



Code of Conduct of the Royal Canadian Mounted Police

Annotated Version 2014

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Commissioner's Comments

The Code of Conduct for the RCMP reflects the expectations of Canadians concerning the responsibilities of all members, and sets the ethical tone to which we should aspire in performing our duties. The Code takes a positive approach to guide the professional conduct of members.

Policing is a unique profession, and as such, the challenges are many and the risks are high. For these reasons the professional standards of our members are held at the highest level. The Code of Conduct is meant to foster a strong sense of professionalism within our organization, as we continue to put our core values: honesty, integrity, professionalism, compassion, accountability, and respect, into action.

This annotated version of the Code is written in plain language and clearly articulates the behaviours that all members must demonstrate in their daily interactions with the public and coworkers. Members must be aware of how the Code applies to them and the conduct expected of them.

I encourage all employees to become familiar with the responsibilities within the Code of Conduct and its related policies. Members should engage each other in discussion about the challenges of your daily work and how you can best prepare for those challenges by being aware of your responsibilities as a member of the RCMP.

Bob Paulson, Commissioner

Comments of the Professional Integrity Officer

The crafting of the new Code of Conduct was an historic event within the RCMP. The Code was developed with the participation of employees nationally, who provided thoughtful and practical suggestions which were instrumental in shaping members' professional responsibilities now reflected in the Code. The consultation phase was an important step in the RCMP's progression to become a more modern, flexible, and adaptable police service.

My goal as the Professional Integrity Officer is to uphold a responsibility-based workforce, thereby ensuring the confidence of Canadians in the RCMP's ability to provide the highest quality police service. The Code of Conduct is an integral part of the RCMP's overarching strategy of "*Strong Ethics, Strong Organization*" based on ethical leadership, governance, and culture.

Members are responsible for their own professional conduct. This annotated Code of Conduct will assist you in having a solid understanding of your responsibilities so that you are able to deliver the highest standard of conduct possible.

Craig S. MacMillan, Assistant Commissioner

Professional Integrity Officer

Overview

As Canada's national police force, members of the Royal Canadian Mounted Police are expected to preserve the peace, uphold the law and provide quality service in partnership with our communities. The Code of Conduct is consistent with s. 37 of the RCMP Act. It provides a framework to set and maintain the highest possible standards for members, and reflects the responsibilities which are fundamental to maintaining the trust of Canadians.

Policing is a complex and evolving environment. It is impossible to give examples of the best response to every situation. The Code of Conduct is to be used to guide the ethical decision making of members, who are responsible for the promotion and maintenance of good conduct in the Force. The Code builds on the core values of the Force that we already follow: honesty, integrity, professionalism, compassion, accountability, and respect.

This annotated Code of Conduct provides additional commentary related to each section of the Code, along with applicable definitions, examples of behaviours that meet expectations, as well as past decisions for reference. Members may also wish to familiarize themselves with the RCMP "Ethical Decision Making Model" found on the Infoweb under the Professional Ethics Office site.

Finally, contraventions of the Code will be dealt with in a fair and consistent manner, at the most appropriate level of the Force. Guidance with regard to working within the conduct process and information on appropriate measures to deal with contraventions can be found in Part XII of the Administration Manual.

Section 1 Application

1.1

This Code applies to every member of the Force and establishes the responsibilities and standard of conduct by which members are expected to abide, on and off-duty, in and outside of Canada.

Commentary

Who does the Code apply to?

The Code of Conduct applies to all civilian and regular members, up to and including the rank of Commissioner.

Why does the Code apply to members on-duty and off-duty?

As a member of the RCMP, you have chosen to enter a unique profession that has expectations of a higher standard of behaviour, a responsibility that is not intermittent, but

constant. The relationship between a member and the Force is not the same as between a citizen and the government. Your conduct, whether on or off duty, will be scrutinized based on your status as a police officer.

Any conduct which places in doubt your integrity, honesty or moral character may weaken your effectiveness to perform your duties and cause the public to lose confidence in the Force. The responsibilities contained within the Code of Conduct are meant to promote sound ethical decision making that goes beyond the boundary of the work environment. By fulfilling these responsibilities you will meet the professional expectations of the Force and Canadians.

