality of SPVM’s investigations.” The full statement of the mandate can be found in Appendix A of this report.

The objectives of the observation process are defined in the mandate as follows:

- 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.

To ensure my mandate is fully carried out, it was agreed that I would have access to the documents, locations, and individuals required. More specifically, I 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 my mandate;
- Meet with anyone able to provide information relevant to the assessment 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.

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.

It should be noted that my mandate is closely connected to SPVM’s mandate. SPVM’s original mandate consisted of investigating abuse allegedly committed by SQ agents on duty at the Vallée-de-l’Or RMC against Indigenous women. It was expanded last year, and my observation work followed this development so that new investigations could be monitored.

As mentioned earlier, on April 5, 2016, the government announced that the scope of the investigation entrusted to SPVM would officially be expanded to include all of Québec. The mandate provides that SPVM must investigate [translation] “any complaint against a police officer of a police force other than SPVM where Indigenous women not only from Val-d’Or but anywhere in Québec are concerned. SPVM’s mandate will now include the current complaints as well as all other past complaints filed with Sûreté du Québec and handled internally.”²⁰

The Minister of Public Security also requested that SQ identify all complaints of a criminal nature 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) has already ruled on or that were closed following consultation with the DCPP are excluded from this request.

The government also mandated Native Para-Judicial Services of Quebec (NPJSQ) to assist Indigenous women who wish to file a complaint involving police officers. A new hotline (1-888-844-2094) was created for victims who wish to address NPJSQ.

New cases opened by SPVM starting April 5, 2016, are part of Phase 2 of the investigations. These additional investigations are subject to the same observation process to verify their integrity and impartiality. They will be subject to an evaluation and one or more separate reports by me. The relationship between SPVM and NPJSQ and the information made public by NPJSQ via the media²¹ will also be addressed in such subsequent report(s).

Although SPVM’s mandate was officially expanded to include all of Québec on April 5, 2016, we will see that SPVM was already receiving complaints from across the province before this date and that some Phase 1 investigations involved events that took place elsewhere than in Abitibi-Témiscamingue.

Furthermore, my mandate stipulates that if I notice any irregularities liable to compromise the impartiality of the investigation or note SPVM’s failure to fully cooperate, I must immediately inform the Deputy Minister of Public Security.

Lastly, the mandate specifies that when all the files have been sent to the DCPP and the DCPP deems the investigations completed, I must submit a report to the Deputy Minister of Public Security on my observations regarding the integrity and impartiality of the investigation process. The mandate provides that [translation] “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.”

Key conditions to fulfilling the mandate

To be effective and credible, the model for independent civilian observation of a police investigation of other police officers is based on a series of key conditions. They include:

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- Full access to the evidence at every step of the investigation;
 - Unrestricted access to the entire investigation team of the police force under observation and the police force's full cooperation;
 - 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 witness police officers);
 - The transparency of the process and of the observation results;
 - The appropriate resources to carry out the task.

My study of best practices in this area in Canada and abroad—including discussions in Québec preceding the creation of BEI, where very critical comments were made about Bill 46 concerning independent police investigations, which included the creation of a civilian monitoring office²²—convincing me that the scope of my mandate and the manner in which I have interpreted and applied it respect these conditions.

As described in greater detail in Section 2 below, I had complete, unrestricted access to all evidence gathered during the investigation and all information relevant to the investigation process and plan. This constituted a complete copy of SPVM's files, periodically updated, regarding the Val-d'Or investigation, which included all the evidence in each investigation case (interviews with the victims, civilian witnesses, witness police officers, and police officers involved; incriminating evidence; expert opinions; correspondence; requests made to SQ; identification lineups; summary of the facts, i.e., summary of the investigation conclusions as submitted to the DCP; daily reports prepared for senior management; etc.) and all investigation management documents and evidence (data on human and financial resources, SQ's original investigation files, data on calls received on the SPVM and NPJSQ phone lines, lists and contacts of partners in Val-d'Or and elsewhere, the research reports by the investigation team's anthropologists, work conducted by *Les Survivantes* program agents and the Indigenous liaison officer, contact information of designated interpreters, etc.).

I had direct and frequent contact with the members of the investigation team, from the top to the commanding officer in charge of the investigation and the supervising police detective, as well as other team members, including the Indigenous investigators (see below for a general overview of the investigation). There was never any suggestion that I would have access to only one person who would be my sole contact person at SPVM. The strict limitation put on observers from Bureau civil de surveillance des enquêtes indépendantes under the abovementioned Bill 46 that would prevent them from having contact with anyone other than a single representative of the police force in charge of conducting an investigation, where said representative would not be an investigator assigned to an investigation, was strongly and justly criticized by many.²³ The idea of limiting the observer's contacts in such a way would seriously undermine his/her ability to report on the impartiality and integrity of an investigation.

In the execution of my mandate, I had dozens of meetings with members of the SPVM investigation team to obtain information and details on the investigation process. I sent SPVM several dozen requests for information and had frequent contact with them by phone or otherwise, if required, so that I could properly and rigorously follow all the steps of the investigation.

I confirm that I obtained full cooperation from everyone involved in the investigation team, including the assistant director and director of operations at SPVM and the police detective supervising the investigations. I received a prompt and appropriate response to all my requests, and a proactive approach was used to apprise me of information relevant to my mandate. Clearly a mandate that imposes a police force's cooperation, but only in response to the observer's specific requests, would raise doubts about the observer's ability to obtain all relevant information, in the sense that the observer obviously cannot request information he/she is not aware of.²⁴ This was not how I or SPVM interpreted my mandate. I proactively received investigation-related information, including daily reports prepared for SPVM's senior management, and I was quickly informed of situations where the investigators had doubts or concerns about whether the investigation was being conducted properly. My relationship with each investigation team member was characterized by a respectful and professional attitude. It could have been otherwise, given the climate of general suspicion toward the police and the strong social tension that marked SPVM's takeover of the Val-d'Or investigation and the appointment of an independent civilian observer in charge of monitoring its work.

In this regard, it should be pointed out that the mandate does not specify what will happen if the observer finds "irregularities liable to compromise the impartiality of the investigation or notes the SPVM's failure to fully cooperate." The mandate only requires the observer to inform the Deputy Minister of Public Security of such findings. As I did not have to use this clause for this mandate, the vagueness of any subsequent action is only of theoretical significance.²⁵ However, this omission should not be repeated in the event an independent civilian observation process is created in the future, though this is less likely now that BEI has been created. Bill 46, on which some key points of my mandate were based, provided that only irregularities that could not be addressed had to be referred to the minister by the director of Bureau civil de surveillance des enquêtes indépendantes.²⁶

This issue of the opportunity to talk openly with SPVM during the investigation to avoid or address possible irregularities seemed to me to be the obvious approach to take in carrying out my mandate. It was not a case of silently observing and waiting for a false move to be made and then condemning it, but rather examining how the investigation was being conducted in real time and adopting a collaborative approach to ensure maximum compliance with the investigation's impartiality and integrity indicators that guided my work (see Section 1.2 below). Because the main objective of the independent observation was to build public trust, it would be rather contradictory to allow irregularities that could be avoided to occur. This approach allowed me to be transparent with SPVM on the observation indicators and encouraged SPVM to adopt measures that aligned the investigation process with the indicators, including the signing of conflict of interest statements by everyone involved in the investigation and approaches fostering the transparency of the investigation with communities.

With respect to the transparency of the observation process, 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 (see the list of these individuals in Appendix D). The interested parties knew how to contact me and knew that I was available at anytime to listen to their concerns or answer their questions. It goes without saying that the publication and wide distribution of my report are necessary to ensure the transparency of the observation results and are key to fulfilling the mandate's objectives,

which are to increase public confidence in the impartiality of police investigations, increase the perception of the integrity and transparency of the process, and build confidence in the respect for victims' rights. To this end, I also requested that my report be translated into English and that the executive summary be translated into Algonquin, given the high percentage of Algonquin victims, which will be done.

Lastly, I had the appropriate resources to carry out the mandate, which grew tremendously given the number of investigation cases that were added to the first ones transferred by SQ and the expansion of SPVM's mandate thereafter. I was able to travel when necessary, particularly to Val-d'Or and the surrounding area, and I was able to hire two people to help me with my work: attorney Edith-Farah Ellassal, a specialist in criminal law and criminal and administrative investigations, and Isabelle Picard, an anthropologist and member of the Huron-Wendat Nation. Both obtained security clearance and signed the same confidentiality agreements that I did. I was greatly assisted by these two 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 was also assisted by two bright Université Laval students (Marie-Ève Roussin and Catherine Ménard), who did research on subjects of general interest that helped me draw up my observation protocol.

1.2. Independent Civilian Observer Protocol

As mentioned earlier, this is the first independent civilian observation of a police investigation of police in Québec. As there was no precedent to draw on, the notions of "impartiality" and "integrity" that I was in charge of assessing had to be clarified right from the start, and a clear protocol founded on the best practices of similar experiences in other jurisdictions had to be developed to guide the observation process.

My assessment of SPVM's work is based on a series of indicators used to objectively measure the integrity and impartiality of the investigations. The indicators selected to evaluate SPVM's investigations are included in the Independent Civilian Observer Protocol (the "Protocol"), which I developed and followed as part of my observation (Appendix B).

These indicators were taken from the practices of other civilian observation or monitoring experiences, some of which have been mentioned above and which are outlined in Appendix E. Others come from rules or practices developed by independent bodies such as BEI, which have the power 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, particularly on the investigation process in Indigenous communities, available support for Indigenous women who are victims of sexual violence, and investigations of one police force by another. A list of the organizations and individuals I met with can be found in Appendix D.

The objective of the Protocol is to establish guiding principles for the observation process and to determine the observation procedure that should be used to objectively measure the integrity and impartiality of the investigations conducted by SPVM. In fulfilling my mandate, I acted impartially,

independently, and objectively, impervious to external pressures or influences. I also respected the confidentiality of the information I received during the examination of SPVM’s investigation files. These principles guarantee that the observation process is credible and help fulfill its objectives.

The evaluation of the integrity and impartiality of SPVM’s investigations, in Section 2 of this report, is based on an examination of each of the indicators listed in the “Observation Procedure” section of my Protocol. These indicators are grouped into three categories. The first focuses on the investigation process followed by SPVM. The second deals with two distinctive features of the incidents under investigation, namely the sexual nature of a number of allegations and the fact that the alleged offences were committed against members of Indigenous communities, mainly women. The third concerns real or apparent conflicts of interest that may exist between SPVM members and individuals connected to the investigation, whether they are considered to be involved in the events, victims, or simply witnesses.

Some criteria have a general scope to the extent that they are useful for evaluating the integrity and impartiality of the entire Val-d’Or investigation. Others are used to individually assess the 38 investigation cases. It should also be pointed out that some indicators allow both the integrity and impartiality of the investigations to be verified, while others concentrate only on one or the other.

Below is a brief introduction to the indicators included in the Protocol. Their meaning and importance will be explained in Section 2 of the report when I evaluate SPVM’s compliance with them.

Investigation process

The purpose of the first series of criteria is to determine whether SPVM consistently used a rigorous established investigation process at every step of the investigation. In the context of a criminal investigation of peers, this issue is particularly significant. This category of indicators enabled me to verify the integrity of the process. It also enabled me to assess the impartiality of SPVM’s work.

Below are the indicators I used to evaluate SPVM’s investigation process²⁷:

- a. Consistent application of a rigorous established investigation process at every step of the investigation, particularly:
 - i. Timeliness of the investigations;
 - ii. Courteous and respectful behavior at all times toward victims, witnesses, and police officers involved;
 - iii. Presence of highly qualified investigators who have the training and experience required to carry out investigations;
 - iv. Appropriate intervention commensurate with the gravity of the incidents under investigation;
 - v. Investigation methods and approaches similar to those used for crimes of the same gravity committed by civilians;

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- vi. 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;
 - vii. 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;
 - viii. Rank of the SPVM investigators who conduct interrogations with respect to the rank of police officers involved or witness police officers;
 - ix. Respect for everyone's fundamental human rights, particularly those guaranteed by the *Canadian Charter of Rights and Freedoms* and Québec's *Charter of Human Rights and Freedoms*;
 - x. Seriousness and thoroughness of investigations, particularly through the exploration of 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.

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

The proper conduct of this investigation required that SPVM consider the Indigenous community in which it was asked to intervene. Almost all the complaints in Phase 1 were filed by Indigenous people. The purpose of the Protocol indicators is to verify whether SPVM took into account this specific context.

Furthermore, as soon as the investigations were transferred, the nature of the allegations that SPVM had to investigate was a special component of the mandate it was assigned. The sexual nature of the acts that a number of Indigenous women accused SQ police officers of struck the collective imagination when they were made public. At the end of Phase 1, of the 38 investigations conducted by SPVM, 15 involved sexual abuse (see Section 2.3). The purpose of some of the indicators set out in Section 12(b) of the Protocol is to verify how SPVM tailored its investigation to take into account the sexual nature of a number of complaints, which required a special approach. 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.²⁸

The indicators set out in Section 12(b) of the Protocol were used to measure these two aspects specific to the SPVM investigations.

- b. Consideration of the Indigenous context and the sexual nature of the allegations at every step of the investigation, particularly by:
 - i. Ensuring that the investigation process is transparent for the Indigenous communities involved;
 - ii. 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;
 - iii. Training investigators on Indigenous cultures and realities;
 - iv. Fostering adequate representation of Indigenous community members on the SPVM investigation team;

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- v. Offering interpretation and translation services, as needed, to members of Indigenous communities who are interviewed;
 - vi. Promoting victim support when circumstances permit and communicating useful information to victims about psychological support services and assistance and protection services available to them;
 - vii. For allegations of a sexual nature, having an interview conducted by a female investigator when the victim expresses such preference;
 - viii. Treating the victim with understanding, empathy, courtesy, and respect for their privacy;
 - ix. 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.

Conflicts of interest

The existence of real or apparent conflicts of interest between the members of the SPVM investigation team at every level and the police officers involved, witness police officers, other witnesses, and victims is central to the notion of impartiality. Below are the indicators that were used in this regard:

- 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:
 - i. 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;
 - ii. Presence of SPVM investigators who have been SQ police officers or otherwise employed by SQ;
 - iii. Presence of SPVM investigators who have been police officers on or otherwise employed by another police force involved in the investigation;
 - iv. 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.

Now that I have explained the mandate and Observation Protocol, I will turn to the evaluation of SPVM's investigations.

2. EVALUATION OF THE INTEGRITY AND IMPARTIALITY OF THE INVESTIGATIONS

This section contains my evaluation of the integrity and impartiality of the Phase 1 investigations. Section 2.1 starts with a presentation of the means SPVM used to carry out its mandate, followed by a two-part evaluation. The first assessment consists of a general evaluation of the investigation process put in place by SPVM (2.2). The second is an individual evaluation of the 38 investigations SPVM conducted (2.3).

My evaluation of the investigations is based on an examination of all documents and information that were made available to me in accordance with the terms of my mandate. It is based primarily on the following material from SPVM: daily and weekly reports; a table of events; executive briefings; an operational activities log; audio and video recordings of interviews with the victims, civilian witnesses, witness police officers, and police officers involved; investigation reports; summaries of the facts; etc.

Subject to the restrictions set out in my mandate, I also met with a number of individuals likely to provide me with relevant information on the conduct of the SPVM investigations. These discussions were valuable and useful for drawing my conclusions about the integrity and impartiality of the process.

2.1. Overview of the investigation

To recap, on October 23, 2015, Ministère de la Sécurité publique put SPVM in charge of the investigations into criminal offences allegedly committed by SQ police officers of the Vallée-de-l'Or RCM against Indigenous women. Until then, SQ's Internal Affairs Division had been conducting the investigations. The investigations started in May 2015 and consisted of 14 cases, including four involving offences of a sexual nature that took place between 1983 and 2011. Eight cases involved allegations of forcible confinement and assault, while two concerned misconduct of a disciplinary nature. These 14 cases were transferred to SPVM at the time of MSP's announcement.

SPVM also took charge of the investigations into 24 other cases. Some arose directly from testimonies gathered by journalists for the program *Enquête*, which aired in October 2015. Others stemmed from complaints received on the SPVM phone line, interviews conducted with victims and witnesses, or Indigenous police forces. SQ transferred additional cases after October 23, 2015, but before April 5, 2016. The origin of each complaint is specified in the individual evaluation charts in Appendix F.

The nature of the alleged offences in the 38 cases varies. Fifteen involve sexual violence, nine involve forcible confinement referred to as "*cures géographiques*" or "starlight tours," and twelve are complaints of assault. A few cases involve other types of offences, such as intimidation, threats, and dangerous driving. Lastly, there are allegations of misconduct of a disciplinary nature. I will come back to this in Section 2.3, which contains the individual evaluations of the investigation cases.

The first phase took place mainly in the Vallée-de-l'Or RCM. The incidents reported in 32 cases are alleged to have taken place in Val-d'Or and the surrounding area. Although the mandate was officially expanded to all of Québec on April 5, 2016, SPVM's Phase 1 investigation also included the Côte-Nord and Nord-du-Québec regions. The events in question are alleged to have occurred in the following locations:

- 32 cases in the Val-d'Or area (including Rouyn, Kitcisakik, Lac-Simon, and Parc de la Vérendrye);
- 3 cases in the Schefferville area (including Kawawachikamach and Matimekosk);
- 2 cases in Sept-Îles;
- 1 case in Chibougamau.

SPVM soon realized that it might be asked to investigate police officers of organizations other than SQ, such as municipal or Indigenous police forces. In total, 25 SQ police officers, two municipal police officers (one of which is deceased), and one police officer of an Indigenous police force were identified as police officers involved (home force at the time of the events). Four cases involved civilians.

At the end of Phase 1, the investigators had met with 100 individuals who were either victims, civilian witnesses, witness police officers, or police officers involved. All of these interviews took place mainly in Vallée-de-l'Or, but also in Montréal, Chibougamau, Betsiamites, Sept-Îles, and Maniwaki. A few other municipalities were visited.

The means SPVM used were considerable. 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.

Operational structure

On November 3, 2015, SPVM established an investigation plan to carry out what became known as the “Val-d'Or project” at SPVM. The goals are defined in the plan as follows:

- Shed light on all the cases in such a manner as to provide the Director of Criminal and Penal Prosecutions in Montréal with full and objective evidence;
- Increase public confidence;
- Establish a relationship of trust between the public and SPVM.

The plan sets out an operational structure to meet its objectives. Many different resources were allocated to the project. Under the leadership of the deputy director and assistant director, a number of SPVM teams were involved in Phase 1. The main team consisted of the investigators. It was supported by a number of other teams, namely the research, *Les Survivantes* program, community relations, internal affairs and professional standards, and support and communications teams.

Investigation team

The regular team consisted of 10 detective sergeants, including four women. The team was headed up by an inspector and a commander. Two police detectives acted as investigation supervisors. These detectives were from the Major Crimes Division, as were most of the investigators. More specifically, some were with the Sexual Assault Section. The investigation team was also supported by an officer acting as analyst. Four standby investigators, including two women, took part in Phase 1 sporadically based on need.

Two Indigenous police officers joined the SPVM's regular investigation team. One was a female Abenaki police officer from the Abenaki Police Force of Odanak and the other was a Cree police officer from the Eeyou Eenu Police Force of Mistissini. Their assignment, requested by the Assembly of the First Nations of Quebec and Labrador (AFNQL) chiefs, was announced on December 15, 2015, by MSP.²⁹

The investigators, including the Indigenous police officers, performed substantially 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 reports required.

Research team

SPVM has a Research and Planning Section whose mission consists of supporting and guiding the police force's strategic choices.³⁰ Two professionals from this section were assigned to the Val-d'Or project. Both are trained anthropologists and one is also a demographer.

These professionals received a mandate to go to Val-d'Or to meet with the partners of the region and then advise the investigators on their interventions and choice of partners. Part of their role was also to share their expertise and do a literature search on the various problems specific to SPVM's mandate.

The anthropologists took part in SPVM's initial missions. From November 5 to 18, 2015, they conducted some 30 interviews in the Val-d'Or area with individuals and organizations with a variety 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, the anthropologists shared their expertise and findings with other SPVM members involved in the investigations. About nine interviews were held in January and February 2016, in particular with the commander in charge, the supervisors, the Indigenous liaison officer, community officers, and certain investigators.

In February 2016, the anthropologists also produced a research report entitled *Social Survey in Val-d'Or and the Surrounding Area*. 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 the Indigenous peoples and the police, and other problems or issues inherent to such an investigation.

Les Survivantes program

Two police officers from the *Les Survivantes* program who have expertise in sexual violence were also brought on board. The program was set up in 2010 to train the various professionals who work with victims of sexual exploitation. It also aims to raise awareness and educate the victims about the resources available to help them get out of this environment. This program was originally established to assist women caught in the vicious circle of prostitution and other forms of sexual exploitation in Montréal.³¹

Like their research colleagues, the officers were deployed in the field in November 2015 to support the investigation team in its interventions with Indigenous communities whose members had allegedly been abused by police. Their 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.

The community agents met with staff who worked for women's shelters, Centre d'aide et de lutte contre les agressions à caractère sexuel (CALACS), the Val-d'Or Native Friendship Centre, the Senneterre Native Friendship Centre, and Val-d'Or city hall. Meetings were also held with representatives and members of the Kitcisakik, Lac-Simon, and Pikogan First Nations communities.

Community relations team

This team consisted primarily of an Indigenous liaison officer. He received a mandate to help the investigation team establish ties with the various organizations that offer services to Indigenous communities in both Montréal and Val-d'Or. He helped the team understand Indigenous realities so that it could adjust its investigation procedures accordingly. More generally speaking, his work sought to bring SPVM and the Indigenous communities closer together and establish a relationship of trust.

The liaison officer visited Val-d'Or in late October 2015 and several times thereafter. He spoke with many different people, including community workers, the Lac-Simon and Pikogan police chiefs, and leaders and members of the Lac-Simon and Pikogan communities. The liaison officer also helped produce video clips, which will be referred to below.

Internal Affairs and Professional Standards Division

This SPVM division has expertise in investigations and accusations involving police officers. As part of the Val-d'Or project, it received a mandate to go back over investigations that had been conducted by the SQ's Internal Affairs Division. When the cases were transferred, SPVM's Internal Affairs and Professional Standards Division gave them a first read-through. It also helped the Major Crimes Division set up a multidisciplinary team.

The Internal Affairs and Professional Standards Division's input also consisted of supporting the investigation team with the criminal investigation of police officers and ensuring that the relevant legal provisions were applied. Two detective sergeants from this division were assigned to the Val-d'Or project.

The Internal Affairs and Professional Standards Division was also present in the field. Two meetings with the leaders of the Indigenous communities took place in 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 other purpose of the meetings was to reassure community members of the independence of SPVM's investigation and foster cooperation.

This division also liaised with the DCPD and sent the required notices to the Minister of Public Security.³² It performed a final reading of the individual cases before sending them to the DCPD.

Support team

SPVM occasionally turned to external support units or agencies with specialized expertise. SPVM's Forensic Identification Section (taking of photographs and fingerprint processing), Audio and Video Laboratory, and Photography Laboratory (for the creation of identification lineups) were used. Externally, the services of Laboratoire de sciences judiciaires et de médecine légale were required for expertise in DNA, fingerprints, and handwriting analysis.

Communications team

SPVM's Communications and Media Relations Section was in charge of disseminating relevant information to the public. During Phase 1, four press releases were distributed in French and English on October 23 and 30 and November 9, 2015, and on June 7, 2016. Their purpose was to inform the public about the cases transferred to SPVM and invite anyone wishing to provide information to contact the investigators. The aim of these news articles was also to publicize the hotline and video clips as well as provide an update on the conduct of the investigations.³³

SPVM hotline

The toll free line (1-844-615-3118) was activated on October 27, 2015, to encourage individuals of Indigenous origin to report any incident involving SQ police officers. The hotline is managed by SPVM's Information Division and is still active under Phase 2. The information collected is transferred to the investigation team for processing and followup.

