

**NATIONAL
POLICE
FEDERATION**



**FEDERATION
DE LA POLICE
NATIONALE**

MEMBERS' RIGHTS AND RESPONSIBILITIES

QUICK REFERENCE HANDBOOK

PART II: Conduct Proceedings

Chapter 1: Rights to Representation or Assistance

The mission of the National Police Federation is
to provide strong, professional, fair and progressive representation
to promote and enhance the rights of RCMP Members.

**The National Police Federation
encourages all members to be aware of their
rights and responsibilities in conduct proceedings.**

***The information in this handbook does not constitute legal advice.
Members who become involved in a conduct process are advised to
immediately consult a lawyer or an NPF representative.***

RIGHTS TO REPRESENTATION OR ASSISTANCE

| SUBJECT MEMBER RIGHTS TO REPRESENTATION OR ASSISTANCE | |
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| STAGE OF CONDUCT PROCEEDINGS | WHO MAY PROVIDE REPRESENTATION OR ASSISTANCE |
| <p>Interim Administrative Measures:</p> <ul style="list-style-type: none"> - Temporary Reassignment and/or Suspension - Stoppage of Pay and Allowances (RCMP Act, s. 22(2)(b)) | <ul style="list-style-type: none"> - Private Legal Counsel or Representative - NPF Representative or Legal Counsel - Private Legal Counsel or Representative - NPF Representative or Legal Counsel |
| Investigation | <ul style="list-style-type: none"> - Private Legal Counsel or Representative - NPF Representative or Legal Counsel |
| Conduct Meeting | <ul style="list-style-type: none"> - Private Legal Counsel or Representative - NPF Representative or Legal Counsel |
| Conduct Board Hearing | <ul style="list-style-type: none"> - May be represented by and have privileged communications with <u>any person</u> (RCMP Act, s. 47.1(1)(b) and (2)): <ul style="list-style-type: none"> - Private Legal Counsel or Representative - NPF Representative or Legal Counsel (AM 28.1.10.2) - Another authorized person (non-NPF) under the Commissioner's jurisdiction (<i>General Admin CSOs</i>, s. 8 & 9) |

| WITNESS MEMBER RIGHTS TO REPRESENTATION OR ASSISTANCE | |
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| STAGE OF CONDUCT PROCEEDINGS | WHO MAY PROVIDE REPRESENTATION OR ASSISTANCE |
| Conduct Investigation | No statutory right to representation - Private Legal Counsel or Representative - NPF Representative or Legal Counsel CAUTION: For Witness Members, communications with an NPF representative are <i>not protected</i> by any confidentiality privilege (Conduct Policy, s. 15.3) |
| Giving Evidence at a Conduct Board Hearing | Right to representation (<i>RCMP Act</i> , s. 45.1(3)) by: - Private Legal Counsel or Representative - NPF Representative or Legal Counsel CAUTION: For Witness Members, communications with an NPF representative are <i>not protected</i> by any confidentiality privilege (Conduct Policy, s. 15.3) |

Member’s Right to Privileged Communications with Their Representative

Communications relating to the conduct process that pass in confidence between a Member and the person who is acting as their representative or assistant are, for the purposes of the *RCMP Act*, privileged as if they were confidential communications passing in professional confidence between the member and their legal counsel (*RCMP Act*, s. 47.1(2); AM 28.1, s. 10.2).

STRATEGY: Members are strongly encouraged to exercise their rights to representation or assistance immediately upon learning that they may be the subject of, or a witness in, a *Code of Conduct* investigation.

ABBREVIATIONS AND REFERENCES

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| AM 28.1 | Administrative Manual, ch. 28.1 Member Workplace Services Program (available on the RCMP Infoweb) |
| Assistance | Providing legal guidance and information (see <i>Conduct CSOs</i> , s. 29) |
| <i>Code of Conduct</i> | <i>Code of Conduct of the Royal Canadian Mounted Police</i> , Schedule to the <i>Royal Canadian Mounted Police Regulations, 2014</i> . (online: https://laws-lois.justice.gc.ca/eng/regulations/SOR-2014-281/page-6.html#h-30) |
| <i>Conduct CSOs</i> | <i>Commissioner's Standing Orders (Conduct)</i> , SOR/2014-291. (online: https://laws-lois.justice.gc.ca/eng/regulations/SOR-2014-291/index.html) |
| Conduct Policy | Administrative Manual, ch. XII.1 Conduct (available on the RCMP Infoweb) |
| NPF | National Police Federation |
| NPF Rep | NPF Representative |
| <i>RCMP Act</i> | <i>Royal Canadian Mounted Police Act</i> , RSC 1985, c R-10, as amended on November 28, 2014 by the <i>Enhancing Royal Canadian Mounted Police Accountability Act</i> , SC 2013, c 18. (online: https://laws-lois.justice.gc.ca/eng/acts/R-10/index.html) |
| Representation | Includes providing legal advice, litigation or advocacy (see <i>Conduct CSOs</i> , s. 29) |

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