Senior members:

While the Code applies to all members, if you are a commissioned officer or senior NCO you have greater expectations placed on you to provide leadership, direction and guidance.

Supervisors:

Supervisors have a very important role in the process of delivering high quality policing services to Canadians. Part of your role includes supporting and guiding members and the Code is an important tool that you can use to provide prompt and constructive feedback on both good and poor behaviour. As supervisors, you are expected to challenge behaviours that are in contravention of the Code of Conduct and choose the most appropriate action; from providing advice and guidance to recommending or initiating a Code of Conduct investigation. If unsure of the best step to take, seek advice from a divisional Conduct Advisor.

You must use your judgement to identify the difference between misconduct and a performance related problem. Performance issues are related to the functional and/or organizational competencies required to perform a specific task and are not necessarily within the realm of the conduct system. Each situation is unique and will require careful assessment. Part of that assessment will be to determine whether the conduct is either;

- a) deliberate and/or intentional and is under the employee's control (culpable), which may be considered misconduct or,
- b) due to factors outside the employee's control, e.g., lack of skill, ability or training (non-culpable), which may be considered unsatisfactory performance.

Furthermore, unsatisfactory performance may amount to misconduct where the relevant circumstances surrounding the actions are serious enough to violate professional ethical standards.¹

All Members:

Behaviours that fall below the expectations of the Code of Conduct can have a negative impact on the reputation of the Force and the legitimacy of policing. You must consider whether your behaviour, at or away from work, is likely to reflect well on yourself, the Force, and on policing. “Strong Ethics, Strong Organization” is the strategic objective, and members have a crucial role in ensuring not only their own conduct, but the conduct of other members and employees are consistent with the responsibilities we hold as part of “Maintiens le droit.”

Definitions

Member means a civilian member and regular member from the rank of Constable to Commissioner, as defined under section 2 of the *RCMP Act*.²

Force means the Royal Canadian Mounted Police.³

Decisions

- *AO “XX” Division and Cpl. Y, 5 AD (4th) 39* (off-duty aggressive and inappropriate language towards members of the public)
- *AO “XX” Division and Cpl. Y, 5 AD (4th) 28* (off duty, motor vehicle accident, leaving the scene, fail to report)
- *AO “XX” Division and Cst. Y, 2 AD (4th) 49* (failure to prevent an assault and provide aid to the victim)
- *Blakeney v. Nova Scotia Police Review Board (1994)134 NSR (2d) 156, 383 APR 156 (TD), affd(1995)137 NSR (2d) 372, 391 APR 372 (CA)* (off-duty discourteous behaviour towards a neighbour)

Other References

Administration Manual, Part XII - Conduct

¹ RCMP External Review Committee decision 30 AD (3rd) 185 at para. 82.

² *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10 (amended) s. 2.

³ *Supra* note 2.

Section 2 Respect and Courtesy

2.1

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

Commentary

Your responsibility under this section is to contribute to and ensure a respectful workplace free of harassment, discrimination and other forms of disrespectful behaviour. You need to be aware of what constitutes harassing behaviour and what does not. In the work environment managers have a duty and responsibility to manage the work of the unit. This includes such activities as allocating work, following up on work absences and requiring performance to job standards. Such activities would not generally constitute harassment.

It is vital that your interactions with the public, colleagues and others are respectful, professional, and contribute to the public's confidence in policing. This behaviour is essential to maintaining your status as a credible, trustworthy policing professional. There are situations within the context of operational policing when you may need to adjust your choice of language to the situation at hand, for example, to put a suspect at ease and create a bond during the taking of a warned statement, your conduct must therefore be considered in light of all the circumstances.