The hotline is monitored daily from 7 a.m. to 7 p.m. A voice mailbox with a greeting in French and English is available outside of these hours. No special measure was taken to receive calls in Indigenous languages, nor is the assistance of an interpreter systematically offered to callers. Furthermore, no requests for an interpreter were received via the hotline.

SPVM did not compile any statistics on the number of calls received. That said, a total of 83 pieces of information were processed from the time the hotline was introduced until March 30, 2016. This data excludes information received starting March 31, when the second report aired on the *Enquête* program and MSP expanded SPVM's mandate in the days following. The complaints received via the NPJSQ hotline will be examined in my report on Phase 2 of the investigations.

SPVM provided the hotline with visibility on its website and social networks. In addition to being mentioned in the press releases, the hotline number was promoted on SPVM's website in the "Report an event" section.³⁴ The use of social networks was relatively limited. On Twitter, SPVM tweeted the hotline number on only two occasions, i.e., on October 23, 2015, and April 5, 2016.³⁵ The hotline number also appeared in video clips.

Video clips

To reach Indigenous communities, SPVM produced a series of video clips. The operation focused specifically on informing the communities in the Val-d'Or area that investigators were in their area to meet with witnesses and investigate the events involving SQ police officers. Individuals wishing to provide information were invited to use the hotline to contact the investigators.

On October 30, 2015, clips in Atikamekw, Algonquin, and French were released. SPVM's Indigenous liaison officer was especially involved in developing the clips. He went to the Indigenous police force meeting to involve them in the project. The call for information is delivered in the videos by the following partners:

- A female police officer from the Wemotaci police force (in Atikamekw);
- A female police officer from the Pikogan police force (in Algonquin);
- A male police officer from the Anishnabe Takonewini de Lac-Simon police force (in French).

On November 9, 2015, two new video clips were broadcast. This time they were produced in Montréal in Inuktitut and Cree with the help of the Montréal Native Friendship Centre.

Surprisingly, no clips were produced in English in Phase 1. A video clip in English was not produced and broadcast until May 9, 2016. A clip in Innu was also made public on that date. Both clips pointed out that SPVM's mandate had been expanded to all of Québec.

SPVM used its YouTube channel to publicize the clips. A playlist entitled "Capsules autochtones" (Indigenous clips) was specifically created, and all the video recordings were uploaded there.³⁶ SPVM issued only one tweet on November 9, 2015, to directly promote the clips in Inuktitut and Cree.³⁷ However, the tweet contained an Internet link to the November 9, 2015 press release, which shared these two clips but also the clips in Algonquin, Atikamekw, and French. SPVM's Facebook page contains all the clips produced under the Val-d'Or project.³⁸ The clips were also distributed by SPVM's partners, notably the Pikogan and Lac-Simon police forces.³⁹

These clips and the hotline number should be disseminated as widely as possible on social networks, even now. As First Nations members are particularly active on these networks, they should be used to facilitate and encourage reports of police abuse by Indigenous people.

Travel to Val-d’Or and elsewhere

Phase 1 was conducted mainly in Vallée-de-l’Or. The first visit occurred on the same day the cases were transferred. It was used primarily to immediately meet with the victim of an event that allegedly occurred on October 21 in Case No. 15.

SPVM had numerous missions in Phase 1. These missions started in October 2015 and ended in November 2016 with individual meetings of victims with the DCP. I noted three trip categories. The first involved members of the SPVM management team traveling to meet with Val-d’Or partners, including representatives of the communities involved in the investigation, to inform them of the investigation process and its progress. These meetings were held on November 9, 2015, and June 7, 2016. In the second, which was a major aspect of my observation, were the many trips investigators made to meet with the victims, civilian witnesses, and all witness police officers and police officers involved. The third consisted of trips made by the prosecutors assigned to the Val-d’Or project to speak to the victims on an individual basis.

Transmission of case files to the DCP

In Québec, as in a number of other jurisdictions, the decision as to whether charges should be laid is up to the Crown prosecutors. The DCP’s prosecutors act independently of the police forces that conduct investigations. The decision to prosecute is made following a thorough examination of the evidence gathered and sent to the DCP by the police forces. For some more complex types of investigations, it is not unusual for prosecutors to accompany investigators in the course of their work.⁴⁰ That was the case here.

In early November 2015, the DCP assigned a prosecutor specialized in sexual assault cases to the Val-d’Or project. On February 1, 2016, the DCP formed a committee of three prosecutors, including the abovementioned prosecutor. This committee was responsible for studying the investigation reports and determining whether charges should be laid.

SPVM submitted the Phase 1 case files to the committee in waves, i.e., as they were completed by the investigation team.

Date	Case files sent to the DCP
January 21, 2016	6 case files (nos. 16, 19, 20, 22, 23, and 27)
February 25, 2016	11 case files (nos. 1, 2, 4, 5, 8, 9, 10, 13, 18, 21, and 31)
March 17, 2016	14 case files (nos. 3, 6, 11, 12, 14, 15, 17, 24, 25, 28, 29, 30, 32, and 38)

Date	Case files sent to the DCPD
March 31, 2016	7 case files (nos. 7, 26, 33, 34, 35, 36, and 37)

Due to the specific context, SPVM and the prosecutor in charge quickly agreed that the files would all be submitted to the DCPD without prior screening. The final decision on each case was made once all the files had been submitted to the committee. This procedure was chosen to allow the prosecutors to have an overview and take into account the fact that some police officers involved and presumed victims could be involved in more than one case.

It was also decided that the files would be sent without any request to institute proceedings or pre-identified offences, as is usually the case.⁴¹ Once again, this decision was made due to the special context of the investigations, given that SPVM was brought in to investigate another police force. These two measures, which provide an additional guarantee that the process is impartial, should be commended.

Follow-up to further investigation

The decision as to whether charges should be laid was made after further investigation was conducted. As part of their examination, the prosecutors must ensure that the investigation reports are complete.⁴² If necessary, they may request that further investigation be conducted by the police force that led the investigations. This option is set out in Section 20 of the *Act respecting the DCPD*.

During Phase 1, further investigation was required in a number of different cases. In concrete terms, the performance of further investigation means, for example, that the prosecutors had to meet with some witnesses again or obtain expert reports or physical evidence to supplement the evidence gathered.

In some cases, SPVM initiated some further investigation of its own accord when the investigation results had already been sent to the DCPD. This was the case in certain instances when identification lineups containing photographs had to be revised and presented again to the victims.

Prosecutors' meetings with the victims

During Phase 1, the prosecutors met with all the victims. They were accompanied by SPVM investigators. These meetings started in late May 2016 and took place in the various regions where the victims resided.

Regarding offences of a sexual nature, a DCPD directive specifies that the prosecutors must meet with the victims before deciding whether or not to authorize information.⁴³ The purpose of the procedure contained in this directive is to promote support for victims and guide them toward the appropriate resources, particularly those specialized in sexual violence. During the Val-d'Or project, the prosecutors also met with victims who alleged other types of offences such as assault and forcible confinement, even though the prosecutors were not required to do so before taking a position on the cases.

Decision whether or not to prosecute and arrests

Following the final analysis of the cases, it is up to the DCPD to authorize proceedings, if any, against the police officers involved. It is then up to the SPVM investigators to execute the arrest warrants, if any.

While the DCPD prosecutors rely on the work of the investigators to decide whether or not charges should be laid, their decision is discretionary and is made objectively, impartially, and independently. Their thought process is rigorously defined and must meet certain requirements. The prosecutors are required to consider the application of two categories of criteria: criteria regarding the sufficiency of evidence and criteria regarding the opportunity to prosecute.⁴⁴

In terms of sufficient evidence, the prosecutor must be able to establish that an offence was committed and that the police officer involved is guilty. More specifically [translation]:

After examining all the evidence, including evidence that may support possible defenses, the prosecutor must be personally convinced that an offence has occurred and that the offence was committed by the accused, and be reasonably convinced of the Crown's ability to establish the guilt of the accused. He or she must maintain this conviction throughout the proceedings, even on appeal.⁴⁵

It therefore does not suffice for the prosecutor to be convinced that a crime was committed. He/she must be able to attribute it to the perpetrator. Otherwise, the prosecutor must refrain from initiating the judicial process. It is not uncommon for duly executed police investigations to end with no charges being laid.

It should be stressed here that the decision not to prosecute does not mean the alleged events did not take place. Nor does it cast doubt on the sincerity and credibility of the victims who met with SPVM investigators. It reflects the inherent limits of the criminal investigation process, which pursues its own objectives and cannot always meet victims' expectations.

The purpose of the observation mandate assigned to me by MSP is to evaluate the process upstream of the DCPD process. I am interested in the police investigation, more specifically how it was conducted. However important the subsequent decision on whether to lay charges may be, analysis of the decision exceeds the scope of my mandate. Nor can the DCPD's conclusions have any impact on the assessment I make on the integrity and impartiality of SPVM's investigations.

2.2. General assessment of the investigation

In this section, I will provide a general assessment of the integrity and impartiality of SPVM's work. This evaluation is based on a rigorous examination of the indicators in the Independent Civilian Observer Protocol that have a general scope and more to do with the investigation process than the individual analysis of each of the 38 investigations. A number of these indicators are key to the extent that their application expressly ensures the work in each case is properly conducted by the investigators.

The indicators I chose fall into three categories. The first focuses on assessing the consistent application of a rigorous established investigation process at every step of the investigation (2.2.1). The second seeks to determine whether the specific context of the investigation assigned to SPVM was duly taken into consideration. What is at issue here is the Indigenous context and the sexual nature of many allegations made by Indigenous women (2.2.2). The purpose of the third series of indicators is to verify whether or not a conflict of interest exists between SPVM members and the officers involved, whether they are involved in the events or simply witnesses. These indicators also seek to identify conflicts of interest that may exist with the victims and other civilian witnesses (2.2.3).

I would start by pointing out that I gave all the indicators used to generally evaluate the impartiality and integrity of SPVM's investigations a positive assessment, despite a few concerns I will come back to.

2.2.1. Consistent application of a rigorous established investigation process

The first indicators set out in Section 12(1) of the Protocol seek to determine whether SPVM consistently applied a rigorous established investigation process at every step of the investigation. In the context of a criminal investigation of peers, this issue is particularly significant. In this regard, the Québec Ombudsman's lessons are of interest:

A rigorous investigation process must be governed by defined, stable rules applied consistently to the individuals being investigated and from one investigation to another. Other than the fact that investigations would be consistent and impartial, formal rules matched to effective oversight can help reassure the public and police officers regarding investigation methods. These rules can also contribute to enhancing the credibility of the organizations charged with investigating incidents involving police officers.⁴⁶

My main concern is to ensure that the same procedure was followed whoever the victims (in this case Indigenous persons) and individuals subject to the complaints (police force members) might be. Investigators are expected to apply the same investigation process as though the alleged crimes had been committed by civilians. I will come back to this.

This category of indicators helps verify the integrity of the process. It also makes it possible to assess the impartiality of SPVM's work. I agree with the Québec Ombudsman, who has stressed that the "impartiality of an investigation depends on the existence of a clearly defined process that is applied consistently to all involved, regardless of the circumstances or persons under investigation."⁴⁷

The impartiality of police investigations involves in particular the absence of bias and prejudice for or against the individuals involved in the events. It addresses the real impact that such prejudice may have in the course of an investigation. As the Québec Ombudsman has said, impartiality is a subjective concept that falls within the purview of perceptions. 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 when assessing impartiality in order to take into account that this concept focuses on individuals. I will come back to this point in Section 2.2.3, which deals with conflicts of interest.

The following indicators were used to verify whether SPVM generally applied a rigorous established investigation process consistently at every step of the investigation:

- Presence of highly qualified investigators
- Appropriate intervention commensurate with the gravity of the incidents under investigation
- Investigation methods and approaches similar to those used for crimes of the same gravity committed by civilians
- Measures taken to isolate police officers and restrict communications
- Rank of investigators who conducted interrogations

The indicators are presented in turn to better understand their scope and are followed by my assessment of SPVM's performance for each one.

Presence of highly qualified investigators

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 members who were assigned to the investigations have between 20 and 30 years of experience at SPVM. They are mainly from the Major Crimes Division. Like their colleagues in other organizations, they were initially trained at École nationale de police du Québec (ÉNPQ). With regard to specialized training, the 10 regular investigators all have the rank of detective sergeant and have therefore completed the courses required to obtain that rank. Seven of the investigators have completed training in interrogation techniques. That said, the training required to become detective sergeant also includes courses on witness interview techniques, crime scene coverage, and preparing investigation summaries. Six investigators have been trained to investigate major crimes and seven have been specifically trained with regard to sexual assault. One investigator has provided BEI investigators with training regarding sexual assault.

It should be noted that the ÉNPQ syllabus still does not include any courses on Indigenous cultures and realities. At the start of the investigations, the investigators received personalized training on these subjects. I will address this issue in Section 2.2.2.

Subject to comments I will make later on, I believe that the investigators deployed by SPVM had the level of training and experience required for this investigation. Their skills and expertise were noted in the interviews I had the opportunity to see, particularly with the victims.

Appropriate intervention commensurate with the gravity of the incidents under investigation

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.

Prior to 2014, the RCMP investigated all cases of potentially criminal activities involving its own members. In 2007, the E Division of the RCMP (in British Columbia) and the CPC undertook a pilot project with an independent observer to monitor internal criminal investigations. This project applied mainly to cases where the actions of RCMP members resulted in serious injury or death. It also targeted investigations into high profile or sensitive cases.⁴⁸ This initiative is discussed in greater detail in Appendix E, which provides a picture of relevant observation experiences. I will just mention here that as part of the pilot project, a protocol was developed to regulate how the internal investigation of the RCMP would be assessed. To measure the impartiality of the investigation, the observer had to determine, among other things, whether the intervention was commensurate with the gravity of the incident.⁴⁹

In the analysis of the Val-d'Or project, 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. SPVM's degree of intervention was exemplary in several respects and leads me to draw a positive conclusion on this point. The SPVM management team quickly implemented a comprehensive approach that took into account the complexity of the issues in the field. SPVM's actions were also proportional to the gravity of the events under investigation.

Investigation methods and approaches similar to those used for crimes of the same gravity committed by civilians

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.⁵⁰

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. I confirm that the Phase 1 investigations were generally conducted with no difference in treatment based on the positions of the individuals to which the complaints applied. This was subject to the applicability of specific provisions of the *Police Act* and the need for a communication mechanism between SPVM and SQ that provided for SPVM contact only with the SQ liaison officer responsible

for responding to the many requests and queries associated with the investigation.

I draw this conclusion on the entire process that I had the opportunity to observe last year, which includes but is not limited to all the discussions I had with SPVM, local responders, and Indigenous representatives, as well as the notes and recordings of interviews with the police officers involved and witness police officers. The investigation team applied the investigation techniques that usually apply in cases of allegations of major crimes. The existing guidelines were followed and a victim-centered approach was used.

Furthermore, in a matter related to this indicator, I would like to address the issue of sealing orders. Document sealing orders are frequently filed in criminal matters to support a judicial authorization (e.g., to obtain search warrants, wiretap authorizations, and production orders). While the principle of openness provides for public access to proceedings and court records, some situations require a departure from this principle. This is particularly the case where an ongoing police investigation must be protected.⁵¹

Under the Val-d'Or project, applications for sealing orders were filed when necessary, but were filed late. This enabled a journalist to consult legal documents, more specifically certain detailed affidavits supporting applications for production orders from SPVM, which led to the publication of a news article.⁵² The journalist made reference to specific cases under investigation and the number of victims and cases, but did not name the victims, suspects, civilian witnesses, or witness police officers.

During a meeting in Val-d'Or, SPVM explained to its partners that the application for sealing orders had not initially been filed because the evidence required to convince a judge that they were necessary was insufficient. SPVM also explained that the application for sealing orders was systematically filed late once the situation became clear and required such action. In this regard, I believe that the investigation team's failure to apply for sealing orders was an honest oversight. In any event, the article divulged information that worried the victims about the possibility of being identified and needlessly fueled rumors. The investigations should have been sealed from the start, when the production order was filed in court. That said, I believe that it was an honest mistake without any harmful consequences for the investigation process or the protection of victims' privacy.

Measures taken to isolate police officers and restrict communications

This indicator is a traditional criterion of "independent investigations" and more generally, inherent to investigations of police officers.⁵³ 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. I chose this criterion to take into account present-day events that allegedly occurred since October 23, 2015, and now, during Phase 2.

That said, this criterion is difficult to apply in this investigation. Almost all the Phase 1 complaints involved past incidents, which took place many years ago in some cases. SPVM was not deployed to any of the crime scenes. This indicator therefore presents obvious limitations. Under the circumstances, the question is what could SPVM have done to restrict contact and communication between the police officers involved before they were interviewed by the investigators?

I would also point out that SPVM conducted investigations into 14 cases transferred to SPVM. My mandate does not include examining the measures that SQ could have taken in this matter. I am interested solely in what SPVM did or was able to do during its investigation.

As part of my observation, this topic was the subject of discussions with one police detective. In early December 2015, the police detective contacted the SQ liaison officer to reiterate the importance of restricting the distribution of the list of witness police officers that SPVM was preparing to meet with. This request was made to prevent, as much as possible, the witness police officers from discussing the facts under investigation among themselves and thus prevent the versions gathered by SPVM from being contaminated. Other measures were taken in this regard.

SPVM addressed my concerns on the subject by communicating what it had advocated in its investigation procedure. In most of the cases, the investigation team contacted the witness police officers to make an appointment on a date very close to the one scheduled for their interview. This approach sought to limit opportunities for the police officers to discuss cases. They were provided with minimum details during the phone conversation used to make the appointment.

Various team investigators contacted the witness police officers to plan these meetings. No specific instructions were imposed on them. They were given minimum information about the reason for the meeting and the status under which they would be met with (witness police officer or police officer involved). As with any witness, the witness police officers were advised not to discuss the situation with other witnesses to avoid contaminating their versions. This is the usual approach used by an investigator who applies best practices for conducting an investigation. The names of other witness police officers or police officers involved were not mentioned when the appointments were made.

Under the special circumstances of the Val-d'Or project, I believe that SPVM did whatever it could to restrict communications between the police officers before they were interviewed. It was impossible for SPVM to ensure that the police officers involved had not discussed the facts under investigation among themselves as the investigations had been initiated by SQ several months before. It was also difficult to measure the impact of any such discussions on SPVM's investigations.

That said, the common reactions of SQ police officers in October 2015⁵⁴ and most recently⁵⁵ give cause for concern. Despite the measures taken by SPVM, the identities of the SQ police officers involved were known to their colleagues. This knowledge, coupled with the recent mobilisation, would create the appearance of collaboration, which is a problem. There was nothing that SPVM could do in this regard.

Rank of investigators who conducted interrogations

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.⁵⁶

During all the Phase 1 investigations, SPVM detective sergeants did not interrogate any police officers of equal or higher rank. In this regard, it is worthwhile to point out that the alleged incidents mainly involve SQ or other police force officers performing patrol duties. After viewing the interviews between SPVM investigators and the police officers involved, I was also able to confirm that there was no preferential treatment, that difficult or uncomfortable questions were asked, and that 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.

2.2.2. Consideration of the Indigenous context and the sexual nature of the allegations

The proper conduct of this investigation required that SPVM consider both the Indigenous community where it was called upon to intervene and the sexual nature of the allegations, common to numerous investigations. When the investigations were transferred in fall 2015, the sexual nature of the allegations was a special aspect of the mandate assigned to SPVM. The nature of the acts that a number of Indigenous women accused SQ police officers of created a shockwave when the revelations were made public. Before continuing with the presentation and examination of the Protocol indicators, I'd like to address a few questions relating to the causes and consequences of sexual violence as well as to sexual violence committed in Indigenous communities.

Sexual discrimination is an intrinsic cause of sexual violence against women.⁵⁷ The United Nations defines “discrimination against women” as:

[...] any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.⁵⁸

This observation is commonly found in recommendations often made to stop violence against women. Addressing the issue of discrimination and seeking equality of men and women are recurring themes for organizations devoted to the issue of sexual violence. The Québec government's latest strategy for preventing and reducing sexual violence rightly points out that sexual assault and sexual exploitation

crimes are rooted in relationships of unequal power, and so it is critical to implement measures to foster relationships of equality between men and women.⁵⁹

The consequences of sexual violence for the victims are many and harmful. Sexual violence is an attack on fundamental rights, notably physical and psychological well-being and personal safety.⁶⁰ Fear of being stigmatized also means that many victims do not report their attacker.

Moreover, certain societal groups are unfortunately more susceptible to sexual violence. These include the disabled, the elderly, refugees, or people from ethnocultural minorities. Indigenous communities are one such group whose circumstances make them more vulnerable to sexual violence, often because of myths, prejudices, and stereotypes.⁶¹ In investigating allegations of sexual assault against women, SPVM's approach must take into account the unique circumstances, challenges, and needs of Indigenous victims, who are particularly vulnerable.

Against this background, certain indicators in the Protocol are aimed at verifying how SPVM has adapted its response. Numerous indicators point to the importance of using a victim-centered approach to make victims feel safe and comfortable confiding in SPVM investigators.⁶² Below are the indicators I have assessed with regard to SPVM's general investigation process. Other indicators have been assessed for each individual case (Section 2.3 below):

- Transparency of the investigation process with Indigenous communities
- Investigators' training on Indigenous cultures and realities
- Adequate representation of Indigenous community members on the investigation team
- Support for victims and communication of useful information on psychological support services and assistance and protection services
- Explanation to the victim of the conduct of the police investigation and the legal process as well as information on decisions made in the case

Transparency of the investigation process with Indigenous communities

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.⁶³

In Phase 1 of the investigations, transparency was achieved thanks to the strategic decisions made by SPVM. The decision to quickly deploy a multidisciplinary team in the field was critical. Community officers from the *Les Survivantes* program, anthropologists, the Indigenous liaison officer, and staff from the Internal Affairs Division visited Indigenous communities involved in the investigations. Visits were made to Kitecisakik, Lac-Simon, and Pikogan, as well as Val-d'Or and Senneterre.

Very soon after investigations were transferred from SQ to SPVM, a meeting involving SPVM headquarters in Montréal was held on November 9, 2015, in Val-d'Or. The primary goal was to go out and meet with communities and partners to provide information about the investigation process. Similar meetings were held in the communities of Lac-Simon and Pikogan in the weeks that followed. On June 7, 2016, a second meeting was held to discuss the general progress of the Phase 1 investigations and to provide information about Phase 2, which involved a new participant, NPJSQ. While it would have been better for this last meeting to have been held more promptly after Phase 2 was launched, the two visits to Val-d'Or by upper management and members of the investigation team, including the Indigenous liaison officer and, for the second meeting, an Indigenous investigator, contributed to the transparency of the process. Moreover, SPVM accepted AFNQL's invitation to present the investigation's progress to the Chiefs' Assembly on June 14, 2016.

At the meetings, which I attended, the SPVM team each took the floor to present different aspects of the investigation process and answer questions from the several dozen participants. At the first Val-d'Or meeting, I could see that SPVM was careful to take into account the tense social climate, the collective trauma experienced by the communities, and the communities' lack of confidence in law enforcement personnel. The goal of each presentation was to reassure communities that the investigation was thorough and objective and that the assigned investigators were experienced as well as to encourage victims of abuse to report crimes in complete confidence. At the second meeting in June 2016, SPVM also set the record straight about certain media reports that were a concern for victims and communities. Both meetings took place in a spirit of openness and respect, notably in interactions with the Chiefs and community counsellors and in acknowledging the fact that participants were in Indigenous territory.

