

**NATIONAL
POLICE
FEDERATION**



**FEDERATION
DE LA POLICE
NATIONALE**

MEMBERS' RIGHTS AND RESPONSIBILITIES

**QUICK REFERENCE
HANDBOOK**

PART I: STATUTORY RESPONSIBILITIES OF MEMBERS

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 statutory responsibilities.**

The information in this handbook does not constitute legal advice.

While every effort has been made to ensure accuracy, in the event of any discrepancies or errors, the relevant provisions of the *RCMP Act* and the *RCMP Regulations, 2014*, govern.

STATUTORY RESPONSIBILITIES

RCMP Act

Every member is responsible for (*RCMP Act*, s. 36.2(c), 37):

- promoting and maintaining good conduct in the Force;
- respecting the rights of all persons;
- maintaining the integrity of the law, law enforcement and the administration of justice;
- performing their duties promptly, impartially and diligently, in accordance with the law and without abusing their authority;
- avoiding any actual, apparent or potential conflict of interests;
- ensuring that any improper or unlawful conduct of any member is not concealed or permitted to continue;
- being incorruptible, never accepting or seeking special privilege in the performance of their duties or otherwise placing themselves under any obligation that may prejudice the proper performance of their duties;
- acting at all times in a courteous, respectful and honourable manner; and
- maintaining the honour of the Force and its principles and purposes.

Members who are peace officers are responsible for performing peace officer duties in relation to (*RCMP Act*, s. 18):

- preserving the peace;
- preventing crime and offences;
- apprehending criminals, offenders, and others who may be lawfully taken into custody;
- executing warrants;
- escorting and conveyancing convicts and other persons in custody to or from any courts, places of punishment or confinement, asylums or other places; and
- such other duties and functions as are prescribed by the Governor in Council or the Commissioner.

Oaths

Oath of Allegiance Duties:

- to be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, her heirs and successors.

Oath of Office Duties:

- to faithfully, diligently and impartially execute and perform the duties required as a member of the RCMP; and
- to well and truly obey and perform all lawful orders and instructions received as such, without fear, favour or affection of or toward any person.

Oath of Secrecy Duties:

- to not disclose or make known to any person not legally entitled thereto any knowledge or information obtained in the course employment with the RCMP.

RCMP Regulations, 2014

Members who are peace officers have additional duties as set out in section 14 of the *RCMP Regs*:

14 (1) In addition to the duties set out in the Act, it is the duty of members who are peace officers to

- (a) enforce all Acts of Parliament and regulations and render assistance to departments of the Government of Canada as the Minister directs;
- (b) maintain law and order in Yukon, the Northwest Territories, Nunavut, national parks and other areas that the Minister designates;
- (c) maintain law and order in those provinces and municipalities with which the Minister has entered into an arrangement under section 20 of the Act and carry out the other duties that are specified in those arrangements;
- (d) guard and protect any property of Her Majesty in right of Canada or under Her Majesty's control or custody that the Minister designates;
- (e) protect, inside or outside Canada, whether or not there is an imminent threat to their security,
 - (i) the Governor General,
 - (ii) the Prime Minister of Canada,
 - (iii) judges of the Supreme Court of Canada,
 - (iv) ministers of the Crown in right of Canada, and
 - (v) any other Canadian citizen or permanent resident, as defined in subsection 2(1) of the Immigration and Refugee Protection Act, who is designated by the Minister for the period designated by the Minister;

- (f) protect, inside Canada, whether or not there is an imminent threat to their security,
 - (i) any person who qualifies as an internationally protected person, as defined in section 2 of the Criminal Code, and
 - (ii) any other foreign national who is designated by the Minister for the period designated by the Minister; and
 - (g) ensure, in accordance with any agreement between the Commissioner and the Clerk of the Privy Council, the security for the proper functioning of
 - (i) any meeting of the first ministers of the provinces and the Prime Minister of Canada that is convened by the Prime Minister of Canada, and
 - (ii) any meeting of Cabinet that is not held on Parliament Hill.
- (2) The duties described in paragraphs (1)(e) and (f) are to be carried out in accordance with the Force's assessment of the threat or risk to the security of the person.