Some examples of meeting this responsibility are when you:

- ensure your behaviour and language could not reasonably be perceived to be abusive, harassing, bullying, or discriminatory
- remain calm under pressure, thereby avoiding provocation
- are assertive without showing disrespect
- resolve workplace conflicts in a fair and respectful manner
- refrain from using profanity and improper humour
- ensure that any improper behaviours of employees under your supervision are addressed

Definitions

Harassment means, improper conduct by an individual, that is directed at and offensive to another individual in the workplace, including at any event or any location related to work, and that the individual knew or ought reasonably to have known would cause offence or harm. It comprises objectionable act(s), comment(s) or display(s) that demean, belittle, or cause personal humiliation or embarrassment, and any act of intimidation or threat. It also includes harassment within the meaning of the *Canadian*

*Human Rights Act*⁴ (i.e., based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and pardoned conviction) and sexual harassment. Harassment is normally a series of incidents but can be one severe incident which has a lasting impact on the individual.⁵

Discrimination is an action or a decision that treats a person or a group negatively for reasons such as their race, age or disability. There are eleven grounds of discrimination under the Canadian Human Rights Act: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, mental or physical disability and pardoned conviction.⁶

Decisions

AO "XX" Division and Cst. Y, 1 AD (3rd) 120 (Intimidation of citizens – off duty)

AO "XX" Division and Cst. Y, 29 AD (3rd) 264 (Offensive and harassing language when using RCMP information technology)

AO "X" Division and Sgt. Y, 28 AD (3rd) 183 (Harassment)

AO "X" Division and Cpl. Y, 24 AD (3rd) 250 (Making inappropriate and offensive comments)

AO "XX" Division and Sgt. Y, 30 AD (3rd) 97 (Disrespectful conduct towards supervisor)

Other Resources

Administration Manual XII.17, Prevention and Resolution of Harassment in the Workplace

Section 3 Respect for the Law and the Administration of Justice

3.1

Members respect the law and the rights of all individuals.

⁴ *Canadian Human Rights Act*, R.S.C. 1985, c. H-6.

⁵ Treasury Board of Canada Secretariat, Policy on Harassment Prevention and Resolution, Appendix A, Definitions, online: Government of Canada <<http://tbs-sct.gc.ca/pol/doc-eng.aspx?id=26041§ion=text#appA>>.

⁶ Canadian Human Rights Commission, General Public, "What is Discrimination", online: Government of Canada <<http://www.chrc-ccdp.ca/eng/content/what-discrimination>>.

Commentary

You are expected to uphold and work within the authority of the laws of Canada. The rights of individuals, which are guaranteed under the *Canadian Charter of Rights and Freedoms*⁷ (*Charter*), must be upheld at all times. Decisions to detain, arrest, search or seize must be made with lawful justification.

You should work in partnership with our diverse communities to enforce the law and provide a high quality policing service.

Some examples of meeting this responsibility are when you:

- respect and uphold all federal, provincial, territorial, and municipal laws
- act and take decisions on merit, without prejudice and using the best evidence
- ensure all individuals are afforded their rights under the *Charter*
- use police discretion wisely, taking into account:
 - the potential effects of your decisions
 - community expectations and needs
 - organizational policies and procedures

Decisions

AO “XX” Division and Cst. Y, 27 AD (3rd) 83 (Abuse of authority)

AO “XX” Division and Cst. Y, 32 AD (3rd) 355 (Unlawful use of conducted energy weapon [CEW])

AO “XX” Division and Cst. Y, 5 AD (4th) 46 (Assault of a prisoner)

3.2

Members act with integrity, fairness and impartiality, and do not compromise or abuse their authority, power or position.

Commentary

When you act with integrity you gain the trust of your colleagues, your team and the public you serve. It means that you can be counted on to act honestly and ethically in times of uncertainty. This is fundamental to maintaining public confidence. You must balance the public’s need for law and order with individual rights and freedoms. Your ability to articulate the reasons for exercising your authority as a peace officer to take action (e.g.,

⁷ *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982* (U.K.) 1982, c. 11 [Charter].

arrest, search, use of force) or not take action is important in order to be understood by others.

Some examples of meeting this responsibility are when you:

- are guided by the RCMP core values
- are sincere, truthful and compassionate
- treat all persons fairly, regardless of personal beliefs and values
- do not knowingly make false or misleading statements
- exercise sound discretion and judgement at all times
- avoid situations that might compromise your impartiality or impact your ability to be fair and unbiased
- use your authority or the powers entrusted to you in ways that are proportionate, lawful, necessary and ethical
- are not retaliatory in your enforcement actions

Decisions

AO "XX" Division and Cst. Y, 1 AD (3rd) 120 (Scandalous behaviour towards a citizen)

AO "XX" Division and Cpl. Y, 18 AD (3rd) 170 (Improper use of peace officer status for personal reasons)

3.3

Members give and carry out lawful orders and direction.