Two aspects relating to the transparency of the investigation process in the eyes of the community are worthy of special consideration. First, as will be shown in more detail in Section 2.3 on timeliness, the investigation is unusual in that the allegations are collective. There are many reasons for the DCCP's decision to publicly announce rulings on the authorization of legal action for all Phase 1 cases, rather than case by case. Two such reasons are the links that can sometimes be established between cases in terms of the victims, witnesses, or police officers involved, and the collective nature of mass complaints coming from the same region. However, this inevitably leads to delays, with the result that some victims interviewed in November 2015, for example, will not find out the results of their cases for another year. It also creates a more general feeling of insecurity among communities and is likely to cause doubt about the proper conduct of the investigation. In my opinion, the combined result is an even greater obligation for the police force running the investigation to be transparent. The meetings mentioned above are part of the transparency initiative, but I don't think they alone have been enough to ease fears and explain what is taking so long. The presence and availability of the observer were

helpful in providing communities with an objective point of access and a distinct source of information on the investigation process and how it normally takes place under the circumstances.

That said, it is also important to realize that a criminal investigation process cannot be as transparent as many would like, both to protect the investigation itself and to keep the identity of the victims and other elements of the investigation confidential and to comply with the division of labor with respect to the DCP. There are limits as to what a police force can publicly disclose about an investigation. I believe that the SPVM investigation team was sensitive to the importance of being transparent with the communities under the circumstances and that some concerns about the length of the investigation in particular could not have been entirely eliminated by SPVM alone. Finally, transparency towards communities implies an obligation to provide information to the victims individually, which will be discussed below.

Investigators' training on Indigenous cultures and realities

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.

The need to train those working in Indigenous communities has been well known for a long time, and is true for all fields (health and social services, youth, justice, etc.). The same applies to police work. Various bodies, including HRW, the Oppal Commission in British Columbia, government committees, as well as Quebec Native Women (QNW) have stressed the importance of training police officers who work with First Nations members.⁶⁴

At the international level, a United Nations committee has also invited Canada to take action. Canada has ratified numerous international treaties, some of which are relevant to my analysis. One example is the *International Convention on the Elimination of All Forms of Racial Discrimination*,⁶⁵ which Canada ratified in 1970. The Committee on the Elimination of Racial Discrimination monitors whether countries that signed the convention are applying it. After reviewing periodic reports submitted by Canada, the committee issued the following recommendation:

Furthermore, it recommends that the State party take effective measures to provide culturally-sensitive training for all law enforcement officers, taking into consideration the specific vulnerability of aboriginal women and women belonging to racial/ethnic minority groups to gender-based violence.⁶⁶

This recommendation was issued because the committee was concerned about “serious acts of violence against Aboriginal women, who constitute a disproportionate number of victims of violent death, rape, and domestic violence.”⁶⁷

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 comprehend 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.⁶⁸

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. Police department involvement consisted of removing Indigenous children from their families and looking for children who ran away from these residential schools.⁶⁹

The aftereffects of this type of assimilation measure are multigenerational and unfortunately affect the children of survivors. It should be no surprise that non-native police officers currently investigating criminal acts alleged to have been committed by their peers against Indigenous people are likely to meet with victims and witnesses who are reluctant to confide in them. This example highlights the need for SPVM to adapt its approach and focus on establishing a climate of confidence 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 problems, including racism, discrimination, and safety for Indigenous women, affect the daily lives of many Indigenous people.⁷⁰ Val-d'Or is not exempt, as attested by the Val-d'Or Declaration on racism signed in December 2015,⁷¹ and the city's specific circumstances must be taken into account in the investigation.

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 views of certain 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.

On November 2, 2015, all SPVM members involved in the Val-d'Or project received training on the realities of First Nations members. The course lasted four hours and was presented by six trainers. Four of them, including the two anthropologists, were from the SPVM 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 addressed:

- Introduction to Indigenous communities in Québec;
- Historical context and the resulting identity issues (colonization, *Indian Act*, reserve system, residential schools, the "Sixties Scoop" when Indigenous children were taken from their families and put up for adoption);

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- Relations between law enforcement personnel and First Nations;
 - Urban issues (cultural shock, homelessness, racism and discrimination, and so on);
 - Reality of Indigenous women (cycle of violence, disappearances and murders, loss of confidence in the justice system, fewer reports 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 on the team, except two permanent staff⁷² and three reserve members, attended the training. The analyst, consultation officers, assistant director, inspector, commander, and police detectives supervising the investigations were also present.

The subjects covered in the course were key themes that need to be taught in the context of the present police investigation. I also acknowledge the qualifications of the individuals who provided the instruction. That said, the syllabus was extremely ambitious in relation to the length of the course, which should have been a few hours longer.

The need for *ad hoc* training specific to the investigation entrusted to SPVM was that much greater because all non-native police officers in Québec clearly lack training on Indigenous realities and cultures. The bare minimum seems to have been done in this regard since the start 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*, the Minister of Public Security announced on April 5, 2016, [translation] “his intention to improve training offered to police officers at École nationale de police du Québec so that these officers will better informed and better equipped to interact with members of Indigenous communities, particularly with Indigenous women.”⁷³). I will be coming back to this in the “Conclusion and Observations” section below.

Adequate representation of Indigenous community members on the investigation team

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 [translation] “helps police forces perform better because they include members of the different communities they serve.”⁷⁴

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.⁷⁵

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.⁷⁶

The Supreme Court of Canada has examined the issue of representativeness of Indigenous people living on reserves on juror lists.⁷⁷ The topic comes under a specific legal framework, but I intend to discuss it here as it offers some points to consider in the context of my mandate.

In 2008, Clifford Kokopenace, an Indigenous man from the Grassy Narrows First Nation in Ontario, was found guilty of manslaughter after proceedings before a judge and jury. None of the jurors were Indigenous. The case led to a legal debate on what had been done to include residents of Indigenous reserves on the jury roll for the Kenora district. More generally, the debate raised the question of jury representativeness under Subsections 11(d) and (f) of the *Canadian Charter of Rights and Freedoms*.⁷⁸

In a 2015 ruling, the Supreme Court established a link between representativeness and impartiality considered under Subsection 11(d) of the *Canadian Charter*. This subsection protects the right of all accused to be heard by an impartial tribunal.

[50] Representativeness is an important guarantor of impartiality [reference omitted]. There are two potential problems with representativeness that may impact on impartiality. First, the deliberate exclusion of a particular group would cast doubt on the integrity of the process and violate s. 11(d) by creating an appearance of partiality [reference omitted]. Second, even when the state has not deliberately excluded individuals, the state's efforts in compiling the jury roll may be so deficient that they create an appearance of partiality [reference omitted]. However, where neither form of conduct exists, a problem with representativeness will not violate s. 11(d).

The Court makes sure to mention that impartiality is guaranteed by the procedure for compiling the jury roll, and not by the roll's final composition. It also emphasizes that a roll containing few people who share the accused's race or religion is not in itself an indicator of bias.⁷⁹ This explanation is in line with previous decisions. The Court points out that "[r]epresentativeness is an important feature of the jury; however, its meaning is circumscribed. What is required is a "representative cross-section of society, honestly and fairly chosen".⁸⁰

That said, the Court believes that representativeness is an essential part of the accused's right to a trial by jury, provided under Subsection 11(f) of the *Canadian Charter*.

[55] In contrast to its limited role in s. 11(d), the role of representativeness in s. 11(f) is broader. Representativeness not only promotes impartiality, it also legitimizes the jury's role as the "conscience of the community" and promotes public trust in the criminal justice system [reference omitted]. Representativeness is thus a necessary component of an accused's s. 11(f) right to a jury trial.

It is important to note that under Subsection 11(f), representativeness has the same meaning as in Subsection 11(d), i.e., it protects the right of the accused to a proper jury selection process.⁸¹ While both provisions define the notion of representativeness in the same way, "the broader role it plays in s. 11(f) creates an important point of distinction: while a problem with representativeness will not

necessarily violate s. 11(d), the same cannot be said about s. 11(f). Because representativeness is a key characteristic of the jury, its absence will automatically undermine the s. 11(f) right to a trial by jury.”⁸²

The context for the *Kokopenace* case is fundamentally different as it focuses on an important part of the judicial process—establishment and composition of the jury—and not on the police investigation that led to the trial. The analogy is still relevant because the Court links the notions of representativeness and impartiality in cases mainly involving an Indigenous person.

Finally, to wrap up the analysis of representativeness, 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 the possibility of interacting with female police officers who, preferably, are Indigenous.”⁸³

As mentioned in Section 2.1, two Indigenous investigators were assigned to the SPVM team. From mid-December 2015 to April 5, 2016, they took part in 20 Phase 1 cases. Their involvement represents some 670 hours of work.

The two Indigenous investigators performed tasks similar to those of the SPVM investigators, including witness interviews. Regular SPVM investigators assured me they were well integrated into the investigation team and passed on their investigative expertise and knowledge of Indigenous communities to the team. I had the chance to talk with the two Indigenous investigators numerous times, and both confirmed that they were full members of the team and that their experience in that role was unique and important. I admire their commitment and the well-deserved recognition they received from the AFNQL.⁸⁴ This commitment is all the more remarkable as their participation was likely to cause confusion for some, who may have thought they were acting as observers of the investigation process on behalf of AFNQL or their own communities. They were able to disregard these concerns and fulfill the terms of their mandate as investigators, becoming full members of the SPVM investigation team and fully participating in the process to discover the truth and establish criminal responsibility.

While MSP is to be commended for assigning the two Indigenous police officers, following a request from the AFNQL chiefs, and for their full integration into the SPVM investigation team, SPVM should have assigned Indigenous officers to the Val-d’Or project right from the start. On August 26, 2016, the department included 18 Indigenous police officers (fifteen officers, two sergeants, and one commander). There was every reason to believe that Indigenous officers could have been assigned to the investigation from the beginning.

Without bringing into question the quality and extent of the role fulfilled by the external Indigenous investigators who took part in Phase 1, my assessment of this indicator is more cautious. SPVM missed an opportunity to include Indigenous police officers from its own department in the Val-d’Or project. 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. That said, the response for an investigation in an Indigenous community should be to include Indigenous investigators to the extent possible. I am quite sure that SPVM would automatically think of doing so next time, based on lessons learned in this case. This will be covered more generally in the “Conclusion and Observations” section below.

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

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.⁸⁵ 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.⁸⁶ This applies to interviews with DCPD prosecutors and is governed by a DCPD directive.⁸⁷ 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. Many Indigenous women are particularly vulnerable and for this reason it is even more important to provide ongoing support, whether individual or collective, that is culturally appropriate and reassuring. Vulnerability is much higher in the Val-d'Or investigation, particularly for women who first filed complaints publicly, on the record, in a widely broadcast television report. Regional responders told me that some of these women were subjected to derogatory comments from local residents, pressured by their communities, and harassed by reporters. Some also fear retaliation from SQ police officers, although I was not able to confirm this. In addition, public statements from Vallée-de-l'Or RCM police officers—including defamation lawsuits against Radio-Canada, which seemed to challenge the truthfulness of witness accounts and the credibility of certain women⁸⁸—put these already vulnerable women at the center of a media storm and a social crisis with the potential to cause them even more harm. Support in such situations is vitally important.

I can confirm that SPVM encouraged victim support in Phase 1. The contribution of the community officers from the *Les Survivantes* program was particularly helpful. Thanks to their work in Val-d'Or at the start of the investigation, connections could be established with victim support resources, whether these victims wanted to file a complaint or not. The generally positive cooperation between SPVM and the Val-d'Or Native Friendship Centre helped support women who wanted to use the Centre. Numerous interviews took place there, making it possible for responders to support victims throughout the process of filing a complaint. Other Val-d'Or responders, including Assaut Sexuel Secours (CALACS), were also involved in victim support. For cases outside Val-d'Or and the

surrounding area, support efforts were on a smaller scale but the information available shows that victims were supported as needed. For example, one victim first confided in a responder, who then helped her in filing a complaint.

There are more resources for victim support available in Val-d'Or than in communities such as Kitcisakik and Lac-Simon. Responders in these locations told me about problems deploying sufficient and suitable resources for supporting victims. SPVM did what was needed to encourage support outside Val-d'Or, but the discrepancy in available resources is unfortunate and should be addressed by the authorities. At this time, before meetings that the investigators and the DCPD will have with individual victims to notify them whether legal proceedings have been approved for their case, I have shared with SPVM and numerous individuals my concerns about immediate, continuous support for all victims from properly trained responders who can gain the victims' trust. Several initiatives have been carried out on various levels, and SPVM has told me it made sure all victims interviewed were supported. However, support must continue to be available in the coming weeks and months. To this end, a global strategy should be put in place immediately.

Explanation to the victim of the conduct of the police investigation and the legal process as well as information on decisions made in the case

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.⁸⁹ It is also enshrined in the more general procedure for assisting crime victims.⁹⁰

In addition, the *Canadian Victims Bill of Rights*,⁹¹ 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).⁹²

As mentioned above, the length of the investigation due to the number of complaints left some victims concerned that it would not be carried out properly. Investigators were in quite frequent contact with victims. The files contain numerous records of discussions from the time of the initial interview to the completion of the process. The investigators, accompanied by DCPD prosecutors carrying out their investigation, also met again with numerous victims. They also held the abovementioned meetings with partners, allowing those in contact with the victims to pass on information about the investigation's progress. Given the special nature of the investigation, more frequent updates would have clearly been helpful. That said, once SPVM notified victims that their case was now with the DCPD, there was little new information to pass on. The investigators still made themselves available to answer questions about progress and kept in frequent contact with partners. At the end of Phase 1, the SPVM investigators will hold a series of meetings with all victims. These interviews will take place in November 2016. Victims will meet individually with investigators and the DCPD to learn what the DCPD has decided in their case. The DCPD has announced its intention to make public each decision about whether to prosecute and, if applicable, explain the reasons for not bringing charges.⁹³

I am satisfied with the actions taken to keep victims informed about the police and legal processes and about decisions whether to prosecute. These actions comply with the requirements of the Major Crimes Section investigators in the organization's internal directive on sexual assault. The specific (collective)

context of the investigation and the time taken as a result have certainly helped create concern for some victims, but in my opinion, SPVM has satisfactorily fulfilled its information requirements, in the circumstances.

2.2.3. Conflict of interest

The last series of indicators in the Independent Civilian Observer Protocol, which supplements the general assessment of SPVM's investigation process, involves conflict of interest. This issue is central to the notion of impartiality. More specifically, I want to verify whether there is a real or apparent 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.

As mentioned at the beginning of Section 2.2.1, 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

To assess these indicators I used the *Conflict of Interest Statement* signed by the members of the SPVM investigation team and by SPVM management.

In the days following my appointment, the supervisors told me that all the investigators had already signed this statement. At my suggestion, the investigators signed a new form to include other situations that might constitute a conflict of interest or the appearance of one. This statement can be found in Appendix C. It includes all the conflict of interest indicators in the Protocol and listed 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 statement is partly based on a questionnaire that the CPC and the RCMP had agreed to have filled out by staff conducting internal investigations on their peers.⁹⁴

All members of the investigation team, both regular and reserve, signed the statement before a witness. I also asked for the statement to be signed by senior SPVM managers associated with the investigation. Although these individuals were not directly involved in the investigation process (talking to witnesses and so on), they were responsible for certain key decisions in Phase 1, so I thought it was desirable for senior managers to sign the statement as well, which they did. Forms were signed by the deputy director, assistant director, commander, police detectives, Indigenous investigators, police officers from the *Les Survivantes* program, analyst, and Internal Affairs staff involved.

Existence of past or present professional, family, or social ties

Only two investigators declared a conflict of interest with someone associated with the investigations.

One of the Indigenous investigators declared a conflict of interest with the victims in two cases under investigation. He did not take part in the investigation of these cases.

An SPVM investigator also declared a conflict of interest. She said she “knew” (quotation marks hers) an SQ police officer after working with him on one or two shifts while she was employed by a private security firm in Val-d’Or 18 years previously. Since then, she did not see that particular police officer. The SQ police officer is involved in a case being investigated in Phase 1. In the week following her statement, the investigator participated in three interviews with police officers in that case. Her role was limited to taking notes at each meeting. The officer she had “known” previously was not one of the three interviewed.

Presence of investigators who have been SQ police officers or otherwise employed by SQ

None of the Phase 1 investigators said they had been SQ police officers or otherwise employed by SQ, in a civilian capacity, for example.

Presence of investigators who have been police officers on or otherwise employed by another police force involved in the investigation

Same comment as for the previous indicator.

Any other factor likely to undermine the appearance of an investigator’s impartiality

During the training session on Indigenous realities given at the start of the investigation, an SPVM investigator who was initially expected to be on the team made inappropriate comments about a topic associated with the investigation. He was immediately removed from the group of investigators working on the Val-d’Or project. I commend this decision, which was the right decision to make in the circumstances.

Overall, my assessment of these indicators is positive. The conflict declared by one of the investigators is not a cause for concern. The connection she declared is negligible and remote. She was acting in complete transparency and did not place herself in a conflict of interest situation. Based on my analysis, there was no apparent conflict of interest either. She did not meet with the police officer in question and she did not play an active role in the interviews with the other police officers in that case.

My many visits to Vallée-de-l’Or also helped me conclude there was no real or apparent conflict of interest. No issues in this regard were reported to me.

2.3. Individual evaluations of investigation cases

Independent civilian observation of the integrity and impartiality of the SPVM investigations involves the general investigation process set up by SPVM, as described in previous sections. It also includes an individual assessment of each case under investigation. A chart was drawn up to enable an accurate, detailed assessment of the Protocol’s impartiality and integrity indicators. Analysis charts for each of the Phase 1 cases can be found in Appendix F.

These assessment charts include:

- An **overall assessment** of impartiality and integrity (positive or negative) in the case
- **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 for the reader to determine the nature of the case and how the investigation was conducted, without violating confidentiality and revealing the victim's identity or undermining in any way the legal proceedings that could follow the investigation
- An analysis and in-depth assessment of the following Protocol **indicators**, relating to the consistent application of an established and thorough investigation process at all stages as well as the specific context of the investigation (Indigenous environment and allegations of a sexual nature):
 - Timeliness of the investigations
 - Courteous and respectful behavior
 - Relationships with the police officers involved and the witness police officers
 - Seriousness and thoroughness of the investigation
 - Establishment of a climate of trust with the victims
 - Language issues

For each indicator, specific subindicators support the assessment process and make it more precise. A positive or negative assessment, supporting the overall assessment of the case's integrity and impartiality, is given for each indicator, and comments are left if needed. Thus each indicator is assessed on its own merits and an overall quality assessment of each case carried out.

As mentioned above, Phase 1 of the SPVM investigation involves complaints received between October 23, 2015, when SPVM received its mandate from the Minister of Public Security, and April 5, 2016, when the minister officially expanded the mandate to all of Québec. Complaints received after April 5 are included in Phase 2 of the investigation and will be discussed in at least one of my subsequent reports. SPVM was already receiving complaints from all regions in Québec before April 5. That said, the first Phase 1 cases are those sent to SPVM by SQ involving allegations of criminal acts made by Indigenous women in Val-d'Or, some of whom had participated in the first report on the television show *Enquête*, broadcast on October 22, 2015. Most of the Phase 1 cases involve the Val-d'Or region.

Below is some relevant information on the cases in Phase 1:

- There are 38 investigation cases in Phase 1. The DCPD decided to transfer one case (No. 23) to Phase 2. That case was analyzed for this report and will be reviewed and adjusted if necessary in my Phase 2 report(s).
- These 38 cases involve 31 different victims (some victims made allegations involving more than one event, each of which was treated as a separate case).

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- Out of the 31 victims, 24 are women. Three of the victims are not Indigenous.
 - Fifteen of the 38 cases involve allegations of a sexual nature.
 - Nine cases involve allegations of “forcible confinement,” referring to “*cures géographiques*” or “starlight tours,” which consist of dropping off individuals in remote areas and leaving them there “to sober up.”
 - The other cases involve allegations of assault (excessive use of force during an arrest or custody, etc.) or other types of widely varying allegations, some of which do not concern police officers or are more of a disciplinary nature.
 - Thirty-two of the 38 cases are from the Val-d’Or region and neighboring communities.

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;
 - Followup to the additional investigations requested by the DCPD;
 - All interviews with victims, civilian witnesses, witness police officers, and police officers involved;
 - All interviews with victims and police officers involved were video recorded (except one, for good reason, discussed below)
 - Video or sound recordings were made of most interviews with civilian witnesses, primarily Indigenous people
 - Witness police officers made written statements as required by law
 - All correspondence relating to the case, including requests from SQ;
 - 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 statements;
- Information about the management of the investigation, including investigation plans, notes and reports from the anthropologists or the Indigenous liaison officer assigned to the investigation, daily reports, progressive logs, and original SQ files.

In addition to full unrestricted access to the investigation files, I had frequent contact with members of the investigation team at all levels, particularly with the police detective supervising the investigation as well as the Indigenous investigators. Whenever I had a concern or needed clarifications, I asked numerous questions, which were promptly answered. In addition, I gathered comments and opinions from people I met with as part of my work and who might be relevant to specific cases.

To observe each case individually, I had to watch each interview from start to finish and carry out a thorough, in-depth analysis of each stage of the investigation process and each piece of evidence. I did this myself. To prevent mistakes, to obtain a different perspective, and to confirm my assessment, each case was also reviewed and assessed by my special advisor, Isabelle Picard, anthropologist and member of the Huron-Wendat Nation. She was subject to the same confidentiality and impartiality requirements.

The subsections below summarize the conclusions about investigation impartiality and integrity for the Protocol indicators relevant to the individual assessment of a case under investigation. Also included is an explanation of the significance and importance of the indicators assessed. As mentioned above, these indicators are based on two primary themes—consistent application of a rigorous established investigation process at all stages of the investigation on the one hand (2.3.1) and its specific context (Indigenous context and allegations of a sexual nature) on the other (2.3.2).

The charts in Appendix F set out the specific assessments for each of the 38 cases under investigation. All the cases were assessed positively for each indicator and thus obtained a positive overall evaluation for the impartiality and integrity of the investigation.

2.3.1. Consistent application of a rigorous established investigation process

As specified in the Protocol and shown in the charts in Appendix F, the following indicators were used to assess whether SPVM applied a rigorous and established process in each investigation:

- Timeliness of the investigation
- Courteous and respectful behavior
- Relationships with the police officers involved and the witness police officers
- Seriousness and thoroughness of investigations

I will analyze these indicators in turn, explaining what they mean and providing a summary of the individual assessments for each one.

Timeliness of the investigation

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,⁹⁵ 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.⁹⁶ 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.”⁹⁷

Sexual assault is one of most underreported offences. According to Statistics Canada, this type of offence is the least likely to be reported to the police.⁹⁸ StatCan also reports that only 5% of sexual assaults were reported to the police in 2014.⁹⁹ That same year, sexual assault was three times more common among Indigenous people in Canada than among non-Indigenous Canadians.¹⁰⁰ Given these worrying statistics, when an Indigenous woman decides to report her attacker, it is even more important for police procedures to be put in motion right away.

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.

A large number of cases were transferred to SPVM right after the televised report by *Enquête* on October 23, 2015, when the Minister of Public Security asked SPVM to take up the investigation of criminal allegations against Indigenous women involving SQ police officers from the Vallée-de-l’Or RCM. Other cases were opened after complaints from other alleged victims or witnesses via the hotline set up by SPVM or via an Indigenous police force.

I found that SPVM opened the investigation immediately after receiving the complaint. The first contacts were made immediately or a few days after the investigation was opened and the victim interview(s) took place shortly thereafter, within two weeks at most, usually much sooner. Witness interviews were also carried out soon after the victim interview, within the next few days in most cases.