Code of Conduct, Schedule to the RCMP Regulations, 2014

STATEMENT OF OBJECTIVES

Maintaining the confidence of Canadians in the Royal Canadian Mounted Police is essential.

Members of the Royal Canadian Mounted Police are responsible for the promotion and maintenance of good conduct in the Force.

This Code of Conduct sets out responsibilities, consistent with section 37 of the *Royal Canadian Mounted Police Act*, that reinforce the high standard of conduct expected of members of the Force.

1 APPLICATION

- 1.1 This Code applies to every member of the Force and establishes responsibilities and the standard of conduct for members, on and off duty, in and outside Canada.

2 RESPECT AND COURTESY

- 2.1 Members treat every person with respect and courtesy and do not engage in discrimination or harassment.

3 RESPECT FOR THE LAW AND THE ADMINISTRATION OF JUSTICE

- 3.1 Members respect the law and the rights of all individuals.
- 3.2 Members act with integrity, fairness and impartiality, and do not compromise or abuse their authority, power or position.
- 3.3 Members give and carry out lawful orders and direction.

4 DUTIES AND RESPONSIBILITIES

- 4.1 Members report for and remain on duty unless otherwise authorized.
- 4.2 Members are diligent in the performance of their duties and the carrying out of their responsibilities, including taking appropriate action to aid any person who is exposed to potential, imminent or actual danger.
- 4.3 Members on duty are fit to perform their duties and carry out their responsibilities and are not impaired by drugs, alcohol or other substances.
- 4.4 Members properly account for, and do not alter, conceal or destroy, without lawful excuse, any property, money or documents coming into their possession in the performance of their duties.
- 4.5 Members are properly dressed and equipped and maintain their personal appearance in accordance with applicable Force policies.
- 4.6 Members use government-issued equipment and property only for authorized purposes and activities.

5 USE OF FORCE

- 5.1 Members use only as much force as is reasonably necessary in the circumstances.

6 CONFLICT OF INTEREST

- 6.1 Members avoid actual, apparent or potential conflicts between their professional responsibilities and private interests.

7 DISCREDITABLE CONDUCT

- 7.1 Members behave in a manner that is not likely to discredit the Force.

8 REPORTING

- 8.1 Members provide complete, accurate and timely accounts pertaining to the carrying out of their responsibilities, the performance of their duties, the conduct of investigations, the actions of other employees and the operation and administration of the Force.
- 8.2 Members who are under investigation, arrested, charged, or convicted for a breach of any Canadian or foreign law report this fact to a supervisor as soon as feasible.
- 8.3 Members, unless exempted by the Commissioner, take appropriate action if the conduct of another member contravenes this Code and report the contravention as soon as feasible.

9 CONFIDENTIALITY AND PUBLIC STATEMENT

- 9.1 Members access, use and disclose information obtained in their capacity as members only in the proper course of their duties and abide by all oaths by which they are bound as members.
- 9.2 Members abide by their duty of loyalty and refrain from making public statements criticizing the Government of Canada or the operations or administration of the Force, except where authorized by law.

10 POLITICAL ACTIVITY

10.1 Members engaging in political activities abide by any applicable rules and government and Force policies.

ABBREVIATIONS AND REFERENCES

<i>Code of Conduct</i>	<i>Code of Conduct</i> , Schedule to the <i>RCMP Regulations, 2014</i> (online: https://laws.justice.gc.ca/eng/regulations/SOR-2014-281/page-6.html#h-30)
<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)
<i>RCMP Regulations, 2014</i>	<i>Royal Canadian Mounted Police Regulations, 2014</i> (SOR/2014-281) (online: https://laws.justice.gc.ca/eng/regulations/SOR-2014-281/index.html)

The National Police Federation gratefully acknowledges
Jill Gunn, LL.B., LL.M., Barrister and Solicitor, for compiling this Handbook.