Commentary

In the dynamic world of policing it is essential that you are committed to ensuring that all orders and direction that may be given are in compliance with applicable laws and policies, are clear, and reasonable in the circumstances. In turn, you should follow all lawful orders and direction, unless they are clearly illegal and compliance would constitute a criminal offence, a violation of the *Charter* or a contravention of the Code of Conduct.

Some examples of meeting this responsibility are when you:

- are supportive of your colleagues in the execution of their lawful duty
- keep abreast of legislation, Force policies, instructions and procedures related to your duties
- follow applicable orders and direction from your supervisor or those with the appropriate authority
- ensure that all orders and direction given are lawful

Decisions

AO "XX" Division and Cpl. Y, 30 AD (3rd) 166 (Direction given by supervisor to unlawfully deploy a CEW against a prisoner)

AO "XX" Division and Cst. Y, 22 AD (3rd) 27 (Disobey orders to return funds allocated for source payment)

AO "XX" Division and Sgt. Y, 18 AD (3rd) 182 (Disobey a written order)

Section 4 Duties and Responsibilities

4.1

Members report for and remain on duty unless otherwise authorized.

Commentary

In order to provide effective service to Canadians, the Force must ensure adequate resources are in place to respond to calls for service and provide the necessary support to operations. When scheduled for duty you are responsible for ensuring you are prepared and ready to respond at the appointed date and time, and remain in such a state of readiness until the end of your scheduled shift, or otherwise authorized by your supervisor.

Some examples of meeting this responsibility are when you:

- are punctual for your scheduled work period
- adhere to your approved schedule
- remain on duty for the duration of your shift
- remain within your duty area during your shift, unless authorized otherwise
- advise your supervisor as soon as possible if you are unable to commence or complete your shift and the reason why

Decisions

AO "XX" Division and Cst. Y, 24 AD (3rd) 100 (Absent from duty without authority)

AO "XX" Division and Cst. Y, 2 AD (4th) 136 (Absent from duty and making false statements)

AO "XX" Division and Cst. Y, 4 AD (4th) 207 (Leaving post without authorization)

4.2

Members are diligent in the exercise of their duties and responsibilities, including taking appropriate action to aid any person who is exposed to potential, imminent or actual danger.

Commentary

As stated in the RCMP Operational Manual, it is expected that members will perform their duties in accordance with all applicable laws, policies and professional standards.⁸ Your dedication in striving for the highest possible standards is necessary for the public safety of all Canadians. You must carry out thorough investigations and seek any necessary guidance in the execution of your duties. For those who are supervisors, you have an important role to ensure that employees under your supervision have reasonable assistance, guidance and support to carry out their duties, and that matters related to performance and conduct are identified and addressed in a timely way.

Various cases and jurisprudence have addressed the responsibilities of off-duty police officers. It has been established that you cannot disregard your duties simply because you are off-duty, however, you need not “intervene in any situation to which police who are on duty might be called”.⁹ It is a matter of circumstances and the seriousness of the situation.

Some examples of meeting this responsibility are when you:

- carry out investigations in a timely and thorough manner
- take all appropriate steps in responding to calls for help from the public
- adhere to all policies applicable to your role and responsibilities
- enhance public safety in our communities by effectively reacting to emergency situations, utilizing all your skills and abilities appropriate to the situation
- engage in mutual problem solving with our partners
- utilize resources effectively and efficiently
- are responsible and accountable for your actions
- are diligent in the supervision of employees under your authority

Decisions

AO “XX” Division and Cst. Y, 1 AD (4th) 123 (Failure to attend a complaint of sexual assault within an acceptable time frame)

AO “XX” Division and Cst. Y, 3 AD (4th) 233 (Failure to attend to alarm call at end of shift)

AO “XX” Division and Cst. Y, 2 AD (4th) 1 (Failure to properly complete an investigation)

⁸ RCMP Operational Manual, 54.3.5.1.1

⁹ Paul Ceyssens, *Legal Aspects of Policing* (Saltspring Island: Earls Court Legal Press, 2011) at 6-94.