Furthermore, I confirm that all the other stages in the investigation carried out by SPVM were completed within a reasonable period of time given the complexity and the special nature of the investigations, with certain facts dating back many years, the remoteness, the distrust of certain alleged victims or witnesses, the amount of travel required, etc. Interviews with the police officers involved were not as prompt because of the SPVM’s decision to coordinate these meetings with the DCPD after the DCPD had examined the cases under investigation. Finally, as specified in Section 2.1 of the report, the investigation files were sent to the DCPD within a reasonable or short amount of time (between January and March 2016), given the complexity of the investigation.

I would like to stress that the specific context of the investigation conducted by SPVM in Phase 1 meant that the time between the start of the investigations and the DCP's final announcement on whether or not charges would be brought might have been perceived as quite long by some victims. In some cases, more than a year will have gone by between the SPVM investigators' initial victim interviews and the final meeting between victims, SPVM investigators, and prosecutors to inform the victims of the results of the investigation and whether legal action will be taken in their case. The situation can be explained by the unusual nature of the "Val-d'Or crisis"—numerous allegations from many victims in the same region and cases that are sometimes interconnected—and by the DCP's decision to publicly announce whether each case would result in legal action and, if applicable, the grounds for deciding not to bring charges for all cases in Phase 1 as a single batch. As the DCP indicated in June 2016 [translation]:

The DCP points out that some time may pass between the submission of the police investigation report to the DCP and the final decision about whether to press charges. This is because of the large number of lengthy analyses prosecutors must carry out before deciding whether to bring criminal charges.¹⁰¹

In addition to the usual time required by the DCP to analyze a case, in this instance the victims had to wait until each of the 38 cases in Phase 1 were completed, including interrogations of the suspects and individual interviews of the victims with prosecutors, all scattered over a wide area, before learning the outcome of their cases. This inevitably slows down the individual process, but is justified by the collective aspect of the investigation process related to the many allegations made by First Nations members against police officers. These delays meant some victims started to worry, and the individuals who were concerned about the victims developed a certain degree of dissatisfaction. That said, the steps taken by SPVM to ensure a transparent investigation process (see Section 2.2.2 below) and the presence of an independent civilian observer in frequent contact with interested parties, who in turn were in contact with victims, may have helped lessen the harmful effects of the length of time required for such a far-reaching investigation in unusual circumstances. I confirm that SPVM deployed all the resources necessary to conduct the investigations and the additional inquiries requested by the DCP in a timely manner.

Courteous and respectful behavior

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.”¹⁰²

To measure this indicator I watched videos of the interviews. All interviews with the victims and police officers involved were recorded on video, except one case when the investigators were satisfied with a written statement the victim had given at SQ, after confirming with said victim that there was nothing further to add. Numerous interviews with civilian witnesses were also recorded on video. In addition, I listened to audio recordings of interviews (mainly with certain civilian witnesses) and read written statements (mainly by witness police officers) and emails and other communication notes, if any. Video recordings of interviews with victims and police officers involved are a vital tool for an independent observer who cannot contact these individuals directly. Such recordings should be standard for all criminal investigations involving crimes allegedly committed by police officers.

I confirm that all interviews were conducted in a manner that was courteous and respectful toward the victims, witnesses, and police officers involved. Moreover, the investigators understood and were sensitive to the sociocultural context and specific reality of the Indigenous victims and witnesses. 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. The investigators did not ask leading questions, gave the victim enough time and space to answer, were aware of the discomfort and emotion that could arise during the interview, and based themselves on the principle of “I believe you,” often referring, for example, to “what happened to you,” initiating the conversation with questions like “tell me what happened,” etc. Interviews with the police officers involved, some of whom were extremely affected by their status as suspects, were characterized by an open and understanding yet firm and uncompromising attitude.

Relationships with the police officers involved and the witness police officers

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,¹⁰³ 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.¹⁰⁴ While they are required to provide a full written and signed statement or face criminal penalties,¹⁰⁵ 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.¹⁰⁶

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.¹⁰⁷ 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.¹⁰⁸ 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.

In the Val-d’Or project, witness police officers were interviewed promptly during the investigation and the procedure followed the rules in effect. The witness police officers were advised of their status in the investigation and were assisted by a lawyer. They produced full written and signed statements and submitted copies of their personal notes and all reports relating to the examination of the complaints to SPVM investigators.

For the police officers facing criminal allegations, the situation was different in each case. In November 2015, the SPVM investigation team and the DCPD agreed that no suspects would be interviewed before the DCPD carried out an initial study. After the investigation files were gradually handed over by SPVM and then analyzed by prosecutors, it became clear that the Phase 1 cases relating to criminal allegations could be divided into two main categories.

The first category includes cases in which it was not possible to identify any suspects at the end of the investigation. Obviously, in such cases no suspects could be interviewed. This category also includes cases in which the suspect is not a police officer, the alleged victim denies having been the subject of criminal acts or no longer wants to take action, and, in one case, the police officer has died. Twenty-one out of 38 Phase 1 cases are in this category. The indicator relating to the “seriousness and thoroughness of the investigation,” which will be analyzed below, aims to ensure that all reasonable investigative measures have been taken to determine whether a criminal act was committed and identify those responsible.

The second category includes cases in which one or more suspects have been named and the investigation shows that a criminal offence was committed. In such cases, either the police officers were asked to meet with SPVM investigators and make a statement as suspects, with these statements becoming part of the DCPD file to be analyzed prior to a decision about whether legal action can be authorized, or the DCPD told SPVM that the evidence alone was sufficient to authorize legal action and the accused will be questioned once the arrest warrant has been issued. In this category, 15 police officers were asked to make a statement as suspects during the investigation in 11 cases, which they had the right to agree to (11) or decline (4). Certain other police officers will be questioned if they are arrested.

Each interview in which police officers were questioned as suspects during the investigation was recorded on video and assessed. The analysis 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, listed below.

Finally, certain other cases (4) relate to different types of situations, for example cases in which the allegations are considered unfounded or the evidence is not sufficient to corroborate the identification of the police officers named. In such cases, the police officers are usually interviewed as witnesses. In one case, the police officers voluntarily took a DNA test confirming they were not involved in the events reported by the victim.

Seriousness and thoroughness of investigations

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.

Following a thorough analysis of each of the 38 cases under investigation, I confirm that all the investigations were treated seriously and pursued exhaustively. The SPVM investigation team made significant efforts to establish the facts and identify those responsible for the alleged acts. Below is a summary of the main takeaways:

- The investigators—most of whom were 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 or, for example, their state of intoxication when the events took place.
- 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. For example:
 - Finding all statements of offence received by the victim during the period in question and determining which police officers were on duty, to identify the police officers who may have been in contact with the victim;
 - Obtaining information relevant to the events and photos of police officers who may be involved;
 - Presenting exhaustive lineups to the victim;
 - Interviewing civilian and police witnesses to corroborate the victim’s allegations;
 - Verifying the GPS data for police vehicles that may be 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. In these cases too, lineups were created, all civilian or police witnesses were interviewed, and the police officers involved were asked to

make a statement, at which time all relevant questions were asked, expert reports were obtained, and so on.

- Investigators provided appropriate followup 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.
- In one case, I had concerns about the investigation's focus on a single suspect reportedly identified (incorrectly) by the victim without other possible suspects being considered. The investigators made further inquiries and compiled a new lineup for the victim. However, despite SPVM's attempts, the victim was not available to participate in these additional investigations.

All investigation files were sent to the DCPD in their entirety, without recommendations as to which charges should be brought, as per the independent investigation model. As explained above in Section 2.1, the decision to press charges must be made by the DCPD on the basis of well-established criteria. The independent civilian observer's goal is to evaluate the integrity of the police investigation to ensure that the process followed is rigorous, thorough, and objective and that the end result—the DCPD's decision whether to lay charges—is not based on an incomplete or bungled investigation. The DCPD's decision is outside of my mandate. For the 38 Phase 1 cases, I confirm that SPVM's investigation was thorough, serious, and exhaustive.

2.3.2. Consideration of the Indigenous context and the sexual nature of the allegations

As provided for in the Protocol and reflected in the Appendix F charts, the following indicators were used to determine whether SPVM properly considered the Indigenous context in which the investigation was conducted (Indigenous victims and witnesses, social climate, complaint history [victim who speaks out in a television report with his/her identity concealed, previous SQ investigation deemed insufficient], general lack of trust in law enforcement, etc.) and the sexual nature of the allegations, if applicable:

- Establishment of a climate of trust with the victim (including an interview conducted by a female investigator when the victim expresses such preference)
- Language issues

I will analyze these indicators in turn, explaining what they mean and providing a summary of the individual assessments for each one.

Establishment of a climate of trust with the victim (including an interview conducted by a female investigator when the victim expresses such preference)

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.¹⁰⁹ 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.

As previously mentioned, Indigenous women appreciate being able to deal with a female police officer. In investigations of sexual assault, the current practice is to ask the victim whether she prefers to be questioned by a male or female investigator.¹¹⁰ Abroad, this approach is part of the best practices advocated with victims of sexual assault in the investigative stage¹¹¹ and sometimes even in the trial stage.¹¹²

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, her wish should naturally be respected wherever possible.¹¹³

I evaluated this indicator using the entire investigation file, including video recordings of victim interviews; emails, telephone conversation notes, or text messages between investigators and victims or responders working with victims; etc. I also took advantage of my discussions with responders and other individuals in contact with the victims, who shared their impressions about the relationship between the SPVM investigators and the victims. These responders and other individuals in contact with the victims had my contact information and could contact me at any time if any doubts or fears arose.

My analysis has satisfied me that the SPVM investigators were able to establish a relationship of trust in all Phase 1 cases. This was a difficult challenge in that a number of victims were mistrustful of law enforcement from the outset, due either to their own history of confrontation with SQ agents or other government representatives (e.g., youth protection officers, ambulance drivers), fear that their stories would not be believed or fear of retaliation after they were made public in a television report in advance of a complaint, or for reasons related more to the general lack of trust First Nations members have toward police officers.

My analysis revealed the following regarding the relationship of trust established with the victims:

- The presence of the SPVM Indigenous liaison agent and *Les Survivantes* program agents at the start of the investigation greatly facilitated further contact by the investigators with the victims. These members of the team were able to establish good relationships in Val-d'Or and in the communities and identify contact people and intermediaries who could best facilitate contact with the victims, promote support for them, and pave the way for the arrival of the investigators. The responders in Val-d'Or and in the communities knew them by their first names, and I heard only very positive comments about them.
- SPVM worked closely with partners to establish and maintain ties with the victims and promote support for them by trusted individuals. The Val-d'Or Native Friendship Centre was a key partner in this regard for the victims in Val-d'Or and elsewhere who wanted its support as well as the support of other responders in Val-d'Or and the communities of Lac-Simon and Kitchisakik.
- 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.

- After watching each victim interview (which lasted from 20 minutes to nearly three hours), I noted that the investigators had taken all the time required for each interview, allowing the victims time to feel comfortable and asking all the questions relevant to the investigation. The investigators used an appropriate tone and a caring, respectful approach with each victim. They thoroughly explained the purpose of the interviews, conducted them in a rigorous yet empathetic manner, and answered victims' questions, assisting them with support or other measures in some cases.
- The interviews were most often conducted in a neutral location, such as the Val-d'Or Native Friendship Centre, the Cree Nation Government center, a shelter or other help center, the healthcare center in the victim's community, and on a few occasions, at the victim's home at the victim's request. In two cases, the interviews took place at SPVM's Major Crimes Division office, but that was at the request of the victims.
- The investigators conducted the interviews in civilian clothes. I believe that this facilitated the discussions and created a climate of trust between the victims and the investigators.
- For the allegations of a sexual nature, almost all the interviews were conducted by female investigators. In rare cases where they were conducted by male investigators, I did not note any uneasiness or discomfort on the part of the victims, and nothing in the files led me to believe that these victims had requested a female investigator. I also noted that the investigators, many of whom were trained to handle sexual assault cases, acted in a professional manner, with tact and sensitivity, which leads me to believe that any request in this matter was treated with every consideration.

It should be noted that some victims preferred not to proceed with any further action during the investigation for various or unknown reasons, but nothing leads me to conclude that this had anything to do with the relationship of trust established with the SPVM investigators (see the analysis charts for more details).

All 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. Support for victims, psychosocial support, and the establishment of other measures aimed at healing and recognizing the suffering that victims have endured are absolutely essential.

Furthermore, I noted that a number of partners in Val-d'Or expressed their fears for the future after the SPVM left at the end of the investigations. Although SPVM successfully established a relationship of trust, it remains to be seen how the relationship of trust between the police forces usually present in Val-d'Or and the neighboring communities can be rebuilt.

Language issues

A number of Indigenous languages are spoken in Québec, including Inuktitut, Cree, Naskapi, Anishinabe (or Algonquin), Mohawk, Atikamekw, Innu, and Micmac.¹¹⁴ In the Vallée-de-l'Or RCM,

there is a large concentration of Algonquin nations, particularly in the Pikogan, Lac-Simon, and Kitcisakik communities. Anishinabe and French are spoken in these communities. English is spoken in the other Algonquin communities in the Abitibi-Témiscamingue region. During Phase 1, complaints were also received regarding events that allegedly took place in the Côte-Nord (Innu nation) and Nord-du-Québec (Innu and Naskapi) regions.

In the context of an investigation conducted mainly by non-native 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 victims and Indigenous witnesses were conducted, verify whether interpretation services were used, and determine whether communication problems undermined the interview process.

About 75% of the Phase 1 interviews were conducted in French and 25% in English, with some interviews occasionally switching back and forth. On one or two occasions, an investigator asked questions in French and the victim or potential witness responded in English. I think that in such cases, an English-speaking or bilingual investigator would have been preferable so that the interview could be conducted in one language. In no case did the investigators use an interpreter. In response to a request from me, SPVM confirmed that no victim in Phase 1 specifically requested the services of an interpreter. I believe, however, 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. Furthermore, and primarily for the evaluation of this indicator, 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.

CONCLUSION AND FINDINGS

Following my assessment of SPVM's Phase 1 investigations, I confirm that they were conducted impartially and with integrity. The indicators in the *Independent Civilian Observer Protocol*, which I used to carry out my mandate, all received a positive general rating despite a few concerns about certain aspects. This positive assessment applies to the general evaluation of the investigation process established by SPVM and the individual evaluation of each of the 38 cases investigated. My conclusion regarding the integrity and impartiality of the investigations is based on a mandate and sufficient powers of observation to duly monitor the SPVM investigation process.

SPVM's investigations were conducted in a particularly sensitive context. The tense social climate in Val-d'Or and the general suspicion concerning police investigations of police officers made independent civilian observation all the more necessary and important. The objectives of the observation were 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. This report and the presence of an observer throughout the investigation will hopefully help reassure the victims, their communities, First Nations members, and the general public that SPVM's investigation was conducted according to the highest standards, without deference to the police officers involved, with full respect of the victims' rights, and in consideration of the sexual nature of some allegations and of the Indigenous context.

That said, a standard criminal investigation has limited objectives, namely to determine whether a criminal act was committed and identify those responsible. It is a process generally related to an event involving a victim, a crime, and a perpetrator. In this type of investigation, there is little or no room for identifying patterns of behavior or explaining the underlying causes of a phenomenon that is documented in a piecemeal manner based on individual complaints. SPVM's investigation can therefore provide only part of the answer to a profound social crisis marked by more collective and systemic issues. In a crisis situation, a criminal investigation is necessary, but insufficient. "Justice" in this context, a key ingredient of reconciliation, must be served both individually and collectively via measures complementary to the criminal process.

This independent civilian observation measure aimed at reassuring the public was implemented due to the general suspicion regarding police investigations of police, but especially the specific context of the "Val-d'Or crisis," which has shed light on deeper issues associated with relations between police forces and Indigenous people. This context leads me to make the following observations:

- The Indigenous women who publicly denounced their abuse in a televised report are in an extremely vulnerable position. They are at the center of a media storm and strong social tension, which may intensify when the DCPP is ready to announce its conclusions. Their need for protection (against retaliation or media harassment) and psychosocial support in the immediate and longer term is urgent.

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- The need for victim support in general is unequivocal. There is a large discrepancy in available resources between Val-d'Or and the communities of Lac-Simon and Kitcisakik in particular. Victims outside the region are even more isolated. There is no coordinated strategy to support Indigenous victims who have filed or wish to file a complaint against the police. 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.
 - There is a great deal of uncertainty about how SQ and the government intend to rebuild the relationship of trust with Indigenous people. SPVM cannot conduct investigations throughout Québec indefinitely. The fear that the *status quo* will be maintained after SPVM eventually withdraws is understandable. How complaints by Indigenous people against police officers will be handled in future needs to be determined without further delay. This includes clarifying the respective roles of BEI, the home forces of police officers, or any other specific mechanism that could be created for this purpose. This crucial issue should be subject to a consultation with Indigenous representatives and organizations, including women's groups.
 - Furthermore, conducting an information and awareness campaign among First Nations members on the established complaint process will be vital. Due to the lack of knowledge of the justice system, victims often don't know how to act after police officers or others commit reprehensible acts.
 - 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 meaningful training for all members involved on Indigenous realities and cultures that is based on a competency- and cultural safety-based approach.
 - More generally, the issue of training non-native police officers (including future police officers) on the sociocultural realities of and issues facing First Nations people 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 École nationale de police du Québec is urgent and essential. Once again, this strategy must be developed in collaboration with First Nations representatives, Indigenous organizations, and experts on the subject.
 - The need to shed light on the underlying causes of the allegations of sexual violence and abuse of power against police officers is clear. The events in Val-d'Or and elsewhere bring to the forefront the issue of discriminatory police practices and more specifically, the existence of systemic racism against Indigenous people in police forces. While one individual's racism can be condemned through the criminal process, socially organized systemic racism can never be recognized in this framework, and its adverse effects on individuals and communities cannot be examined. Without such recognition of systemic racism, legal systems practice a type of objectivity that perpetuates an unequal social order that police departments are trained to maintain.

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- Documentation of the possible existence of a pattern of discriminatory behavior against Indigenous people, specifically against Indigenous women, extends well beyond the scope of a criminal investigation and requires coordinated and concerted action.
 - There have been unanimous calls by Indigenous groups for the immediate establishment of a provincial commission of inquiry to examine in depth the issue of relations between Québec police forces and First Nations members. AFNQL, the Grand Council of the Crees (Eeyou Istchee), Regroupement des centres d'amitié autochtones du Québec (RCAAQ), and QNW are among those putting forward this request.¹¹⁵
 - The government adopted an order in council that allows the *National Inquiry into Missing and Murdered Indigenous Women and Girls* to investigate issues and institutions that fall exclusively within the jurisdiction of Québec.¹¹⁶ More specifically, the order allows the commission to examine factors that may be linked to relations between public services under the constitutional jurisdiction of Québec, including police forces and healthcare, social services, and educational institutions as well as Indigenous people in general.
 - Other jurisdictions recently did the opposite, launching a large-scale systemic investigation into police practices with respect to the Indigenous population. This examination will take into account the results of the National Inquiry and provide it with comments.¹¹⁷ The question of the National Inquiry's adequacy to shed light on systemic issues specific to Québec and the need to adopt additional measures is particularly urgent at this time.
 - To identify measures to complement the criminal investigation conducted by SPVM and shed light on more collective, systemic issues, a real dialogue must be established between all the Indigenous and non-native parties involved. The dialogue of the deaf via press releases does not allow these parties to achieve their shared goals of justice and reconciliation. In my opinion, only an immediate formal consultation between the government, police forces, and Indigenous groups will help determine which current or future mechanisms are required for an overall understanding of the issues raised by the "Val-d'Or crisis." This consultation should include political representatives and Indigenous organizations, including those working for women's rights.

The complaints made to SPVM by Indigenous women in Val-d'Or and elsewhere are acting as a catalyst for a movement of whistleblowing, solidarity, and the refusal to let situations of injustice continue. Testimonies that break the silence are worthwhile, even when they do not result in a police officer being found individually criminally responsible due to reasons specific to the criminal justice system that in no way call into question the true story. However, they are the first steps toward healing and reconciliation only to the extent that each individual story is recognized other than through the criminal justice process. These stories must be heard and acknowledged in and of themselves as well as an integral part of a more generalized pattern of similar incidents experienced by others, which should be documented and named.

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 ongoing investigations were entrusted to SPVM. SPVM is also tasked with dealing with other similar allegations that may be brought to its attention.

In addition to this initiative, the government wished 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 independent observer's mandate is to examine and assess the integrity and impartiality of SPVM's investigations.

To do so, she 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 her mandate;
- Meet with anyone able to provide information relevant to the assessment 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 the SPVM's failure to fully cooperate, she must inform the Deputy Minister of Public Security.

Once an investigation has been completed and the file 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 her new 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 is 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, she 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 her mandate;
- Subject to the restrictions below, meet with anyone able to provide information relevant to the assessment 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 the SPVM's failure to fully cooperate, she must inform the Deputy Minister of Public Security.

Once an investigation has been completed and the file 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 DCP'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 her new 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 is 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 it 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; and
 - 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. "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;
 - e. "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;
 - f. "SPVM" refers to Service de police de la Ville de Montréal;

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- g. “SQ” refers to Sûreté du Québec.

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 her 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 the 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:
 - i. Timeliness of the investigations;
 - ii. Courteous and respectful behavior at all times toward victims, witnesses, and police officers involved;

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- iii. Presence of highly qualified investigators who have the training and experience required to carry out investigations;
 - iv. Appropriate intervention commensurate with the gravity of the incidents under investigation;
 - v. Investigation methods and approaches similar to those used for crimes of the same gravity committed by civilians;
 - vi. 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;
 - vii. 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;
 - viii. Rank of the SPVM investigators who conduct interrogations with respect to the rank of police officers involved or witness police officers;
 - ix. Respect for everyone's fundamental human rights, particularly those guaranteed by the *Canadian Charter of Rights and Freedoms* and Québec's *Charter of Human Rights and Freedoms*;
 - x. Seriousness and thoroughness of investigations, particularly through the exploration of 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 the allegations at every step of the investigation, particularly by:
- i. Ensuring that the investigation process is transparent for the Indigenous communities involved;
 - ii. 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;
 - iii. Training investigators on Indigenous cultures and realities;
 - iv. Fostering adequate representation of Indigenous community members on the SPVM investigation team;
 - v. Offering interpretation and translation services, as needed, to members of Indigenous communities who are interviewed;
 - vi. Promoting victim support when circumstances permit and communicating useful information to victims about psychological support services and assistance and protection services available to them;
 - vii. For allegations of a sexual nature, having an interview conducted by a female investigator when the victim expresses such preference;
 - viii. Treating the victim with understanding, empathy, courtesy, and respect for their privacy;

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- ix. 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.
 - 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:
 - i. 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;
 - ii. Presence of SPVM investigators who have been SQ police officers or otherwise employed by SQ;
 - iii. Presence of SPVM investigators who have been police officers on or otherwise employed by another police force involved in the investigation;
 - iv. 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.

Appendix C – Conflict of Interest Statement

SPVM

CONFLICT OF INTEREST STATEMENT

(Val-d'Or Independent Investigation)

Definition: A conflict of interest is any real, apparent, or potential situation that could jeopardize the independence and impartiality of a member of the investigation team. For example, a conflict of interest exists when:

- A member of the investigation team maintains ties of kinship or friendship, or has a couple, business, or other conflicting relationship with an individual (suspect, witness, victim) potentially involved in the investigation or a witness or victim
- There are past or present professional, family, or social ties between SPVM investigation team members and the police officers involved, witness police officers, other witnesses, or senior members of the police station under investigation
- SPVM investigators have been SQ officers or otherwise employed by SQ
- SPVM investigators have been police officers on 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, particularly inappropriate or derogatory comments on subjects related to the investigation

Section 1: To be completed if there is no conflict of interest

Under the abovementioned definition, I declare that I am in no real, apparent, or potential conflict of interest.

