

**NATIONAL
POLICE
FEDERATION**



**FEDERATION
DE LA POLICE
NATIONALE**

MEMBERS' RIGHTS AND RESPONSIBILITIES

QUICK REFERENCE HANDBOOK

PART II: Conduct Proceedings Chapter 5: Review Authority Proceedings

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 representative.***

REVIEW AUTHORITY PROCEEDINGS

Function and Powers of the Review Authority (Conduct CSOs, s. 9)

The review authority is designated by the Commissioner to, on their own initiative, review decisions made by conduct authorities. For any decision the review authority decides to review, the review authority becomes the conduct authority in respect of the subject member.

If the review authority determines that a finding is clearly unreasonable or that a conduct measure is clearly disproportionate, and if it is in the public interest to do so, the review authority may:

- **rescind** any finding that the subject member did not contravene the *Code of Conduct*, **substitute** a finding that there was a contravention, **and impose** any one or more of the serious conduct measures that is proportionate to the nature and circumstances of the contravention;
- **rescind or amend** any conduct measure imposed, **or substitute** any one or more of the serious conduct measures that is proportionate to the nature and circumstances of the contravention; or
- **rescind any conduct measure already imposed and initiate a hearing.**

SUBJECT MEMBER'S PROCEDURAL RIGHTS IN A REVIEW AUTHORITY PROCEEDING

Right to Notice of Intention to Rescind / Amend / Substitute (Conduct CSOs, s. 10(1))

Right to Provide Written Submissions to the Review Authority within 14 Days After Being Served with the Notice of Intention (Conduct CSOs, s. 10(2))

Right to Be Served with the Review Authority's Written Decision as Soon as Feasible (Conduct CSOs, s. 11(1))

Right to Reasons for the Decision Unless the Decision Is to Initiate a Hearing (Conduct CSOs, s. 11(2))

If a Hearing Is Initiated, Right Not to Have Any Post-Investigation Information that Was Provided by the Subject Member in the First Conduct Process Forwarded to the Conduct Board (Conduct CSOs, s. 12)

Right to Appeal

A subject member may appeal a review authority's decision (Conduct Policy, s. 13).

Procedures for Appealing: *Grievances and Appeals CSOs*, s. 37 to 50.

ABBREVIATIONS AND REFERENCES

<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)
<i>Conduct Policy</i>	Conduct – AM ch. XII.1 (Jan. 22, 2019) Available on the RCMP Infoweb
<i>Grievances and Appeals CSOs</i>	<i>Commissioner's Standing Orders (Grievances and Appeals)</i> , SOR/2014-289. (online: https://laws-lois.justice.gc.ca/eng/regulations/SOR-2014-289/index.html)

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