Gottschalk and Toronto Police, OCCPS 03-02 (Failure to properly supervise)

Clark v. Canada, [1994] 3 FC 323 (T.D.) (Liability for inadequate supervision)

4.3

Members on duty are fit to carry out their duties and responsibilities, and are not impaired by drugs, alcohol or other substances.

Commentary

According to this responsibility you must be fit; physically, mentally, and emotionally, to carry out your duties and responsibilities. The requirements pertaining to workplace accommodation will be applied when determining your inability to carry out your duties due to health issues, which will not normally be considered as a conduct issue. However, if you are not operationally fit due to illness or injury, you must report this fact in a timely way and have a responsibility to abide by any treatment plan that may be in place to ensure your return to full duty. Your physical fitness with relation to completion of the PARE test is generally considered a health and wellness issue, not a matter of conduct.

Some examples of meeting this responsibility are when you:

- are able to effectively fulfill your work related duties and responsibilities
- do not possess, consume or be under the influence of alcohol while on duty
- do not possess, consume or be under the influence of an illegal or restricted drug, unless medically prescribed
- take prescribed medication appropriately and report any effects that may impair your ability to perform operational duties
- take the necessary steps to seek help if you have a problem with alcohol or drug consumption or other health related concerns that may impair your ability to perform your duties

Decisions

AO "XX" Division and Cst. Y, 32 AD (3rd) 105 (Reporting for duty under the influence of alcohol)

AO "XX" Division and Cst. Y, 11 AD (3rd) 139 (Consuming alcohol while on duty)

AO "XX" Division and Cst. Y, 28 AD (3rd) 38 (Impaired driving while on duty)

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 exercise of their duties.

Commentary

In the course of your policing duties you will have the responsibility to care for the property of citizens, as well as properly handling exhibits and other official materials. This could arise as a result of carrying out a seizure or being required to safeguard property. The trust placed in you to carry out this duty is of the highest importance. Any breach of this trust is regarded by the Force, the justice system and Canadians as reprehensible.

Some examples of meeting this responsibility are when you:

- ensure accurate continuity and accountability of exhibits and property
- safeguard all reports and documents related to investigational matters
- ensure all evidence pertinent to an investigation is disclosed.

Decisions

AO "XX" Division and Cst. Y, 21, AD (3rd) 48 (Theft of evidence)

AO "XX" Division and Cst Y, 30 AD (3rd) 258 (Destruction of an official document – speeding ticket)

4.5

Members are properly dressed and equipped and maintain their personal appearance, in accordance with applicable Force policies.

Commentary

Your professional appearance both in uniform and plain clothes is a reflection of the standards expected by Canadians of their police force. It is your duty to ensure you are ready and able to respond to all policing situations with the appropriate Force issued equipment.

Some examples of meeting this responsibility are when you:

- maintain a high standard of appearance at work, whether in uniform or plain clothes, unless your duties require otherwise
- wear only articles of uniform that are approved

- ensure your uniform clothing and kit are maintained in good condition at all times
- wear your uniform and maintain your personal appearance according to policy guidelines.
- ensure you wear RCMP approved intervention equipment in accordance with your duties.

Other References

Uniform and Dress Manual

Operational Manual, Part 4

4.6

Members use government-issued equipment and property only for authorized purposes and activities.

Commentary

Members are entrusted to utilize a wide range of equipment and property in the daily performance of their duties. Accordingly, there is a corresponding responsibility for you to use this equipment and property for work purposes and not for personal use or gain.

Some examples of meeting this responsibility are when you:

- understand and follow the policies guiding the use of government email systems, cell phones, computers and other IT equipment
- operate police transport or aircraft for authorized uses only, according to policy
- use government guaranteed credit cards for business expenses only
- access police databases such as CPIC, Prime, PROS or NCDB for duty related reasons only
- use care in the safe handling of your firearm and other intervention tools.

Definitions

Police transport means any land vehicle or water-borne vessel owned, leased, rented by or in the care and control of the Crown and controlled or managed by the RCMP.