Name (please print): _____

Rank and service no.: _____

Signature

Date

Witness

Date

Section 2: To be completed if there is a real or apparent conflict of interest

Under the abovementioned definition, I declare that I am in a conflict of interest with:

Name of candidate	Nature of conflict of interest

I will therefore refrain from having any interaction or exchange whatsoever, in relation to the investigation, with the abovementioned person(s).

Name (please print): _____

Rank and service no.: _____

Signature

Date

Witness

Date

Appendix D – Organizations and Individuals Consulted

As set out in the mandate, the independent civilian observer may, subject to restrictions on direct contact with the victims, police officers involved, witness police officers, or other witnesses, meet with anyone who can provide information relevant to the evaluation of the integrity and impartiality of SPVM’s investigation.

The observer met with numerous organizations and individuals in carrying out her mandate, either to obtain information on and impressions of SPVM’s investigation process (e.g., social workers associated with the victims or communities, Band Council members, etc.), discuss best practices for independent civilian monitoring of a police investigation of police (e.g., Québec Ombudsman, academic experts, etc.), or meet the objective to “increase the perception of the integrity and transparency of the process” set out in the mandate by providing information on her role and the criminal investigation process and discussing the issues specific to the context in which the investigation is being conducted (Indigenous and sexual violence context).

The following list is not exhaustive and does not include names of individuals (it includes the names of institutions or the titles of the individuals the observer met with). It does not include people the observer met with at large gatherings (e.g., SPVM meetings in Val-d’Or, meetings with members of civil society, AFNQL Assemblies of Chiefs, etc.). The observer met with some individuals and organizations only once, mainly in person or occasionally by phone or video conference. Others, on the other hand, had frequent contact with the observer:

- **Mayor of Val-d’Or**
- **Abitibi-Témiscamingue Crime Victims Assistance Centre (CAVAC)** (general management)
- **Conseil de la Nation Anishnabe de Lac Simon** (Chief[s], Vice Chief)
- **Centre de santé de Lac Simon** (responders)
- **Mayor of Senneterre**
- **Sûreté du Québec (SQ), Val-d’Or** (interim director and SPVM liaison officer)
- **La Piaule, Val-d’Or** (general manager and responder)
- **Val-d’Or Native Friendship Centre** (general manager, various staff members and responders)
- **Community of Kitcisakik** (Chief, councilors, responders)
- **Assembly of the First Nations of Québec and Labrador (AFNQL)** (Chief of APNQL; presence and presentations at two Assemblies and meetings of Chiefs from a number of communities on these occasions)
- **Québec Native Women** (president, executive director, and coordinators on various themes, including justice and public security, health, and promotion of non-violence)
- **Assaut Sexuel Secours (CALACS)** (responders)
- **Grand Chief of the Huron-Wendat Nation** (and a Huron-Wendat Nation attorney)
- **Québec Ombudsman** (accompanied by an attorney and a coordinating delegate)
- **Québec attorney and criminal investigation expert**
- **Commission des droits de la personne** (vice chair)
- **Amnistie Internationale Canada francophone** (general manager and president)

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- **Former director of the *Special Ombudsman Response Team* for the National Defence and Canadian Forces Ombudsman and former investigator for Ontario's Special Investigations Unit**
 - **Bureau des enquêtes indépendantes** (director)
 - **Native Para-Judicial Services of Quebec (NPJSQ)**
 - **Abitibiwinni First Nation Council** (Chief, Vice Chief, councilor)
 - **Université du Québec en Abitibi-Témiscamingue** (Coordinator for Indigenous Projects)
 - **Barreau du Québec** (president, members of the Aboriginal Rights Committee)
 - **Former president of Québec Native Women**
 - **Commissioners of the National Inquiry into Missing and Murdered Indigenous Women and Girls**
 - **Grand Council of the Crees** (Embassy of the Cree Nation, director of Cree-Québec relations)
 - **Grand Chief of the Algonquin Anishinabeg Nation Tribal Council**
 - **Ligue des droits et libertés** (coordinator and board member)
 - **Conseil du statut de la femme** (chair and staff)

Appendix E – Overview of Relevant Observation Experiences

This appendix contains a summary of relevant experiences that were useful in interpreting my mandate. It presents a brief overview of civilian observation mechanisms used in police investigations of police. Independent investigative bodies such as BEI are therefore not included in this presentation. That said, the individuals and agencies consulted in the course of my mandate have more expertise, including in terms of police investigations, and our discussions helped me in my work as an observer. The bibliography catalogs the wide array of sources consulted. While the observation mandate I was given and its particular context present some unique characteristics, observation experiences are nothing new. I have listed here some of the experiences I drew on in interpreting and carrying out my mandate.

By way of introduction, it should be noted that the police has repeatedly found itself under scrutiny in recent years. Each time, issues relating to public confidence and the credibility of police actions have been the focus of discussions.¹¹⁸ Such instances of heightened scrutiny typically occur after unfortunate incidents where police actions may be considered violations of the *Criminal Code*. The Val-d’Or case is no exception. These events have put the matter of police investigations of police front and center. Specifically, the issue has been in determining who is responsible for criminal investigations where the alleged suspect is an on-duty police officer.

The debate on this subject has reached a relatively advanced stage in Québec. Many organizations have already spoken in favor of establishing an independent mechanism for handling complaints against police officers. As part of the consultations preceding the adoption of Bill 12¹¹⁹, which established BEI, Commission des droits de la personne et de la jeunesse (CDPDJ), Barreau du Québec, the Québec Ombudsman, and others, all advocated in favor of such a mechanism.¹²⁰ They emphasized that independence, impartiality, transparency, and accountability would be key to ensuring public confidence and the credibility of the criminal investigation process. In the 1980s and 1990s, committees, commissions, and working groups also contributed to discussions regarding relations between police officers and citizens, particularly minorities.¹²¹ They also looked into Québec’s police oversight mechanisms. In 2010, the Québec Ombudsman produced a highly detailed study entitled *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*.¹²² In the report, Ombudsman Raymonde Saint-Germain addressed MSP’s ministerial policy which, until June 26, 2016, governed the investigation procedure for police-related incidents. In a nutshell, the policy was aimed at designating a police force to investigate incidents involving police officers from other forces in which citizens were seriously injured or killed.¹²³

Here, I examine a few examples of observation mechanisms not unlike those Québec employed in the Val-d’Or case. These are by definition separate from independent investigative bodies and exist precisely because the latter are not involved in police investigations of police. The bodies analyzed below are all civilian in nature and monitor the police forces conducting the investigations.

Bureau civil de surveillance des enquêtes indépendantes (civilian oversight bureau) (Québec)

In December 2011, the Minister of Public Security introduced Bill 46, whose main purpose was to establish Bureau civil de surveillance des enquêtes indépendantes.¹²⁴ Consultations took place in February and March 2012, but the bill died on the order paper when elections were called in the summer. The project never materialized, but the idea was to create an agency made up of civilian observers to oversee police investigations of police. The project bears similarities to my own mandate, and the nuances between the two are presented in Section 1 of this report.

Bill 46 maintained the ministerial policy's "independent investigations" system for cases of serious injury or death and proposed introducing a civilian oversight agency.¹²⁵ The agency, made up entirely of civilians, would have been tasked "to oversee independent investigations to verify whether they are being conducted impartially."¹²⁶ The criteria for measuring the impartiality of investigations were not specified in the bill. Moreover, verifying the integrity of the investigation process was not part of the mandate.

Under the bill, the representative of the police force in charge of the investigation would have been required to cooperate with the observer and communicate any information or document the latter deemed useful.¹²⁷ Meanwhile, the observer would have had the opportunity to visit the site where the event took place,¹²⁸ but would have been prohibited from entering into contact with any member of the police force involved in the event (usual restriction).¹²⁹

Should an observer have noticed, in the course of his or her monitoring activities, any irregularity that might compromise the impartiality of an investigation or any lack of cooperation on the part of the police force representative, they would have been required to inform the director of the civilian agency. The latter would then have notified the Minister of Public Security if they believed the investigation had been irrevocably marred by this irregularity. In such a scenario, the minister would have designated another police force to take over the investigation. The oversight mechanism would have applied to the new investigation as well.¹³⁰

Bill 46 stipulated that after reviewing the observer's observations and conclusions, the director of the civilian agency would decide whether the investigation had been conducted impartially or had been marred by an irregularity that might compromise impartiality.¹³¹ In the first case, the minister and the director of the police force under investigation would have been informed, and the investigation report would have been transmitted to the DCP. In the second case, the minister would have designated another police force to take over the investigation. The civilian agency would have monitored the new investigation as well. It was stipulated that, in any scenario, the director would have made public their assessment regarding the impartiality of the investigation.

Bill 46 fed into Québec's debate on police investigations of police. Various organizations participated in the 2012 legislative consultations. Some reiterated how important it was that Québec follow the example of most other provinces in adopting independent models with civilian investigators directly involved in the criminal investigation process.¹³²

Civilian Review and Complaints Commission for the RCMP

In 2014, the Civilian Review and Complaints Commission for the RCMP (CRCC) was established,¹³³ effectively replacing the Commission for Public Complaints Against the RCMP (CPC). The CRCC is an independent agency that reviews complaints made by the public about the on-duty conduct of RCMP members.

The 2014 legislative changes were significant in that they added provisions aimed at increasing transparency in investigations relating to serious incidents (death or serious injuries)¹³⁴ involving RCMP members.¹³⁵ In certain situations, the CRCC may appoint independent civilian observers to assess the impartiality of such investigations.

It should be noted that the purpose of the new system is to promote the use of provincial investigative bodies for investigations.¹³⁶ This is an explicit reference to the various agencies established in many provinces for the purpose of conducting independent investigations on police forces.¹³⁷ Should such an agency not exist or not be mandated, it is stipulated that the investigation should be carried out by a police force other than the RCMP. Only as a last resort should the RCMP investigate its own members.

When an investigation is not conducted by a provincial agency, the CRCC may appoint an observer to verify impartiality.¹³⁸ Should the investigation be carried out by a police force other than the RCMP, such as a municipal force, the CRCC must get approval from the appropriate provincial minister beforehand. The CRCC may not appoint an observer if a person has already been mandated to do so at the provincial level. Should the CRCC decide not to appoint an observer to monitor the investigation of an RCMP member, the RCMP commissioner would be required to send it a report identifying the measures taken or that will be taken to ensure an impartial process.¹³⁹

Section 45.84 of the *RCMP Act* stipulates that if an observer has concerns regarding the impartiality of an investigation, the observer may inform the RCMP or the investigating police force, as the case may be, and may make recommendations they consider appropriate to address the concerns.

The observer must submit a report with their conclusions¹⁴⁰ to the CRCC chairperson, the RCMP commissioner, and, if applicable, the chief of the police service that conducted the investigation.¹⁴¹ If the report raises concerns as to the impartiality of the investigation, the commissioner must send the CRCC a written response identifying the measures the RCMP has taken or will take to address them. If another police service conducts the investigation, its chief must also provide such a response. If the CRCC is not satisfied with the response, a report to that effect will be submitted to the attorney general of the province in which the incident took place and to the provincial minister in charge of the province's police forces.

RCMP Independent Observer Pilot Project

Prior to the 2014 legislative changes, the RCMP always investigated its own members. Independent observers were not enshrined in the law. That said, the use of independent observers has been tested in Western Canada.

In 2007, Division E of the RCMP (British Columbia) and the CPC (now the CRCC) launched the Independent Observer Pilot Project, which was aimed at addressing public concerns regarding internal RCMP investigations. The project was in effect for a year, after which it was assessed.

It was then recommended that the program be implemented permanently in British Columbia and that a study be conducted aimed at introducing it in the country's other RCMP divisions.¹⁴²

As part of this initiative, Division E and the CPC signed an agreement, the Independent Observer Program Protocol,¹⁴³ which established their respective roles and responsibilities. The program was specifically intended to allow the CPC to assess the impartiality of RCMP investigations in cases where the actions of RCMP members resulted in serious injuries or death. It was also aimed at high-profile and sensitive cases.¹⁴⁴ If it was deemed in the public interest that the impartiality of an internal investigation be assessed, the CPC and RCMP agreed to use the program to boost public confidence in internal RCMP investigations.¹⁴⁵ The CPC was responsible for determining whether to launch the program and for appointing observers.¹⁴⁶

Section 9.4.1 of the protocol specified that an independent observer's main responsibility was to assess the impartiality of the RCMP unit tasked with investigating a serious incident involving RCMP members. The following factors were used to assess the impartiality of an investigation [translation]:

- 9.4.3.1. Whether the investigative team member has ever worked with or been stationed at the same detachment as one of the RCMP members under investigation
- 9.4.3.2. Whether the investigative team member has ever maintained social relations with one of the RCMP members under investigation
- 9.4.3.3. Whether the investigative team member has ever had training at the RCMP depot (colleague) with one of the RCMP members under investigation
- 9.4.3.4. Whether the investigative team member has ever worked at or been stationed at the detachment where the investigation is taking place
- 9.4.3.5. The ranks of the investigators in relation to those of the individuals under investigation, as it may be inappropriate for a lower-ranked member (e.g., a constable) to interrogate a higher-ranked member (e.g., an inspector)
- 9.4.3.6. Any other factor that might influence the apparent impartiality of the investigative team member (e.g., comments made by the team member to another member, the observer, or another person)

These are important criteria, and I used some of them when carrying out my own assessment of the impartiality of SPVM's investigations. Many more provisions in the Independent Observer Program Protocol are of interest.

The CPC observer was also required to assess the independence and impartiality of the unit's management structure and reporting relationships.¹⁴⁷ Part of this assessment was aimed at determining whether the actions taken were appropriate and proportional to the seriousness of the incident and whether the officers assigned to carry out the investigation had the required seniority, training, and experience.¹⁴⁸

It should be noted that the investigative team's response time was key insofar as any delay could have been seen as a sign of partiality.¹⁴⁹ The observer was also required to determine whether investigators had conducted themselves in accordance with their ethical obligations under Section 37 of the *RCMP Act*.¹⁵⁰ This section requires that members avoid any actual, apparent, or potential conflict of interest. That last issue is central to the concept of impartiality, and I paid particular attention to it when evaluating SPVM's investigations.

To this day, the CRCC website still refers to the criteria developed under the pilot project for measuring the impartiality of an investigation.¹⁵¹ It reiterates the main provisions of the protocol, summarizing them as follows:

1. Line Management: Assess whether there are any actual or perceived conflicts of interest in terms of the members of the investigative team and those who are the subject of the investigations. Determine the appropriateness of the management structure and reporting relationships.
2. Appropriate Level of Response: Assess whether the RCMP investigative team response to the incident is appropriate and proportionate to the gravity of the incident. Has the RCMP assigned the appropriately qualified investigators to the investigative team? Are the team leader(s) and the lead investigator(s) Major Case Management accredited?
3. Timeliness of the Response: Assess whether members of the RCMP investigative team responded in a timely fashion to the incident.
4. Conduct: Assess whether the conduct of members of the RCMP investigative team is consistent with section 37 of the *RCMP Act*.

Impartiality was also verified using a questionnaire that investigators, chiefs included, had to promptly fill out and submit to the observer.¹⁵² The purpose of the questionnaire was to disclose, at the start of an investigation, any existing relationships with the members under investigation. Specifically, the questionnaire addressed the impartiality criteria set out in provisions 9.4.3.1 to 9.4.3.4 and 9.4.3.6 of the protocol.¹⁵³ I also favored this approach and requested that the investigators and SPVM senior management sign a conflict of interest statement.

Lastly, Section 9.9.1 imposed restrictions on observers. It stipulated that an observer may not provide advice, nor be directly or actively involved in any part of the RCMP investigation process whatsoever. Observers were also not authorized to assess whether an investigation had been adequately conducted by the RCMP investigative team.¹⁵⁴

The Philadelphia model

The model implemented at the Philadelphia Police Department is a unique example of civilian oversight of police investigations. It applies specifically to sexual assault cases. The model was developed to respond to a problem of public trust in the police force.¹⁵⁵

In 1999, the *Philadelphia Inquirer* published a series of articles on a number of sexual assault cases that had not been investigated by the Philadelphia Police Department. For nearly two decades, the Special Victims' Unit, created in 1981 to investigate sexual offenses, had reportedly classified thousands of sexual violence complaints as non-crimes under Code 2701 - Investigation of Person. This tactic had allowed the police department to keep crime rates low, thereby maintaining public confidence.

The scheme was discovered in 1999 during the murder investigation of a woman who had been killed by a serial sexual predator. The police linked her death to four other reported cases of sexual assault that had been classified under Code 2701. By the time the offender was arrested, he had assaulted nine more victims. The ploy set back the murder investigation and interfered with the predator's identification.

Once this information had been brought to light, the Women's Law Project¹⁵⁶ took interest in the scandal. It was convinced that civilian oversight of police activities had become necessary. Meetings were held with the commissioner of the Philadelphia Police Department to discuss reforms within the department. The commissioner agreed to conduct an internal investigation on the various codes used to classify sexual offenses. The results were alarming: 58% of the 3,119 cases classified under Code 2701 were reclassified as founded crimes. The commissioner responded by reviewing code names with the assistance of the Women's Law Project. He also reorganized the Special Victims' Unit and made sure its members received adequate training.

The most significant change implemented within the police department was the introduction of an oversight and review mechanism for all sexual assault cases classified as unfounded crimes. This was handled by the Women's Law Project. Hundreds of randomly selected cases were also reviewed.

Cooperation with the Women's Law Project continued after the reviews were completed. Not only does the organization serve as an external observer for the Philadelphia Police Department's investigations of sexual offenses, but it also periodically collects data on these types of crimes. Their goal is to continuously monitor offense codes used by municipal police and complaint resolution rates.

Furthermore, the Special Victims' Unit has been moved to a new location better suited to the needs of sexual assault victims. Victims and offenders are now separated, comfortable waiting rooms are provided, and medical and interrogation rooms are also available.

External oversight by the Women's Law Project is considered the most important aspect of this reform. Not only does it make it possible to review sexual offense investigations, but it also improves the transparency and accountability of police departments.

Closer to home, the Ottawa Police Service recently came under fire for closing a sexual assault case. After receiving extensive media coverage, which can be attributed to the victim's determined efforts, the case was reopened. The police service acknowledged that closing the case based on the suspect's account of a consensual relationship was premature. The suspect was eventually charged with sexual assault and overcoming resistance by choking. Some observers suggested that the Ottawa police and that of other Canadian cities consider implementing the Philadelphia model.¹⁵⁷

Many other models are not, strictly speaking, categorized as "observation," but are nonetheless based on the same principle of civilian oversight of policing. A multi-author book edited by Ian D. Scott provides an interesting and detailed overview of the situation in Canada, including provincial agencies with investigative powers.¹⁵⁸ One chapter even covers the Military Police Complaints Commission of Canada, the civilian oversight body of the military police, which is tasked with maintaining order at Canadian military bases, both at home and abroad.

Certain provincial agencies, some of which are authorized to conduct investigations, were established after incidents involving Indigenous people. That was the case with British Columbia's Office of the Police Complaint Commissioner, created in 1998 in response to a recommendation by the Missing Women Commission of Inquiry (Oppal Commission).¹⁵⁹ In Nova Scotia, the Serious Incident Response Team was established in connection with the deaths of two Indigenous people, one of whom died in custody and the other after a firearm was used by a police officer.¹⁶⁰ In Saskatchewan, the Public Complaints Commission was founded in 2006 to change the process for investigating the police and to improve relations between the police and Indigenous people. It was set up in response to the Neil Stonechild case, in which a Cree teenager died, and the Commission on First Nations and Métis People and Justice Reform. The Public Complaints Commission has five commissioners, at least one of which must be of First Nations origin and another of Métis origin.¹⁶¹ The commission can also appoint an observer to oversee investigations conducted by the municipal service to which the police officer under investigation belongs.¹⁶²

Appendix F – Individual Evaluations of Investigation Cases

CASE NO. 1

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Transfer from SQ, late October 2015	Date of the events:	December 27 or 28, 2011	
	Date of the complaint filed with SPVM:	October 23, 2015	Known or unknown officer involved:	Unknown	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Sexual violence	
	Location of the events:	Val-d'Or			
	Indicators	Analysis	Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	October 23, 2015	Positive	
		Interview(s) with the victim:	Mid-November 2015 to February 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 his/her privacy):	Yes	Positive	The possible victims denied that anything happened to them. No video interview.
		During interviews with civilian witnesses:	Yes		Correspondence and notes
		During interviews with witness police officers:	Yes		Correspondence and notes
		During interviews with the police officer involved:	Not applicable		
	Relationships with the police officers involved and the witness police officers	Police officers advised of their status in the investigation (witness or involved) before the interview:	Not applicable	Not applicable	
		Police officers advised 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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Not applicable		
Compliance with Section 263 of the Police Act and the charters of rights (During the interview, the police officer involved must be advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):		Not applicable			
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive		
	Appropriate follow up to further investigation requested by the DCPD:	Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	By phone or at home	Positive	
		Location of the victim's choice:	Information unavailable		
		Climate of trust established during the interview with the victim:	Information unavailable		No audio-video interview conducted or available. The victims denied that anything happened to them.
	Language issues	For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Information unavailable		
		Language of the interview with the victim:	Information unavailable	Positive	Calls; investigators' notes
		Language(s) of interviews with other Indigenous witnesses:	French and English		
Use of an interpreter:		No			
Major communication difficulties:	No				
Other					

CASE NO. 2

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Transfer from SQ	Date of the events:	Fall 2014	
	Date of the complaint filed with SPVM:	October 23, 2015	Known or unknown officer involved:	Unknown	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Forcible confinement	
	Location of the events:	Val-d'Or			
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	Immediately after transfer from SQ	Positive	
		Interview(s) with the victim:	November 18 th , 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 his/her privacy):	Yes	Positive	
		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	Not applicable	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Not applicable		
	Compliance with Section 263 of the Police Act and the charters of rights (During the interview, the police officer involved must be advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Not applicable			
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive	Following questions from the observer, a new lineup was set up to explore a lead regarding suspects other than the one identified by the victim. The victim did not make herself available to continue the investigation.	
	Appropriate follow up to further investigation requested by the DCP:	Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Centre de santé de Kitcisakik	Positive	
		Location of the victim's choice:	Yes		
		Climate of trust established during the interview with the victim:	Yes		
		For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable		
	Language issues	Language of the interview with the victim:	French	Positive	
Language(s) of interviews with other Indigenous witnesses:		French			
Use of an interpreter:		No			
Major communication difficulties:		No			
Other					

CASE NO. 3

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
Origin of the complaint filed with SPVM:	Transfer from SQ	Date of the events:	Summer 2014		
Date of the complaint filed with SPVM:	October 23, 2015	Known or unknown officer involved:	Unknown		
Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec		
Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Forcible confinement		
Location of the events:	Val-d'Or				
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	Immediately after transfer from SQ	Positive	
		Interview(s) with the victim:	November 18, 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 his/her privacy):	Yes	Positive	
		During interviews with civilian witnesses:	Yes		
		During interviews with witness police officers:	Not applicable		Written statements
		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 Police officers notified of any change in status during the investigation:	Yes Not applicable	Positive	
		Compliance with Section 262 of the Police Act (During the interview, the witness police officer may be assisted by a lawyer, must provide a complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Yes		
	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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Not applicable		
Exploration of all reasonable investigation leads:		Yes	Positive		
Appropriate follow up to further investigation requested by the DCCP:	Yes				
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Centre de santé de Kitcisakik	Positive	
		Location of the victim's choice:	Yes		
		Climate of trust established during the interview with the victim:	Yes		
		For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable		
	Language issues	Language of the interview with the victim:	French	Positive	
		Language(s) of interviews with other Indigenous witnesses:	French		
Use of an interpreter:		No			
Major communication difficulties:		No			
Other					

CASE NO. 4

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Transfer from SQ	Date of the events:	March 2014	
	Date of the complaint filed with SPVM:	October 2015	Known or unknown officer involved:	Known (more than one)	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Assault and harassment	
	Location of the events:	Val-d'Or			
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	Immediately after transfer from SQ	Positive	
		Interview(s) with the victim:	November 12 and 17, 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 his/her privacy):	Yes	Positive	
		During interviews with civilian witnesses:	Yes		
		During interviews with witness police officers:	Not applicable		Written statement
		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	Positive	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant 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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Yes			
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive		
	Appropriate follow up to further investigation requested by the DCPD:	Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Native Friendship Centre	Positive	
		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, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable		
	Language issues	Language of the interview with the victim:	French	Positive	
Language(s) of interviews with other Indigenous witnesses:		French			
Use of an interpreter:		No			
Major communication difficulties:		No			
Other					

CASE NO. 5

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Transfer from SQ	Date of the events:	2010-2011	
	Date of the complaint filed with SPVM:	Late October 2015	Known or unknown officer involved:	Unknown	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Unknown	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Sexual violence	
	Location of the events:	Val-d'Or			
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	Immediately after transfer	Positive	
		Interview(s) with the victim:	November 10, 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 his/her privacy):	Yes	Positive	
		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	Not applicable	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Not applicable		
	Compliance with Section 263 of the Police Act and the charters of rights (During the interview, the police officer involved must be advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Not applicable			
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive		
	Appropriate follow up to further investigation requested by the DCCP:	Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Women's shelter, Val-d'Or	Positive	
		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, an interview is conducted by a female investigator when the victim expresses such preference:	Yes		
	Language issues	Language of the interview with the victim:	French	Positive	
Language(s) of interviews with other Indigenous witnesses:		French			
Use of an interpreter:		No			
Major communication difficulties:		No			
Other					

CASE NO. 6

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Transfer from SQ to SPVM	Date of the events:	2008	
	Date of the complaint filed with SPVM:	Late October 2015	Known or unknown officer involved:	Known	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Sexual violence	
	Location of the events:	Val-d'Or			
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	Late October 2015	Positive	
		Interview(s) with the victim:	November 10, 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 his/her privacy):	Yes	Positive	
		During interviews with civilian witnesses:	Yes		
		During interviews with witness police officers:	Not applicable		
		During interviews with the police officer involved:	Not applicable		The police officer declined the invitation
	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	Not applicable	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant 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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Not applicable			
	Exploration of all reasonable investigation leads:	Yes	Positive		
Appropriate follow up to further investigation requested by the DCPP:	Yes				
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Women's shelter, Val-d'Or	Positive	
		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, an interview is conducted by a female investigator when the victim expresses such preference:	Yes	Positive	
		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 NO. 7

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Transfer from SQ to SPVM	Date of the events:	2012 or 2014	
	Date of the complaint filed with SPVM:	October 23, 2015	Known or unknown officer involved:	Unknown	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Assault	
	Location of the events:	Val-d'Or			
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	October 23, 2015	Positive	
		Interview(s) with the victim:	November 10 and 17, 2015, and March 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 his/her privacy):	Yes	Positive	
		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	Not applicable	
		Police officers notified of any change in status during the investigation:	Not applicable		
	Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive	
Appropriate follow up to further investigation requested by the DCP:		Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Women's shelter, Native Friendship Centre, Val-d'Or	Positive	
		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, an interview is conducted by a female investigator when the victim expresses such preference:	Yes	Positive	
		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 NO. 8

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Transfer from SQ	Date of the events:	Between January 1, 1983, and December 31, 1984	
	Date of the complaint filed with SPVM:	Late October 2015	Known or unknown officer involved:	Known (deceased)	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Municipal police force at the time	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Sexual violence	
	Location of the events:	Rouyn			
Indicators		Analysis		Evaluations	Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	Immediately after transfer	Positive	
		Interview(s) with the victim:	November 5 and 18, 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 his/her privacy):	Yes	Positive	
		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	Not applicable	Not applicable	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Not applicable		
	Compliance with Section 263 of the Police Act and the charters of rights (During the interview, the police officer involved must be advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Not applicable			
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive		
	Appropriate follow up to further investigation requested by the DCPD:	Not applicable			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Val-d'Or Native Friendship Centre	Positive	
		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, an interview is conducted by a female investigator when the victim expresses such preference:	Yes		
	Language issues	Language of the interview with the victim:	French	Positive	
		Language(s) of interviews with other Indigenous witnesses:	Not applicable		
		Use of an interpreter:	No		
	Major communication difficulties:	No			
Other					

CASE NO. 9

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Transfer from SQ	Date of the events:	May 2015	
	Date of the complaint filed with SPVM:	Late October 2015	Known or unknown officer involved:	Known (more than one)	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Assault	
	Location of the events:	Val-d'Or			
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	Immediately after transfer by SQ	Positive	
		Interview(s) with the victim:	November 24 and December 2-3, 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 his/her privacy):	Yes	Positive	
		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	Positive	
		Police officers notified of any change in status during the investigation:	Yes		
		Compliance with Section 262 of the Police Act (During the interview, the witness police officer may be assisted by a lawyer, must provide a complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant 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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):		Yes			
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive		
	Appropriate follow up to further investigation requested by the DCPD:	Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Centre Le Portage	Positive	
		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, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable		
	Language issues	Language of the interview with the victim:	French	Positive	
		Language(s) of interviews with other Indigenous witnesses:	French		
Use of an interpreter:		No			
Major communication difficulties:		No			
Other					

CASE NO. 10

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Transfer from SQ	Date of the events:	August 2014	
	Date of the complaint filed with SPVM:	Late October 2015	Known or unknown officer involved:	Known (more than one)	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Other (disciplinary misconduct)	
	Location of the events:	Val-d'Or			
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	Immediately after transfer	Positive	
		Interview(s) with the victim:	November 6, 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 his/her privacy):	Yes	Positive	
		During interviews with civilian witnesses:	Yes (correspondence)		
		During interviews with witness police officers:	Not applicable		Written statements
		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	Positive	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Yes		
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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Not applicable			
	Exploration of all reasonable investigation leads:	Yes	Positive		
Appropriate follow up to further investigation requested by the DCPD:	Yes				
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Native Friendship Centre	Positive	
		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, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable	Positive	
		Language of the interview with the victim:	English		
		Language(s) of interviews with other Indigenous witnesses:	Not applicable		
Use of an interpreter:		No			
Other	Major communication difficulties:	No			

CASE NO. 11

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
Origin of the complaint filed with SPVM:	Transfer from SQ	Date of the events:	Between 2012 and 2013		
Date of the complaint filed with SPVM:	Late October 2015	Known or unknown officer involved:	Known		
Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec		
Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Assault and forcible confinement		
Location of the events:	Val-d'Or				
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	Immediately after transfer	Positive	Attempts to track down the victim afterwards failed.
		Interview(s) with the victim:	November 16, 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 his/her privacy):	Yes	Positive	Written statements The police officer in question declined the invitation.
		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:	Yes	Positive	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Yes		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive	Despite questions that were repeated in various ways by the investigators during the interviews, the victim said she no longer recalled the forcible confinement incident ("geographic cure") that she had mentioned in a complaint to SQ.	
	Appropriate follow up to further investigation requested by the DCPD:	Not applicable			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Assaut sexuel secours	Positive	
		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, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable		
	Language issues	Language of the interview with the victim:	French	Positive	
Language(s) of interviews with other Indigenous witnesses:		Information unavailable			
Use of an interpreter:		No			
Other	Major communication difficulties:	No			

CASE NO. 12

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
Investigation process	Origin of the complaint filed with SPVM:	Transfer from SQ	Date of the events:	Between 2002 and 2014	
	Date of the complaint filed with SPVM:	Late October 2015	Known or unknown officer involved:	Unknown (more than one)	
	Sex of the victim:	Male	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Forcible confinement and assault with a weapon	
	Location of the events:	Val-d'Or			
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	Immediately after transfer	Positive	
		Interview(s) with the victim:	November 6 and 25, 2015		
Investigation process	Courteous and respectful behavior	Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	Positive	
		During the interview with the victim (understanding, empathy, and respect for his/her privacy):	Yes		
Investigation process	Relationships with the police officers involved and the witness police officers	During interviews with civilian witnesses:	Yes	Positive	
		During interviews with witness police officers:	Not applicable		
Investigation process	Seriousness and thoroughness of the investigation	During interviews with the police officer involved:	Not applicable	Positive	Written statements
		Police officers notified of their status in the investigation (witness or involved) before the interview:	Yes		
Investigation process	Establishment of a climate of trust with the victim	Police officers notified of any change in status during the investigation:	Not applicable	Positive	
		Compliance with Section 262 of the Police Act (During the interview, the witness police officer may be assisted by a lawyer, must provide a complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Yes		
Investigation process	Language issues	Compliance with Section 263 of the Police Act and the charters of rights (During the interview, the police officer involved must be advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Not applicable	Positive	
		Exploration of all reasonable investigation leads:	Yes		
Investigation process	Other	Appropriate follow up to further investigation requested by the DCCP:	Yes		
		Location of the interview with the victim:	Federal Training Centre		
Specific context	Establishment of a climate of trust with the victim	Location of the victim's choice:	Not applicable	Positive	
		Climate of trust established during the interview with the victim:	Yes		
Specific context	Language issues	For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable	Positive	
		Language of the interview with the victim:	French		
Specific context	Other	Language(s) of interviews with other Indigenous witnesses:	French	Positive	
		Use of an interpreter:	No		
Specific context	Other	Major communication difficulties:	No		

CASE NO. 13

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Transfer from SQ	Date of the events:	2012 and 2014	
	Date of the complaint filed with SPVM:	October 23, 2015	Known or unknown officer involved:	Known (more than one)	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Suret� du Qu�bec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Inappropriate behavior	
	Location of the events:	Val-d'Or			
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	Immediately after transfer from SQ	Positive	
		Interview(s) with the victim:	November 9 and 14, 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 his/her privacy):	Yes	Positive	
		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	Not applicable	The victim did not wish to make an official complaint, but rather wanted to support her sisters in the wave of denunciations and preferred to meet with the police officers involved in a spirit of reconciliation.
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Not applicable		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive		
	Appropriate follow up to further investigation requested by the DCP�:	Not applicable			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Val-d'Or Native Friendship Centre	Positive	
		Location of the victim's choice:	Yes		
		Climate of trust established during the interview with the victim:	Yes		
		For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable		
	Language issues	Language of the interview with the victim:	French	Positive	
		Language(s) of interviews with other Indigenous witnesses:	French		
Use of an interpreter:		No			
Other	Major communication difficulties:	No			

CASE NO. 14

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Transfer from SQ	Date of the events:	Between 2012 and 2013	
	Date of the complaint filed with SPVM:	Late October, 2015	Known or unknown officer involved:	Known (more than one)	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Assault, forcible confinement	
	Location of the events:	Val-d'Or			
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	Immediately after transfer from SQ	Positive	
		Interview(s) with the victim:	November 10 and 17, 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 his/her privacy):	Yes	Positive	
		During interviews with civilian witnesses:	Yes		
		During interviews with witness police officers:	Not applicable		Written statements
		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	Positive	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Yes		
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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Not applicable			
	Exploration of all reasonable investigation leads:	Yes	Positive		
Appropriate follow up to further investigation requested by the DCPD:	Yes				
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Val-d'Or Native Friendship Centre	Positive	
		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, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable		
	Language issues	Language of the interview with the victim:	French	Positive	
		Language(s) of interviews with other Indigenous witnesses:	French		
Use of an interpreter:		No			
Other	Major communication difficulties:	No			

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
Origin of the complaint filed with SPVM:	Transfer from SQ	Date of the events:	October 2015		
Date of the complaint filed with SPVM:	October 23, 2015	Known or unknown officer involved:	Known (more than one)		
Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec		
Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Sexual violence		
Location of the events:	Val-d'Or				
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	October 23, 2015	Positive	
		Interview(s) with the victim:	October 24 and November 16, 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 his/her privacy):	Yes	Positive	Some civilian witnesses refused to be recorded.
		During interviews with civilian witnesses:	Yes		
		During interviews with witness police officers: During interviews with the police officer involved:	Yes (audio and written statements) 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	Positive	Interviewed as witnesses; DNA profiles obtained with consent afterwards
		Police officers notified of any change in status during the investigation:	Yes		
		Compliance with Section 262 of the Police Act (During the interview, the witness police officer may be assisted by a lawyer, must provide a complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Yes		
	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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Not applicable		
Exploration of all reasonable investigation leads:		Yes	Positive		
Establishment of a climate of trust with the victim	Appropriate follow up to further investigation requested by the DCP:	Not applicable			
	Location of the interview with the victim:	Native Friendship Centre	Positive		
	Location of the victim's choice:	Yes			
	Climate of trust established during the interview with the victim:	Yes			
For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable	Male investigators, but no preference expressed by the victim and no apparent problem			
Language issues	Language of the interview with the victim:	French	Positive		
	Language(s) of interviews with other Indigenous witnesses:	French			
	Use of an interpreter:	No			
	Major communication difficulties:	No			
Other					

CASE NO. 16

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
Origin of the complaint filed with SPVM:	Enquête news report	Date of the events:	1996-1999		
Date of the complaint filed with SPVM:	October 22, 2015	Known or unknown officer involved:	Known		
Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec		
Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Sexual violence		
Location of the events:	Val-d'Or				
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	October 23, 2015		
		Interview(s) with the victim:	November 4 and 17, 2015		
		Other steps in the investigation completed within a reasonable time given the investigation's complexity or special nature:	Yes	Positive	
	Courteous and respectful behavior	During the interview with the victim (understanding, empathy, and respect for his/her privacy):	Yes	Positive	
		During interviews with civilian witnesses:	Yes		
		During interviews with witness police officers:	Not applicable		Retired police officer
		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	Positive	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant 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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Yes			
	Exploration of all reasonable investigation leads:	Yes	Positive		
Specific context	Establishment of a climate of trust with the victim	Appropriate follow up to further investigation requested by the DCPD:		Not applicable	
		Location of the interview with the victim:	Val-d'Or Native Friendship Centre	Positive	
		Location of the victim's choice:	Yes		
		Climate of trust established during the interview with the victim:	Yes		
	For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Yes			
Language issues	Language of the interview with the victim:	French	Positive		
	Language(s) of interviews with other Indigenous witnesses:	French			
	Use of an interpreter:	No			
	Major communication difficulties:	No			
Other					

CASE NO. 17

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Meeting following <i>Enquête</i> news report	Date of the events:	Between 2007 and 2010	
	Date of the complaint filed with SPVM:	October 23, 2015	Known or unknown officer involved:	Unknown	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Sexual violence	
	Location of the events:	Val-d'Or			
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	October 23, 2015	Positive	The victim did not show up for other scheduled meetings, including for identification purposes.
		Interview(s) with the victim:	November 3, 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 his/her privacy):	Yes	Positive	
		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	Not applicable	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Not applicable		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive		
	Appropriate follow up to further investigation requested by the DCPD:	Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Detention Center	Positive	Male investigators, but no preference expressed by the victim and no apparent problem
		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, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable	Positive	
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 NO. 18

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
Investigation process	Origin of the complaint filed with SPVM:	Information from a witness in another case	Date of the events:	Unknown. The presumed victim said she had never had clients who were police officers	
	Date of the complaint filed with SPVM:	October 23, 2015	Known or unknown officer involved:	Unknown	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Non-native	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Sexual violence	
	Location of the events:	Val-d'Or			
	Indicators	Analysis	Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	October 23, 2015	Positive	
		Interview(s) with the victim:	November 17, 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 his/her privacy):	Yes (written statement)	Positive	Said she had never been a victim of gestures of a sexual nature or been physically abused by police officers
		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	Not applicable		
	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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant 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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Not applicable			
	Exploration of all reasonable investigation leads:	Yes	Positive		
Appropriate follow up to further investigation requested by the DCP:	Yes				
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Amos	Positive	
		Location of the victim's choice:	Yes		
		Climate of trust established during the interview with the victim:	Not disponible		
	Language issues	For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Yes		
Language of the interview with the victim:		French	Positive		
Language(s) of interviews with other Indigenous witnesses:		French			
Use of an interpreter:		No			
Major communication difficulties:	No				
	Other				

CASE NO. 19

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

		General information on the case			
	Origin of the complaint filed with SPVM:	Uashat Police Force	Date of the events:	1992-1994	
	Date of the complaint filed with SPVM:	Late October 2015	Known or unknown officer involved:	Known	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Armed sexual violence	
	Location of the events:	Schefferville			
Indicators		Analysis		Evaluations	Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	Late October 2015	Positive	
		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 his/her privacy):	Yes	Positive	
		During interviews with civilian witnesses:	Yes (written statements)		
		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	Not applicable	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Not applicable		
Compliance with Section 263 of the Police Act and the charters of rights (During the interview, the police officer involved must be advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):		Not applicable			
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive		
	Appropriate follow up to further investigation requested by the DCCP:	Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Sécurité publique Uashat Station	Positive	
		Location of the victim's choice:	Yes (initial complaint at this location)		
		Climate of trust established during the interview with the victim:	Yes		
		For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Yes		
	Language issues	Language of the interview with the victim:	French	Positive	
		Language(s) of interviews with other Indigenous witnesses:	French		
Use of an interpreter:		No			
Other	Major communication difficulties:	No			

CASE NO. 20

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
Origin of the complaint filed with SPVM:	Transfer from SQ	Date of the events:	2004		
Date of the complaint filed with SPVM:	October 27, 2015	Known or unknown officer involved:	Known		
Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec		
Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Sexual violence		
Location of the events:	Kawawachikamach				
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	October 27, 2015	Positive	
		Interview(s) with the victim:	December 7, 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 his/her privacy):	Yes	Positive	
		During interviews with civilian witnesses:	Yes (written statements)		
		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	Positive	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant 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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Yes			
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive		
	Appropriate follow up to further investigation requested by the DCCP:	Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Home	Positive	
		Location of the victim's choice:	Yes		
		Climate of trust established during the interview with the victim:	Yes		
		For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Yes		
	Language issues	Language of the interview with the victim:	French and English	Positive	
Language(s) of interviews with other Indigenous witnesses:		French			
Use of an interpreter:		No			
Major communication difficulties:		No			
Other					

CASE NO. 21

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Service de sécurité publique de Betsiamites	Date of the events:	June 2010	
	Date of the complaint filed with SPVM:	October 26, 2015	Known or unknown officer involved:	Known (more than one)	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Assault with a weapon	
	Location of the events:	Val-d'Or			
	Indicators	Analysis		Evaluations	Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	October 26, 2015	Positive	
		Interview(s) with the victim:	November 27, 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 his/her privacy):	Yes	Positive	
		During interviews with civilian witnesses:	Yes		
		During interviews with witness police officers:	Not applicable		
		During interviews with the police officer involved:	Yes		Written statements One police officer declined the invitation
	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	Positive	
		Police officers notified of any change in status during the investigation:	Yes		
		Compliance with Section 262 of the Police Act (During the interview, the witness police officer may be assisted by a lawyer, must provide a complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Yes		
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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Yes			
	Exploration of all reasonable investigation leads:	Yes	Positive		
Appropriate follow up to further investigation requested by the DCPD:	Yes				
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Sécurité publique de Betsiamites Station	Positive	
		Location of the victim's choice:	Yes		
		Climate of trust established during the interview with the victim:	Yes		
		For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable		
	Language issues	Language of the interview with the victim:	French	Positive	
		Language(s) of interviews with other Indigenous witnesses:	French		
Use of an interpreter:		No			
	Major communication difficulties:	No			
	Other				

CASE NO. 22

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
Origin of the complaint filed with SPVM:	Resulted from a victim's statement in another case	Date of the events:	Between 1980 and 1986		
Date of the complaint filed with SPVM:	Late October 2015	Known or unknown officer involved:	Known		
Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Matimekosh Aboriginal Police Force (Schefferville Aboriginal Police)		
Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Sexual violence		
Location of the events:	Matimekosh				
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	Late October 2015	Positive	
		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 his/her privacy):	Yes	Positive	
		During interviews with civilian witnesses:	Yes (written statements)		
		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	Not applicable	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant 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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Not applicable			
	Exploration of all reasonable investigation leads:	Yes	Positive		
Appropriate follow up to further investigation requested by the DCCP:	Yes				
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Uashat Police Station	Positive	
		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, an interview is conducted by a female investigator when the victim expresses such preference:	Yes	Positive	
		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 NO. 23

Overall assessment of the case regarding impartiality and integrity: **POSITIVE** (The case was moved to Phase 2 by the DCPD and will be resumed and adjusted if required in a subsequent report that I will produce for this phase.)