Police aircraft means any fixed or rotary wing aircraft owned, leased or rented by the Crown and controlled or managed by the RCMP.¹⁰

Decisions

AO "XX" Division and Cst. Y, 7 AD (3rd) 129 (Unauthorized use of police transport)

¹⁰ RCMP Transportation Management Manual 2.5

AO "XX" Division and C/M Y, 22 AD (3rd) 9 (Misuse of government IT equipment)

AO "XX" Division and Cst. Y, 6 AD (4th) 118 (Use of government travel card for personal purchases)

Section 5 Use of force

5.1

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

Commentary

In responding to police occurrences, your primary objective is to ensure the safety of all police officers and the public. There will be times when you may need to use force in carrying out your duties. Subsection 25(1) of the *Criminal Code* allows a peace officer to use as much force as necessary for the enforcement and administration of the law. You also have the responsibility to ensure that once a person is in custody their rights are respected and proper care is provided.

You must be able to provide sufficient legal articulation on the intervention methods chosen to manage an incident, taking into account the totality of the situation.¹¹

You will meet this responsibility when you:

- remain calm when faced with provocation and refrain from deliberately provoking others
- use a level of force appropriate to the circumstances
- are able to de-escalate your level of force once a subject is restrained
- respect the rights of all persons in your custody

Decisions

AO "XX" Division and Cst. Y, 13 AD (4th) 386 (Use of CEW on prisoner when having no grounds to arrest)

AO "XX" Division and Cst. Y, 28 AD (3rd) 12 (Use of excessive force during arrest)

AO "XX" Division and Cst. Y, 24 AD (3rd) 235 (Unlawful use of CEW on a prisoner as compliance tool)

AO "XX" Division and Cpl. Y, 28 AD (3rd) 172 (Excessive use of force on prisoner – OC Spray)

¹¹ RCMP Operational Manual 17.1

Section 6 Conflict of Interest

6.1

Members avoid actual, apparent or potential conflicts between their professional responsibilities and personal interests.

Commentary

Members have a duty to maintain public confidence and the objectivity of the RCMP by preventing, avoiding and resolving situations that could give the appearance of a conflict of interest, result in a potential for a conflict of interest or result in an actual conflict of interest.¹²

The Government of Canada has outlined its expectations of all federal public servants with regard to activities related to their professional duties. Specifically related to conflicts of interest, the *Values and Ethics Code for the Public Sector* applies to all members of the Force and states at s. 3.3.3: “Public servants shall serve the public interest by: taking all possible steps to prevent and resolve any real, apparent or potential conflicts of interest between their official responsibilities and their private affairs in favour of the public interest.” You can also be guided by policy on conflicts of interest in the Administration Manual XVII.

A conflict of interest must normally be resolved in favour of the public or Force interest, and while normally a matter that can be dealt with under policy and performance, depending on the circumstances may be treated as a conduct matter.

Some examples of meeting this responsibility are when you:

- neither solicit nor accept the offer of any gift, gratuity or hospitality that could compromise your impartiality
- report any conflict of interest between your duties and private interests to your supervisor as required under policy
- ensure any secondary employment undertaken complies with applicable Force policy
- ensure any relationship at work does not create an actual or apparent conflict of interest.

¹² RCMP Administration Manual XII.13.4.1.6.1

Decisions

AO "XX" Division and C/M Y, 1 AD (3rd) 85 (Conflict of interest – performing personal contract work during working hours using RCMP facilities and equipment)

AO "XX" Division and Cst. Y, 29 AD (3rd) 278 (Accepting benefits in the performance of duty)

AO "XX" Division and C/M Y, 17 AD (3rd) 92 (Accepting gift from contractor)

Other References

Administration Manual Part XVII – Conflict of Interest

Section 7 Discreditable Conduct

7.1

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

Commentary

As a member of the RCMP, you should at all times, whether on or off duty, consider how your actions and behaviours will affect your ability to preserve your credibility and the trust of the public. These two elements are necessary to effectively carry out policing duties. Given the nature of your duties and responsibilities, any criminal behaviour would be considered discreditable.

Definitions

Discreditable behaviour is based on a test that considers how the reasonable person in society, with knowledge of all relevant circumstances, including the realities of policing in general and the RCMP in particular, would view the behavior. It is recognized in law that the behaviour of the member, by reason of their profession as a police officer, is held to a higher standard than that of the ordinary citizen.¹³

Some examples of meeting this responsibility are when you:

- avoid any activities, on or off duty, that may bring the Force into disrepute or damage the relationship of trust and confidence between the police and the public

¹³See for example, RCMP External Review Committee decision 4 AD (2nd) 103, which cites, *Hughes v. Architects Registration Council of the United Kingdom*, [1957] 2 All E.R. 436 at 442.

- maintain strictly professional behaviour when on duty, including not engaging in sexual conduct or other inappropriate behaviour
- use your sick leave entitlements appropriately
- use government guaranteed credit cards for business expenses only
- abide by all federal, provincial and territorial laws.

Decisions

AO "XX" Division and Cpl. Y, 32 AD (3rd) 119 (Non-cooperation with another police force following consumption of alcohol)

AO "XX" Division and Insp. Y, 5 AD (4th) 107 (Public intoxication, refusal to comply with orders from another police service, assault and threats to a police officer)

AO "XX" Division and C/M Y, 5 AD (4th) 272 (Off duty impaired driving)

AO "XX" Division and Cst. Y, 16 AD (3rd) 114 (Careless storage of RCMP property)

Section 8 Reporting

8.1

Members provide complete, accurate and timely accounts pertaining to the exercise 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.

Commentary

The vision of the RCMP, to be a world-class police service, can only be met if members are committed to fulfilling their duties and responsibilities professionally and ethically. As members of the Force, you are in a position of trust that is essential to the security and well-being of all Canadians. Along with that position of trust, comes the expectation that you will conduct yourself to the highest standards of accountability. A large part of this accountability is in the form of the various reporting mechanisms related to the operations and administration of the Force.

Whether it is an investigational report, notes in your notebook, a claim for reimbursement of expenses, or details regarding an incident of serious injury or death, you are obliged to make the appropriate reports as determined by the situation.

Some examples of meeting this responsibility are when you:

- prepare file documentation in a timely manner
- do not knowingly make false, misleading or inaccurate oral or written statements
- are thorough in the completion of reports

Definitions

Responsibility to Report means your legal, moral and professional obligation to provide a prompt written or verbal report describing a police incident, the actions you took during the incident, setting out your rationale for these actions and any observations made during the course of your duty. ¹⁴

Decisions

AO "XX" Division and Cst. Y, 1 AD (3rd) 194 (Altering RCMP file entries)

AO "XX" Division and Cst. Y, 1 AD (4th) 77 (failing to properly document an investigation)

AO "XX" Division and Cst. Y, 1 AD (4th) 382 (improperly advising on status of an exhibit and falsifying a PROS entry)

AO "XX" Division and Insp. Y, 18 AD (3rd) 209 (Intimidating an employee, lying to internal investigators)

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.

Commentary

Maintaining the public trust is an important requirement to ensure your ability to fulfill your duties and provide quality service to Canadians. You must realize that any alleged or proven contravention of the law by a member can result in a loss of trust and in some cases seriously impact a member's credibility. The necessity to preserve the public trust applies even when outside of Canada. Such instances need to be reported in order that the risk to the reputation and operations of the Force can be mitigated.

Some examples of meeting this responsibility are when you:

- report as soon as possible any occasion in or outside of Canada where you have been the subject of one of the following:
 - investigation for an offence

¹⁴ RCMP Operational Manual 54.3.2.1.1

- summons for an offence
- summary offence ticket
- conviction of an offence
- suspension of license
- arrest

Decision

AO "XX" Division and Cst. Y, 27 AD (3rd) 169 (failure to report being charged and convicted of a provincial statute)

8.3

Members, unless exempted, report as soon as feasible and take appropriate action if the conduct of another member contravenes this Code.

Commentary

It is incumbent on all members to report and take action, appropriate to the situation, when another member contravenes the Code of Conduct. This requirement is a reflection of your duty to uphold and promote the RCMP core values. The exemptions which apply to the duty to report are restricted to employees who have obtained knowledge of the contravention in their professional capacity in the following positions:

- a physician, nurse or psychologist employed by the RCMP
- a Staff Relations Representative who is providing assistance to a member
- a member who is providing assistance or representation to another member under s. 47.1 of the RCMP Act
- a member representative providing assistance or representation as provided for under the *Commissioner's Standing Orders*

You will meet this responsibility when you:

- report any conduct of a member which is in contravention of the Code of Conduct
- intervene to prevent improper use of force where it is clear that the force is not justified

Decisions

AO "XX" Division and Cst. Y, 30 AD (3rd) 223 (Failure to report breach of Code of Conduct)

Section 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.