General information on the case					
	Origin of the complaint filed with SPVM:	Uashat Police Force	Date of the events:	1969-1970	
	Date of the complaint filed with SPVM:	Late October 2015	Known or unknown officer involved:	Not applicable. The suspect is a civilian.	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Not applicable. The suspect is a civilian.	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Sexual violence	
	Location of the events:	Sept-Îles			
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	Late October 2015	Positive	
		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 his/her privacy):	Yes	Positive	
		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	Not applicable	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant 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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Not applicable			
	Exploration of all reasonable investigation leads:	Yes	Positive		
Appropriate follow up to further investigation requested by the DCPD:	Yes				
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Uashat Police Station	Positive	
		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, an interview is conducted by a female investigator when the victim expresses such preference:	Yes	Positive	
		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 NO. 24

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Call to the SPVM disclosure line	Date of the events:	Winter 1983	
	Date of the complaint filed with SPVM:	Late October 2015	Known or unknown officer involved:	Known	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté municipale de Sept-Îles	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Sexual violence	
	Location of the events:	Sept-Îles			
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	Late October 2015	Positive	
		Interview(s) with the victim:	November 11 and 23, 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 his/her privacy):	Yes	Positive	
		During interviews with civilian witnesses:	Not applicable		
		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	Positive	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant 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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Yes			
	Exploration of all reasonable investigation leads:	Yes	Positive		
Specific context	Establishment of a climate of trust with the victim	Appropriate follow up to further investigation requested by the DCP:		Not applicable	
		Location of the interview with the victim:	Office of SPVM's Major Crimes Division	Positive	
		Location of the victim's choice:	Yes		
		Climate of trust established during the interview with the victim:	Yes		
	For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Yes			
Language issues	Language of the interview with the victim:	French	Positive		
	Language(s) of interviews with other Indigenous witnesses:	Not applicable			
	Use of an interpreter:	No			
Other	Major communication difficulties:	No			

CASE NO. 25

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case				
Origin of the complaint filed with SPVM:	SPVM's visit to Lac-Simon	Date of the events:	2015 and early 2016	
Date of the complaint filed with SPVM:	November 11, 2015	Known or unknown officer involved:	Not applicable, civilian involved	
Sex of the victim:	Male	Home police force of the police officer involved (at the time of the events):	Not applicable	
Indigenous / non-native:	Non-native	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Intimidation, threats	
Location of the events:	Lac-Simon			
Indicators	Analysis		Evaluations	Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	November 11, 2015	Positive
		Interview(s) with the victim:	November 11, 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 his/her privacy):	Yes (written statement)	Positive
		During interviews with civilian witnesses:	Yes (written statement)	
		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	Not applicable
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant 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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Not applicable	Positive	
	Exploration of all reasonable investigation leads:	Yes		
	Appropriate follow up to further investigation requested by the DCPD:	Not applicable		
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	CAVAC	Positive
		Location of the victim's choice:	Information unavailable	
		Climate of trust established during the interview with the victim:	Yes (written statement)	
	Language issues	For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable	Positive
		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 NO. 26

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Meeting with witness for another case	Date of the events:	November 2015	
	Date of the complaint filed with SPVM:	November 2015	Known or unknown officer involved:	Unknown	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Not necessarily a police officer	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Intimidation	
	Location of the events:	Val-d'Or			
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	November 12, 2015	Positive	
		Interview(s) with the victim:	November 19, 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 his/her privacy):	Yes	Positive	
		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	Not applicable		
	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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant 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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Not applicable			
	Exploration of all reasonable investigation leads:	Yes	Positive		
Specific context	Establishment of a climate of trust with the victim	Appropriate follow up to further investigation requested by the DCPP:		Yes	
		Location of the interview with the victim:	Native Friendship Centre	Positive	
		Location of the victim's choice:	Yes		
		Climate of trust established during the interview with the victim:	Yes		
	For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable			
Language issues	Language of the interview with the victim:	French	Positive		
	Language(s) of interviews with other Indigenous witnesses:	French			
	Use of an interpreter:	No			
	Major communication difficulties:	No			
Other					

Overall assessment of the case regarding impartiality and integrity: POSITIVE

General information on the case					
Origin of the complaint filed with SPVM:	Transfer by SQ	Date of the events:	December 2014		
Date of the complaint filed with SPVM:	November 17, 2015	Known or unknown officer involved:	Known		
Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec		
Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Assault		
Location of the events:	Chibougamau				
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	November 17, 2015	Positive	
		Interview(s) with the victim:	December 5, 2015 (call on November 25)		
		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 his/her privacy):	Yes	Positive	Interviews not recorded; meeting to confirm written statement to SQ; phone discussion notes and emails
		During interviews with civilian witnesses:	Yes (written statements)		
		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	Not applicable	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Not applicable		
Compliance with Section 263 of the Police Act and the charters of rights (During the interview, the police officer involved must be advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):		Not applicable			
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive		
	Appropriate follow up to further investigation requested by the DCP:	Not applicable			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	At the victim's home, Chibougamau	Positive	Interview not recorded; emails and case notes
		Location of the victim's choice:	Yes		
		Climate of trust established during the interview with the victim:	Yes (written statements)		
		For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable		
	Language issues	Language of the interview with the victim:	French	Positive	
		Language(s) of interviews with other Indigenous witnesses:	French		
Use of an interpreter:		No			
Major communication difficulties:		No			
Other					

CASE NO. 28

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
Origin of the complaint filed with SPVM:	Via the Val-d'Or Native Friendship Centre (SPVM line)	Date of the events:	January 2015 and March 2013		
Date of the complaint filed with SPVM:	November 27, 2015	Known or unknown officer involved:	Known		
Sex of the victim:	Male	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec		
Indigenous / non-native:	Non-native	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Assault		
Location of the events:	Val-d'Or				
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	November 27, 2015	Positive	
		Interview(s) with the victim:	December 8, 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 his/her privacy):	Yes	Positive	
		During interviews with civilian witnesses:	Not applicable		
		During interviews with witness police officers:	Not applicable		Written statement
		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	Positive	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Yes		
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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Yes	Positive		
	Exploration of all reasonable investigation leads:	Yes			
Specific context	Establishment of a climate of trust with the victim	Appropriate follow up to further investigation requested by the DCCP:	Not applicable	Positive	
		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, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable	Positive	
		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 NO. 29

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	SPVM disclosure line	Date of the events:	March 22, 2013	
	Date of the complaint filed with SPVM:	November 25, 2015	Known or unknown officer involved:	Known	
	Sex of the victim:	Male	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Dangerous operation of motor vehicle	
	Location of the events:	Kitcisakik			
	Indicators	Analysis		Evaluations	Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	November 25, 2015	Positive	
		Interview(s) with the victim:	December 8, 2015 (call on November 25)		
		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 his/her privacy):	Yes	Positive	
		During interviews with civilian witnesses:	Yes (Written statements)		
		During interviews with witness police officers:	Not applicable		Written statements
		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	Positive	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Yes		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive		
	Appropriate follow up to further investigation requested by the DCP:	Not applicable			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Kitcisakik	Positive	
		Location of the victim's choice:	Yes		
		Climate of trust established during the interview with the victim:	Yes		
		For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable		
	Language issues	Language of the interview with the victim:	French	Positive	
		Language(s) of interviews with other Indigenous witnesses:	French		
Use of an interpreter:		No			
	Major communication difficulties:	No			
	Other				

CASE NO. 30

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
General information	Origin of the complaint filed with SPVM:	SPVM disclosure line	Date of the events:	Between 2008 and 2011	
	Date of the complaint filed with SPVM:	December 1, 2015	Known or unknown officer involved:	Unknown	
	Sex of the victim:	Male	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Assault and other (disciplinary misconduct)	
	Location of the events:	Kitcisakik et Val-d'Or			
Indicators		Analysis		Evaluations	Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	December 1, 2015	Positive	The victim no longer wishes to pursue the investigation (confirmed numerous times via a responder).
		Interview(s) with the victim:	December 1, 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 his/her privacy):	Yes (phone discussion notes)	Positive	
		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	Not applicable	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Not applicable		
Compliance with Section 263 of the Police Act and the charters of rights (During the interview, the police officer involved must be advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):		Not applicable			
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive		
	Appropriate follow up to further investigation requested by the DCPD:	Not applicable			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Phone	Positive	
		Location of the victim's choice:	Yes		
		Climate of trust established during the interview with the victim:	Yes (phone discussion notes)		
		For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable		
	Language issues	Language of the interview with the victim:	French	Positive	
		Language(s) of interviews with other Indigenous witnesses:	Not applicable		
Use of an interpreter:		No			
	Major communication difficulties:	No (phone discussion notes)			
	Other				

CASE NO. 31

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Kitigan Zibi Police	Date of the events:	Mid-June 2015	
	Date of the complaint filed with SPVM:	Early December 2015	Known or unknown officer involved:	Unknown	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Sexual violence	
	Location of the events:	Parc de la Vérendrye			
	Indicators	Analysis		Evaluations	Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	December 7, 2015	Positive	
		Interview(s) with the victim:	Does not want to meet with police officers		
		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 his/her privacy):	Not applicable	Positive	
		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	Not applicable	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Not applicable		
Compliance with Section 263 of the Police Act and the charters of rights (During the interview, the police officer involved must be advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):		Not applicable			
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive		
	Appropriate follow up to further investigation requested by the DCPD:	Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Not applicable	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, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable		
	Language issues	Language of the interview with the victim:	Not applicable	Positive	
		Language(s) of interviews with other Indigenous witnesses:	French and English		
Use of an interpreter:		No			
	Major communication difficulties:	No			
	Other				

CASE NO. 32

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Meeting with witness for another case	Date of the events:	Between 1998 and 2002	
	Date of the complaint filed with SPVM:	November 18, 2015	Known or unknown officer involved:	Not a police officer	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Not applicable	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Other (corruption)	
	Location of the events:	Val-d'Or			
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	December 2, 2015	Positive	The alleged victim died
		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 his/her privacy):	Not applicable	Positive	
		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	Not applicable	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Not applicable		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive		
	Appropriate follow up to further investigation requested by the DCPD:	Not applicable			
	Compliance with Section 263 of the Police Act and the charters of rights (During the interview, the police officer involved must be advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to 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	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, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable	Positive	
		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 NO. 33

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case						
	Origin of the complaint filed with SPVM:	Meeting with witness for another case	Date of the events:	February 2010, 2011, or 2012		
	Date of the complaint filed with SPVM:	December 8, 2015	Known or unknown officer involved:	Unknown		
	Sex of the victim:	Male	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec		
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Forcible confinement		
	Location of the events:	Val-d'Or				
	Indicators	Analysis	Evaluations	Comments		
Investigation process	Timeliness of the investigation	Date investigation was opened:	December 8, 2015	Positive		
		Interview(s) with the victim:	December 15, 2015, and January 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 his/her privacy):	Yes	Positive		
		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	Not applicable		
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant 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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Not applicable	Positive			
	Exploration of all reasonable investigation leads:	Yes				
Specific context	Establishment of a climate of trust with the victim	Appropriate follow up to further investigation requested by the DCP:	Not applicable	Positive		
		Location of the interview with the victim:	Val-d'Or (home of a relative) and Kitcisakik		Positive	
		Location of the victim's choice:	Yes			
		Climate of trust established during the interview with the victim:	Yes			
	For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable				
	Language issues	Language of the interview with the victim:	French	Positive		
		Language(s) of interviews with other Indigenous witnesses:	Not applicable			
Use of an interpreter:		No				
Other	Major communication difficulties:	No				

CASE NO. 34

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
Origin of the complaint filed with SPVM:	Meeting with the victim as witness in another case	Date of the events:	Between summer 2011 and 2012		
Date of the complaint filed with SPVM:	January 14, 2016	Known or unknown officer involved:	Unknown		
Sex of the victim:	Male	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec		
Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Assault and forcible confinement, assault with a weapon		
Location of the events:	Val-d'Or				
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	January 14, 2016	Positive	
		Interview(s) with the victim:	January 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 his/her privacy):	Yes	Positive	
		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	Not applicable	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant 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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Not applicable	Positive		
	Exploration of all reasonable investigation leads:	Yes			
Specific context	Establishment of a climate of trust with the victim	Appropriate follow up to further investigation requested by the DCPD:	Not applicable	Positive	
		Location of the interview with the victim:	Cree Nation Government Center in Val-d'Or		
		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, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable	Positive	
		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 NO. 35

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Via a social worker, witness in another case	Date of the events:	June or July 2011	
	Date of the complaint filed with SPVM:	December 10, 2015	Known or unknown officer involved:	Unknown	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Forcible confinement, assault	
	Location of the events:	Val-d'Or			
	Indicators	Analysis	Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	December 10, 2015	Positive	
		Interview(s) with the victim:	January 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 his/her privacy):	Yes	Positive	
		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	Not applicable		
	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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Not applicable			
	Compliance with Section 263 of the Police Act and the charters of rights (During the interview, the police officer involved must be advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Not applicable			
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive		
	Appropriate follow up to further investigation requested by the DCPD:	Not applicable			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Cree Nation Government Center in Val-d'Or	Positive	
		Location of the victim's choice:	Yes		
		Climate of trust established during the interview with the victim:	Yes		
		For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable		
	Language issues	Language of the interview with the victim:	English	Positive	
		Language(s) of interviews with other Indigenous witnesses:	French and English		
Use of an interpreter:		No			
	Major communication difficulties:	No			
	Other	The victim informed the investigators that she no longer wished to pursue the matter and requested that her case be closed. The investigators informed her that she could change her mind at any time. Photo lineup prepared but not presented to the victim.			

Overall assessment of the case regarding impartiality and integrity: POSITIVE

General information on the case					
	Origin of the complaint filed with SPVM:	Via a social worker, witness in another case	Date of the events:	Winter 2013	
	Date of the complaint filed with SPVM:	December 10, 2015	Known or unknown officer involved:	Unknown	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Assault with a weapon	
	Location of the events:	Poste de police de Val-d'Or			
Indicators		Analysis		Evaluations	Comments
Investigation process	Timeliness of the investigation	Date investigation was opened:	December 10, 2015	Positive	
		Interview(s) with the victim:	January 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 his/her privacy):	Yes	Positive	
		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	Not applicable	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Not applicable		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive		
	Appropriate follow up to further investigation requested by the DCPD:	Not applicable			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Cree Nation Government center in Val-d'Or	Positive	
		Location of the victim's choice:	Yes		
		Climate of trust established during the interview with the victim:	Yes		
		For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable		
	Language issues	Language of the interview with the victim:	English	Positive	
		Language(s) of interviews with other Indigenous witnesses:	French and English		
Use of an interpreter:		No			
Other		Major communication difficulties:	No		
		The victim informed the investigators that she no longer wished to pursue the matter and requested that her case be closed. The investigators informed her that she could change her mind at any time. Photo lineup prepared but not presented to the possible victim.			

CASE NO. 37

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Via responders	Date of the events:	Between 2008 and 2010	
	Date of the complaint filed with SPVM:	Mid-February 2016	Known or unknown officer involved:	Unknown and known	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.) *This is not a legal characterization.*	Sexual violence and assault	
	Location of the events:	SQ Station in Val-d'Or			
Indicators	Analysis		Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	Mid-February 2016	Positive	The possible victim was not ready before (initially reported via a responder in November 2015).
		Interview(s) with the victim:	February 17, 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 his/her privacy):	Yes	Positive	
		During interviews with civilian witnesses:	Not applicable		
		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	Positive	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant to the examination of the complaint):	Not applicable		
Seriousness and thoroughness of the investigation	Exploration of all reasonable investigation leads:	Yes	Positive	The victim refused to cooperate with investigators during the investigation	
	Appropriate follow up to further investigation requested by the DCCP:	Yes			
Specific context	Establishment of a climate of trust with the victim	Location of the interview with the victim:	Montréal, SPVM office	Positive	
		Location of the victim's choice:	Yes		
		Climate of trust established during the interview with the victim:	Yes		
		For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Yes		
	Language issues	Language of the interview with the victim:	French and English	Positive	
		Language(s) of interviews with other Indigenous witnesses:	Not applicable		
Use of an interpreter:		No			
Other	Major communication difficulties:	No			

CASE NO. 38

Overall assessment of the case regarding impartiality and integrity: **POSITIVE**

General information on the case					
	Origin of the complaint filed with SPVM:	Via responders	Date of the events:	Fall 2011	
	Date of the complaint filed with SPVM:	Mid-February 2016	Known or unknown officer involved:	Unknown	
	Sex of the victim:	Female	Home police force of the police officer involved (at the time of the events):	Sûreté du Québec	
	Indigenous / non-native:	Indigenous	Nature of the allegations (general categories used by SPVM: sexual violence, assault, harassment, forcible confinement, assault with a weapon, intimidation, dangerous operation of motor vehicles causing bodily harm, etc.)*This is not a legal characterization.*	Forcible confinement	
	Location of the events:	Val-d'Or			
	Indicators	Analysis	Evaluations	Comments	
Investigation process	Timeliness of the investigation	Date investigation was opened:	Mid-February 2016	Positive	The possible victim was not ready before (initially reported via a responder in November 2015).
		Interview(s) with the victim:	February 17, 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 his/her privacy):	Yes	Positive	
		During interviews with civilian witnesses:	Not applicable		
		During interviews with witness police officers:	Not applicable		
		During interviews with the police officer	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	Not applicable	
		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 complete written and signed statement, and must provide a copy of his/her personal notes and reports relevant 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 advised that he/she is subject to a complaint involving allegations of a criminal nature, be given the customary warnings [right to a lawyer and right to remain silent], and be informed that he/she is not required to make a statement in relation to about the complaint):	Not applicable	Positive		
	Exploration of all reasonable investigation leads:	Yes			
Specific context	Establishment of a climate of trust with the victim	Appropriate follow up to further investigation requested by the DCP:	Not applicable	Positive	
		Location of the interview with the victim:	Montréal, SPVM office		
		Location of the victim's choice:	Yes		
	Language issues	Climate of trust established during the interview with the victim:	Yes	Positive	
		For allegations of a sexual nature, an interview is conducted by a female investigator when the victim expresses such preference:	Not applicable		
		Language of the interview with the victim:	French and English		
		Language(s) of interviews with other Indigenous witnesses:	Not applicable		
Other	Use of an interpreter:	No			
	Major communication difficulties:	No			

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³⁹ On November 3 and 9, 2015, Service de police de Pikogan shared on Facebook the video in Algonquin, made with one of their female police officers. On November 5, it also shared the French-language video by its colleagues at Lac-Simon, as well as a reminder of the importance of contacting SPVM investigators (November 6 and 13, 2015). See the Service de police de Pikogan’s Facebook account, “Police Pikogan” online: <https://www.facebook.com/Police-Pikogan-358826854304382/?fref=ts> (retrieved October 5, 2016). Likewise, the Service de Police de Lac-Simon posted, on November 2, 2015, the video one of its officers helped make. On the same day, it also shared the video made by fellow officers in Pikogan, and shared the SPVM’s October 30 press release. See the Service de police de Lac-Simon Facebook Account, “Police de Lac Simon” online: <https://www.facebook.com/Police-Lac-Simon-522527324566608> (retrieved October 5, 2016).

⁴⁰ This possibility is expressly mentioned in s. 20(1) of *An Act Respecting the Director of Criminal and Penal Prosecutions*, R.S.Q., c. D-9.1.1 [*Act respecting the DCP*] which stipulates that the DCP may act as an advisor on legal aspects of inquiries and request that investigators conduct further investigation.

⁴¹ The request to institute proceedings is generally part of the investigation report submitted by police forces: DCP, *Directive ACC-3: Accusation - Poursuite des procédures*, June 18, 2015, online: <http://www.dcp.gouv.qc.ca/ressources/pdf/envoi/ACC-3-DM.pdf> (retrieved October 7, 2016) [DCP Directive ACC-3]. Under s. 18 of the *Act respecting the DCP*, the DCP provides prosecutors under its authority with instructions designed to guide how they conduct criminal and penal proceedings.

⁴² Under s. 4 of *DCP Directive ACC-3*, an investigation report must contain the following documents (non-exhaustive list): request to institute proceedings, criminal record, full list of witnesses with contact information, summary of the facts, witness statements, proof of *voir dire* if the suspect gives a statement, copies of the complaint and of all legal authorizations and/or consent forms, a list of exhibits in evidence, expert reports, photos, medical reports, etc.

⁴³ DCP, *Directive INF-2: Infractions d’ordre sexuel envers les adultes*, December 19, 2013, online: <http://www.dcp.gouv.qc.ca/ressources/pdf/envoi/INF-2.pdf> (retrieved October 9, 2016) [DCP Directive INF-2]. A similar document exists for cases involving sexual offences against minors, including sexual and physical abuse: see *DCP Directive INF-1: Infractions envers les enfants*, December 19, 2013, online: <http://www.dcp.gouv.qc.ca/ressources/pdf/envoi/INF-1.pdf> (retrieved October 10, 2016).

⁴⁴ These criteria are more fully defined in *DCCP Directive ACC-3*.

⁴⁵ S. 6, *DCCP Directive ACC-3*.

⁴⁶ Québec Ombudsman, *Brief on Bill 12* (2013), *supra* note 14, p. 9.

⁴⁷ Québec Ombudsman, *Report on the Québec Investigative Procedure for Incidents Involving Police Officers* (2010), *supra* note 10, p. 27.

⁴⁸ S. 4.1 and 5.1, *Protocole relatif au programme d'observateur indépendant*, March 12, 2009, online: <http://www.crcc-cctep.gc.ca/fr/protocole-relatif-au-programme-dobservateur-ind-pendant> (retrieved September 26, 2016).

⁴⁹ S. 9.6.1, *Protocole relatif au programme d'observateur indépendant*.

⁵⁰ Québec Ombudsman, *Brief on Bill 46* (2012), *supra* note 22 p. 7.

⁵¹ S. 487.3 of the *Criminal Code*, R.S.C. 1985, c. C-46 [*Criminal Code*].

⁵² La Presse, “Enquête sur la SQ à Val-d’Or: 30 victimes potentielles” (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> (retrieved November 11, 2016).

⁵³ See, for example, the relevant sections of the BEI and SIU: s. 1 of the *Regulation respecting the conduct of the investigations of the Bureau des enquêtes indépendantes*, c. P-13.1, r. 1.1; s. 6 of *Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit*, Ontario Regulation 267/10. See also Gareth Jones, *Conducting Administrative, Oversight and Ombudsman Investigations*. Aurora: Canada Law Book, 2009, pp. 385-386 [Jones, *Conducting Investigations*].

⁵⁴ The day after the first *Enquête* story was broadcast, media reports said that several police officers suspended by the SQ had been met for discussions: see TVA Nouvelles, “Val-d’Or: un policier suspendu se sent trahi par la SQ” (October 25, 2015), online: <http://fr.canoe.ca/infos/societe/archives/2015/10/20151025-164138.html> (retrieved November 3, 2016).

⁵⁵ One year after the news reports, SQ officers posted at Val-d’Or notified Radio-Canada of a \$2.3 million defamation action.

⁵⁶ See Gareth Jones, who is particularly interested in the issue of interrogations of individuals in positions of power, i.e., political and military power: Jones, *Conducting Investigations*, *supra* note 53, pp. 169-170. The Commission for Public Complaints against the RCMP (CPC) has already noted the importance of interviews being conducted by individuals of superior rank (by at least one level). According to the CPC, this practice lowers the risk of intimidation and helps prevent the subordinate investigator from providing special treatment to their superior under investigation in exchange for future consideration. This CPC opinion was forged in the context of RCMP internal investigations. It applies to the case at hand as well, however, as it seeks to limit the possible impact of police hierarchy on the conduct of investigations. See the Commission for Public Complaints against the RCMP, *Police Investigating Police – Final Public Report. A Chair-initiated complaint and public interest investigation into public concerns about the impartiality of RCMP members conducting criminal investigations into other RCMP members in cases involving serious injury or death*, August 11, 2009, pp. 45-46, online: <https://www.crcc-cctep.gc.ca/pdf/pip-finR-eng.pdf> (retrieved October 16, 2016). See also s. 9.4.3.5 of *Protocole relatif au programme d'observateur indépendant*.

⁵⁷ As part of the annual Lawyers Without Borders Canada (LWB Canada) forum in October 2015, the group of panelists present, including jurists and local and international legal experts, published the following opinion: LWB Canada, “Violences sexuelles: quels accompagnements pour les victimes?” 2015 LWB Canada annual forum, in partnership with the International Bureau of Children’s Rights, October 2–3, Montréal. See the program at

http://www.asfcanada.ca/documents/file/programmeforumasfc_pourinscription_2015-09-28.pdf (retrieved October 28, 2016) [LWB Canada, *Violences sexuelles: quels accompagnements pour les victimes?* (forum 2015)] See also the Conseil du statut de la femme, whose opinion is similar: *Mémoire - Rapport sur la mise en œuvre du Plan d'action gouvernemental 2008-2013 en matière d'agression sexuelle*, Québec City, 2015, p. 17, online: https://www.csf.gouv.qc.ca/wp-content/uploads/memoire_plan_action_agression_sexuelle.pdf (retrieved October 30, 2016).

⁵⁸ Art. 1 of the United Nations *Convention on the Elimination of All Forms of Discrimination against Women*, December 18, 1979, 1294 UNTS 13.

⁵⁹ Québec, *Les violences sexuelles, c'est non. Stratégie gouvernementale pour prévenir et contrer les violences sexuelles 2016-2021*, 2016, pp. 8 and 12, online: http://www.scf.gouv.qc.ca/fileadmin/publications/Violence/Brochure_Violences_Sexuelles.pdf (retrieved October 28, 2016) [Québec, *Les violences sexuelles, c'est non*]. See also Québec, *Orientations gouvernementales en matière d'agression sexuelle*, 2001, p. 12, online: http://www.scf.gouv.qc.ca/fileadmin/publications/Violence/Orientations_gouv_agression_sexuelle_2001.pdf (retrieved October 30, 2016) [Québec, *Orientations en matière d'agression sexuelle*].

⁶⁰ Québec, *Les violences sexuelles, c'est non*, *supra* note 59, p. 8.

⁶¹ Québec, *Forum itinérant en matière d'agression sexuelle*, 2015, p. 18, online: http://www.scf.gouv.qc.ca/fileadmin/images/En_vedette/Cahier-Forum_AS.pdf (retrieved October 29 2016).

⁶² HRW, *Police Response to Sexual Assault*, *supra* note 28, pp. 3-18. Several HRW recommendations were accepted, and are part of the .Protocol.

⁶³ Québec Ombudsman, *Report on the Québec Investigative Procedure for Incidents Involving Police Officers* (2010), *supra* note 10, p. 37.

⁶⁴ HRW, *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/sites/default/files/reports/canada0213webwcover_0.pdf (retrieved October 18, 2016) [HRW, *Those Who Take Us Away*]; The Honourable Wally T. Oppal, Commissioner, *Forsaken: The Report of the Missing Women Commission of Inquiry – Executive Summary*, November 29, 2012, pp. 123-15, 137, 162-163 [Oppal Commission, *Executive Summary*]; Canada (Special Committee on Violence Against Indigenous Women), *Invisible Women: A Call to Action. A Report on Missing and Murdered Indigenous Women in Canada*, March 2014, pp. 33-35, 41, and 44, online: <http://www.parl.gc.ca/content/hoc/Committee/412/IWFA/Reports/RP6469851/IWFArp01/IWFArp01-e.pdf> (retrieved October 18, 2016) [Canada (Special Committee on Violence against Indigenous Women), *A Report on Missing and Murdered Indigenous Women in Canada*]; Québec (Committee on Citizen Relations), *Self-initiated order – Aboriginal women's living conditions as affected by sexual assault and domestic violence*, interim report, May 2016, p. 17, online: <http://www.assnat.qc.ca/en/travaux-parlementaires/commissions/crc/mandats/Mandat-32649/index.html> (retrieved October 22, 2016); QNW, *Nānīawīg Māmawe Nīnawīnd. Stand with us. Missing & Murdered Indigenous Women in Québec*, 2015, pp. 48-49, online: <http://www.faq-qnw.org/wp-content/uploads/2016/11/Naniawig-Mamawe-Ninawind-Stand-with-us-Oct-2016-engl-FINAL.pdf> (retrieved October 23, 2016) [QNW, *Stand with us*].

⁶⁵ March 7, 1966, 660 UNTS 195.

⁶⁶ UN (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*, CERD/C/CAN/CO/18 (May 25, 2007), para. 20.

⁶⁷ *Ibid.*

⁶⁸ Liqun Cao, “Aboriginal People and Confidence in the Police” (2014) *Canadian Journal of Criminology and Criminal*

Justice 499, see especially pp. 502-503 on the historical background and repercussions of assimilation policies targeting First Nations people (reserve system, residential schools, adoption policy). For a historical analysis of the conflicted relations between law enforcement services and First Nations in Canada, see Curt Taylor Griffiths, “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*, Toronto: University of Toronto Press, 1994, pp. 121-131.

⁶⁹ On the role of police in the residential school system, see the work of the TRC, which includes the stories of many residential school students and families: TRC, *Canada’s Residential Schools: The History, Part 1. Origins to 1939. The Final Report of the Truth and Reconciliation Commission of Canada, Vol. 1*, 2015, online: www.myrobust.com/websites/trcinstitution/File/Reports/Volume_1_History_Part_1_English_Web.pdf (retrieved October 28, 2016); TRC, *Canada’s Residential Schools: The History, Part 2. 1939 to 2000. The Final Report of the Truth and Reconciliation Commission of Canada, Vol. 1*, 2015, online: http://www.myrobust.com/websites/trcinstitution/File/Reports/Volume_1_History_Part_2_English_Web.pdf (retrieved October 28, 2016).

⁷⁰ See Nathalie Boucher and Joanna Borrero Lus, *Les enjeux de la sécurité pour les Autochtones en milieu urbain. Une revue de la littérature internationale*, 2012, *Cahiers ODENA*, No. 2012-01, online: http://www.odena.ca/IMG/pdf/cahier_odena2012-01.pdf (retrieved October 28, 2016).

⁷¹ The declaration was signed on December 15, 2015 by the Grand Council of the Crees, Nation Anicinape de Kitcisakik, Conseil de la Nation Anishnabe du Lac-Simon, the Council of the Abitibiwinni First Nation of Pikogan and the city of Val-d’Or, online: http://ville.valdor.qc.ca/uploads/1_La%20ville/Démocratie/Declaration%20Val-d’Or/Documents/DeclarationVD.pdf (retrieved November 5, 2016).

⁷² One of the two absent members joined the team in April 2016, and an investigations supervisor explained the content of the SPVM mandate and the main thrusts of the training session.

⁷³ MSP, “Le gouvernement pose un geste supplémentaire afin de faciliter l’accès à la dénonciation pour les femmes autochtones” (April 5, 2016), *supra* note 7.

⁷⁴ Québec, National Assembly, Journal des débats (Hansard) of the Committee on Institutions, 36th Leg., 1st Session, vol. 36, No. 72 (May 10, 2000).

⁷⁵ Québec Ombudsman, *Report on the Québec Investigative Procedure for Incidents Involving Police Officers* (2010), *supra* note 10, p. 32.

⁷⁶ P-13.1, r.1.

⁷⁷ *R. v. Kokopenace*, [2015] 2 SCR 398 [*Kokopenace*].

⁷⁸ *Constitution Act, 1982*, Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11 [*Canadian Charter*].

⁷⁹ *Kokopenace*, para. 51.

⁸⁰ *Kokopenace*, para. 39, citing *R. v. Sherratt*, [1991] 1 SCR 509, p. 524 [*Sherratt*]. On the notion that the accused is entitled to see a list of jurors, or be judged by a petit jury including a defined number of members of his or her race, see *inter alia* *R. v. Church of Scientology* (1997), 33 O.R. (3d) 65 (C.A.), pp. 120-121.

⁸¹ *Kokopenace*, para. 56.

⁸² *Kokopenace*, para. 57. Majority judges upheld the Court’s guidelines in the *Sherratt* ruling, p. 525: “The perceived importance of the jury and the *Charter* right to jury trial is meaningless without some guarantee that it will perform its duties impartially and represent, as far as is possible and appropriate in the circumstances, the larger community. Indeed, without the two characteristics of impartiality and representativeness, a jury would be unable to perform properly many of the functions that make its existence desirable in the first place.”

⁸³ QNW, *Stand with us*, *supra* note 64, p. 49.

⁸⁴ CBC, “Two Indigenous officers honoured for work on Val-d’Or abuse investigation” (September 22, 2016), online: <http://www.cbc.ca/news/canada/north/indigenous-officers-awarded-in-val-d-or-abuse-allegations-1.3775070> (retrieved November 14, 2016).

⁸⁵ See generally: Québec, *Les violences sexuelles, c’est non*, supra note 59; Québec, *Orientations en matière d’agression sexuelle*, supra note 59, pp. 59-67; Conseil du statut de la femme, *La violence faite aux femmes : à travers les agressions à caractère sexuel*, Québec, February 1995, pp. 64-72, online: <https://www.csf.gouv.qc.ca/wp-content/uploads/la-violence-faite-aux-femmes-a-travers-les-agressions-a-caractere-sexuel.pdf> (retrieved October 30, 2016); Table de concertation sur les agressions à caractère sexuel de Montréal, *Information Guide for Sexual Assault Victims*, 2007, pp. 34 ff., online: <http://www.scf.gouv.qc.ca/fileadmin/publications/Violence/guide-agressions-sexuelles2008-en.pdf> (retrieved October 30, 2016); LWB Canada, *Violences sexuelles: quels accompagnements pour les victimes? (forum 2015)*; Women’s Initiatives for Gender Justice, *Gender in Practice: Guidelines & Methods to Address Gender-Based Crime in Armed Conflict*, The Hague: 2005, pp. 33-35 and 38, online: http://www.iccwomen.org/whatwedo/training/docs/Gender_Training_Handbook.pdf (retrieved October 30, 2016).

⁸⁶ *R. v. R. (D.)*, [1996] 2 SCR 291.

⁸⁷ See s. 2 of *DCPP Directive INF-2* which stipulates that the victim may be accompanied by the person of their choice for meetings with a prosecutor concerning matters of legal process. When the facts of the case are under discussion, only the victim and the investigator may be present with the prosecutor.

⁸⁸ La Presse, “Reportage à Val-d’Or : 41 policiers poursuivent Radio-Canada” (October 20, 2016), online: <http://www.lapresse.ca/actualites/justice-et-affaires-criminelles/actualites-judiciaires/201610/20/01-5032333-reportage-a-val-d-or-41-policiers-poursuivent-radio-canada.php> (retrieved November 2, 2016): [translation] “The action accuses Radio-Canada of presenting these accounts as proof of a ‘widespread and recurrent phenomenon.’ It calls into question the witnesses’ motives and the truthfulness of their statements. The complainants provide the example of a woman quoted in the story who stated that seven police officers took her onto an isolated road and asked her to perform fellatio. The complainant in question had a “substantial history of legal problems,” the action notes, and could thus “have a personal interest in damaging the reputations of police officers.”

⁸⁹ SPVM, *Intervention particulière : agression sexuelle*, Pr. 249-1, January 29, 2014.

⁹⁰ SPVM, *Intervention particulière : aide aux victimes d’actes criminels*, Pr. 249-16, December 11, 2013.

⁹¹ S.C. 2015, c. 13 [*Canadian Victims Bill of Rights*].

⁹² See s. 6-8 of the *Canadian Victims Bill of Rights*.

⁹³ DCP, “Le DCP 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.dcp.gouv.qc.ca/ressources/communiqués/2016/COMM_2016_06_03_Rapport_enquete_autochtones_VF.pdf (retrieved October 4, 2016).

⁹⁴ s. 10.7.1, *Protocole relatif au programme d’observateur indépendant*. The questionnaire is available online: <http://www.crcc-ccetp.gc.ca/en/appendix> (retrieved September 26, 2016).

⁹⁵ See *inter alia* CDPDJ, *Commentaires sur le projet de règlement sur le déroulement des enquêtes du BEI* (2015), supra note 14, pp. 17-22; Ontario Ombudsman, *Oversight Unseen: Investigation into the Special Investigations Unit’s operational effectiveness and credibility*: September 2008, pp. 47-61, online: https://www.ombudsman.on.ca/Files/sitemedia/Documents/Investigations/SORT%20Investigations/siureporteng_1.pdf (retrieved October 14, 2016). See also HRW, which notes the lack of procedural rigour in cases involving Aboriginal women who file complaints against officers. HRW, *Those Who Take Us Away*, supra note 64, pp. 73-76.

⁹⁶ This is a frequently heard grievance of families who have reported a loved one missing to the police. See Canada (Special Committee on Violence against Indigenous Women), *A Report on Missing and Murdered Indigenous Women in Canada*, note 64, pp. 33-35; HRW, *Those Who Take Us Away*, supra note 64, p. 10.

⁹⁷ For a discussion of ECHR principles, see the Council of Europe (Commissioner for Human Rights), *Opinion of the*

Commissioner for Human Rights Concerning Independent and Effective Determination of Complaints against the Police, Strasbourg, March 12, 2009, online: <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2954719&SecMod e=1&DocId=1376740&Usage=2> (retrieved October 16, 2016).

⁹⁸ Statistics Canada, *Criminal Victimization in Canada, 2014*, release date: November 23, 2015, p. 27, online: <http://www.statcan.gc.ca/pub/85-002-x/2015001/article/14241-eng.pdf> (retrieved October 17, 2016).

⁹⁹ *Ibid.* p. 25.

¹⁰⁰ Statistics Canada, *Victimization of Aboriginal People in Canada, 2014*, release date: June 28, 2016, p. 6, online: <http://www.statcan.gc.ca/pub/85-002-x/2016001/article/14631-eng.pdf> (retrieved November 14, 2016).

¹⁰¹ DCP, “Le DCP 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.dcp.gouv.qc.ca/ressources/communiqués/2016/COMM_2016_06_03_Rapport_enquete_autochtones_VF.pdf (retrieved October 7, 2016).

¹⁰² HRW, *Police Response to Sexual Assault*, supra note 28, pp. 5 and 8-9.

¹⁰³ The police officer interrogated as a witness is entitled to have a lawyer physically present for the entire interview with the investigator: see the declaratory judgment concerning s. 262 of the *Police Act: Fraternité des policières et des policiers de Rivière-de-Loup v. Frenette*, 2013, QCCS 2469, EYB 2013-222770 [*Fraternité des policières et des policiers de Rivière-de-Loup*].

¹⁰⁴ *Fraternité des policières et des policiers de Rivière-de-Loup*, para. 29-30.

¹⁰⁵ S. 311 of the *Police Act*.

¹⁰⁶ *Fraternité des policières et des policiers de Rivière-de-Loup*, para. 41-46. The provisions concerning the right to have a lawyer present during the interview with the witnessing officer, the submission of the notes on the incident, and the notice to be issued to witness police officers and police officers involved are similar to those in other jurisdictions. See notably s. 6 of *Ontario Regulation 267/10*, applied by Ontario’s Special Investigations Unit, equivalent to Québec’s BEI.

¹⁰⁷ *R. v. Sinclair*, (2010) 2 SCR 310, para. 26, pursuant to s. 10(b) of the *Canadian Charter* applicable to a charged individual.

¹⁰⁸ See recommendations 85, 134, 150, 153 and 153.2-153.4 of the Poitras Commission, *Rapport de la Commission d’enquête chargée de faire enquête sur la Sûreté du Québec : Pour une police au service de l’intégrité et de la justice*, 1998, volume: Sommaire et recommandations, online: https://www.bibliotheque.assnat.qc.ca/DepotNumerique_v2/AffichageNotice.aspx?idn=67755 (retrieved November 8, 2016).

¹⁰⁹ On the issues of the location of interviews conducted during police investigations, see Jones, *Conducting Investigations*, supra note 53, pp. 153-157.

¹¹⁰ Jones, *Conducting Investigations*, supra note 53, p.170.

¹¹¹ International Criminal Tribunal for Rwanda (ICTR), *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, para. 113, online: http://w.unictr.org/sites/unictr.org/files/legal-library/140130_prosecution_of_sexual_violence.pdf (retrieved October 30, 2016). The makeup of the ICTR’s investigative team also took into account that victims of sexual violence are generally more comfortable speaking to people of the same age and nationality.

¹¹² Such is the case, for example, at the International Criminal Court (ICC), where witnesses are asked whether they would prefer that the interpreter and the person leading the interrogation be a man or a woman, and if they have other preferences as to these individual’s characteristics. See ICC (Office of the Prosecutor), *Policy Paper on Sexual and Gender-Based*

Crimes, June 14, para. 58, online: <https://www.icc-cpi.int/iccdocs/otp/otp-Policy-Paper-on-Sexual-and-Gender-Based-Crimes--June-2014.pdf> (retrieved October 30, 2016).

¹¹³ HRW, *Police Response to Sexual Assault*, *supra* note 28, p. 10.

¹¹⁴ In Québec, the Aboriginal languages most commonly declared as mother tongues are the Cree languages, Inuktitut, Innu/Montagnais, and Atikamekw: Statistics Canada, *Aboriginal Languages in Canada: Language, 2011 Census of Population*, 2012, online: http://www12.statcan.gc.ca/census-recensement/2011/as-sa/98-314-x/98-314-x2011003_3-eng.pdf (retrieved November 9, 2016).

¹¹⁵ AFNQL, “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: www.afnql.com/en/actualites/pdf/comm-2016-08-17.pdf (retrieved September 11, 2016); Grand Council Of The Crees, “Grand Council Of The Crees (Eeyou Istchee)/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: <http://gcc.ca/newsarticle.php?id=438> (retrieved September 11, 2016); RCAAQ, “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/en/newsroom/press-release.html> (retrieved September 11, 2016); QNW, “Enquête nationale sur les femmes et les filles autochtones disparues ou assassinées: le Québec se désengage” (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> (retrieved September 11, 2016).

¹¹⁶ Decree 711-2016, August 9, 2016, 35 G.O. II, 4921.

¹¹⁷ Office of the Independent Police Review Director (Ontario), “OIPRD to Review Thunder Bay Police Service Practices for Policing Indigenous Peoples” (November 3, 2016), online: http://www.oiprd.on.ca/EN/PDFs/News-OIPRD-Review-of-Thunder-Bay-Police-Practices_E.pdf (retrieved November 4, 2016).

¹¹⁸ Québec Ombudsman, *Report on the Québec Investigative Procedure for Incidents Involving Police Officers* (2010), *supra* note 10, p. 13-14.

¹¹⁹ Bill 12, *An Act to Amend the Police Act as Concerns Independent Investigations*, 40th Leg., 1st Session, Québec, 2013 (assent granted May 15, 2013), S.Q. 2013, c. 6.

¹²⁰ CDPDJ, *Mémoire sur le projet de loi n° 12* (2013), *supra* note 10; Barreau du Québec, *Projet de loi 12 - Loi modifiant la Loi sur la police concernant les enquêtes indépendantes*, letter of March 11, 2013, online: <http://www.barreau.qc.ca/fr/actualites-medias/communiqués/2013/03/12-enquetes-policieres> (retrieved November 14, 2016); Québec Ombudsman, *Brief on Bill 12* (2013), *supra* note 14.

¹²¹ See *inter alia* the 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, 1988 (the first Bellemare report); 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 (the first Corbo report); 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*, 1996 (second Bellemare report); Groupe de travail sur l’examen des mécanismes et du fonctionnement du système de déontologie policière, *À la recherche d’un système de déontologie policière juste, efficace et frugal*, Rapport de l’examen des mécanismes et du fonctionnement du système de déontologie policière, Québec (ministère de la Sécurité publique), 1996 (second Corbo report); Commission d’enquête chargée de faire enquête sur la Sûreté du Québec, *Pour une police au service de l’intégrité et de la justice*, 1999 (Poitras report).

¹²² Québec Ombudsman, *Report on the Québec Investigative Procedure for Incidents Involving Police Officers* (2010), *supra* note 10.

¹²³ This policy established in 1995 is known as *Police Practice 2.3.12 - Death in the Event of a Police Intervention or Detention*. The policy was later amended by memoranda from the deputy minister to police force directors instructing them

to include serious life-threatening injuries during police interventions or police custody. The legislative basis of the policy is s. 304 of the *Police Act*.

¹²⁴ Bill 46, *supra*, note 22, s. 289.1-289.30.

¹²⁵ Bill 46, *supra*, note 22, s. 289.1 and s. 289.3.

¹²⁶ Bill 46, *supra*, note 22, s. 289.4(1). On the civilian makeup of the Bureau, see the proposed sections 289.5 and 289.8. The Bureau director would have been a retired judge or lawyer. Bureau members would have been required to have never been a peace officer or otherwise employed by a police force.

¹²⁷ Bill 46, *supra*, note 22, s. 289.17(1) and 289.19. See also s. 289.21 on the disclosure of the independent investigation report by the Bureau director.

¹²⁸ Bill 46, *supra*, note 22, s. 289.17(2).

¹²⁹ Bill 46, *supra*, note 22, s. 289.18.

¹³⁰ Bill 46, *supra*, note 22, s. 289.20.

¹³¹ Bill 46, *supra*, note 22, s. 289.22.

¹³² See *inter alia*: 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*, March 2012; Québec Ombudsman, *Brief on Bill 46 (2012)*, *supra* note 22; CDPDJ, *Commentaires sur le projet de loi n° 46 (2012)*, *supra* note 22.

¹³³ S. 35 *Enhancing Royal Canadian Mounted Police Accountability Act*, S.C. 2013, c. 18. The Act supersedes parts VI and VII of the *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10 [*RCMP Act*].

¹³⁴ Actions that breach federal or provincial law can also be considered “serious incidents” in the meaning of the act: see s. 45.79(1) of the *RCMP Act*.

¹³⁵ It should be remembered that, under existing agreements, the RCMP provides policing services in eight provinces, but not Québec or Ontario, which have provincial police forces. The RCMP maintains a presence in these two provinces for certain questions of national interest, notably terrorism.

¹³⁶ S. 45.81 and 45.82, of the *RCMP Act*.

¹³⁷ See the definition of an “investigative body” in s. 45.79(1) of the *RCMP Act*.

¹³⁸ S. 45.83(1), (2), and (3), *RCMP Act*.

¹³⁹ S. 45.83(4), *RCMP Act*.

¹⁴⁰ Note that the observer’s role is not further regulated by the Act. Under s. 45.87, regulations can be made respecting the observer’s appointment criteria and procedures, the scope of their role, their reporting obligations, etc. To date, no such regulation has been passed.

¹⁴¹ S. 45.85, *RCMP Act*.

¹⁴² See CPC, *Rapport final - Examen du projet pilote d'observateur indépendant*, online: <http://crcc-ccetp.gc.ca/fr/rapport-final-examen-du-projet-pilote-dobservateur-ind-pendant> (retrieved September 26, 2016).

¹⁴³ Online: <http://www.crcc-ccetp.gc.ca/fr/protocole-relatif-au-programme-dobservateur-ind-pendant> (retrieved September 26, 2016).

¹⁴⁴ S. 4.1 and 5.1., *Protocole relatif au programme d'observateur indépendant*.

¹⁴⁵ S. 4.3 and 5.2, *Protocole relatif au programme d'observateur indépendant*.

¹⁴⁶ S. 8.1 and 8.3, *Protocole relatif au programme d'observateur indépendant*.

¹⁴⁷ S. 9.5.1, *Protocole relatif au programme d'observateur indépendant*.

¹⁴⁸ S. 9.6.1 and 9.6.2, *Protocole relatif au programme d'observateur indépendant*.

¹⁴⁹ S. 9.7.1, *Protocole relatif au programme d'observateur indépendant*.

¹⁵⁰ S. 9.8.1, *Protocole relatif au programme d'observateur indépendant*.

¹⁵¹ See online: <http://crcc-ccetp.gc.ca/en/monitor-impartiality> (retrieved September 26, 2016).

¹⁵² S. 10.7.1, *Protocole relatif au programme d'observateur indépendant*. The questionnaire is available online: <http://www.crcc-ccetp.gc.ca/en/appendix> (retrieved September 26, 2016).

¹⁵³ Seniority, training, and experience levels (s. 9.6.2) were also verified.

¹⁵⁴ s. 9.9.2, *Protocole relatif au programme d'observateur indépendant*.

¹⁵⁵ This analysis is taken primarily from the Women's Law Project, *Policy Brief - Advocacy to Improve Police Response to Sex Crimes*, February, 2013, online: http://www.womenslawproject.org/resources/Policy_Brief_Improving_Police_Response_to_Sexual_Assault_Feb2013_FIN_AL.pdf (retrieved September 26, 2016).

¹⁵⁶ This organization was founded in 1974 by a group of lawyers and is active in several spheres (violence against women, family law, sexual discrimination, etc.) with a view to advancing women's rights.

¹⁵⁷ Amy Conry et Teresa Scassa, "Balancing Transparency and Accountability with Privacy in Improving the Police Handling of Sexual Assaults" (November 27, 2015), online at SSRN: <http://ssrn.com/abstract=2696120> (retrieved September 26, 2016). Professor Elizabeth Sheehy and the president of the University of Ottawa and former Minister of Justice, Allan Rock, also support the implementation of a Philadelphia model for Ottawa's police forces: *Ottawa Citizen*, "Allan Rock and Elizabeth Sheehy: The way forward on sexual assault on campus" (February 5, 2016), online: <http://ottawacitizen.com/opinion/columnists/allan-rock-and-elizabeth-sheehy-the-way-forward-on-sexual-assault-on-campus> (retrieved September 26, 2016).

¹⁵⁸ Ian D. Scott, ed., *Issues in Civilian Oversight of Policing in Canada*. Toronto: Canada Law Book, 2014 [Scott, *Civilian Oversight of Policing in Canada*]. Scott has notably served as director of the Special Investigations Unit, Ontario's equivalent of the BEI.

¹⁵⁹ Oppal Commission, *Executive Summary*, *supra* note 64, p. 166.

¹⁶⁰ Ian D. Scott, "Oversight Overview" in Scott, *Civilian Oversight of Policing in Canada*, 11, p. 35.

¹⁶¹ Art. 16(3) *The Police Act, 1990*, SS 1990–91, c P-15.01.

¹⁶² See s. 45(3)(c) *The Police Act, 1990*, SS 1990–91, c P-15.01. When a complaint is submitted concerning a city police officer, the commission determines who will lead the investigation. It can decide to conduct the investigation itself, to appoint the police force to which the officer under investigation belongs, or another force (see s. 45(3)(a)(b) and (d)).