Commentary

As a member of the RCMP you are entrusted with many types of personal, confidential and classified information. You are at all times bound by your oath of secrecy. It is crucial to the integrity of the Force and our policing partners and essential to upholding the law, that privileged information be protected from improper use or disclosure.

Some examples of meeting this responsibility are when you:

- abide by the provisions of all legislation pertaining to the management of information (e.g., *Privacy Act*¹⁵, *Access to Information Act*¹⁶)
- refrain from providing classified information to family or friends
- avoid inadvertent disclosure of information related to operations
- access police databases such as CPIC, Prime, PROS or NCDB for duty related reasons only.

Decisions

AO "XX" Division and Cst. Y, 21 AD (3rd) 1 (Release of information to unauthorized persons)

AO "XX" Division and Cpl. Y, 32 AD (3rd) 208 (Unauthorized query of PIRS)

AO "XX" Division and Cst. Y, 1 AD (4th) 103 (Unauthorized access and sharing of confidential police information for personal reasons)

AO "XX" Division and Cst. Y, 13 AD (3rd) 108 (Use of CPIC for personal reasons which jeopardized criminal investigation - dismissal)

Stenhouse v. Canada, 2004 FC 375 (Unauthorized release of RCMP documents)

Read v. Canada, 2005 FC 798 (Unauthorized release of RCMP documents to the media)

¹⁵ *Privacy Act*, R.S.C. 1985, c. P-21.

¹⁶ *Access to Information Act*, R.S.C. 1985, c. A-1.

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.

Commentary

As an employee of the Government of Canada, you have a duty of loyalty to the government. This duty of loyalty is reflected in the *Values and Ethics Code for the Public Service (VECPS)*, and has long been a fundamental value and obligation for members of the Force.

In straightforward terms, the duty of loyalty requires you to serve the government of the day impartially and effectively, balancing your right to free expression with your obligation to be impartial. You have the ability to comment on issues, as long as your criticism has no impact on your ability to effectively perform your duties, or on the public perception of that ability.¹⁷

Where possible, you should use internal means to bring any criticisms to the appropriate level of supervision, taking all efforts to resolve the issue internally within the RCMP.

Furthermore, the *Public Servants Disclosure Protection Act*¹⁸ (*PSDPA*) provides protection for employees who disclose serious wrongdoings in the workplace. The *PSDPA* gives federal government employees, including members, a secure and confidential process for disclosing serious wrongdoing in the workplace.

Definitions

A serious wrongdoing means a serious violation that goes against the public interest, such as:

- Violating any Act of Parliament or any Act of the legislatures of the provinces;
- Misusing public funds or public assets;
- Gross mismanagement;
- Doing something, or failing to do something, that creates a substantial and specific danger to the health, safety or life of persons or to the environment;
- Seriously breaching the VECPS or your organization's code of conduct; or
- Knowingly directing or counselling a person to commit a wrongdoing.¹⁹

¹⁷ Treasury Board Secretariat, *Values Alive: A Discussion Guide to the "Values and Ethics Code for the Public Sector, Section 3*, online: Government of Canada <<http://www.tbs-sct.gc.ca/ve/va-vaq-eng.asp>>.

¹⁸ *Public Servants Disclosure Protection Act*, S.C. 2005, c. 46 [PSDPA].

¹⁹ PSDPA, *supra* note 18

Decisions

Stenhouse v. Canada, 2004 FC 375 (Unauthorized release of RCMP documents)

Read v. Canada, 2005 FC 798 (Unauthorized release of RCMP documents to the media)

Section 10 Political Activity

10.1

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

Commentary

As a member of the Force, your participation in political activities must not prejudice the performance of your current duties. Members have the right to run for nomination or stand as a candidate in a federal, provincial, territorial, or municipal election only while on leave without pay for that purpose. If you are declared elected to a federal, provincial or territorial seat, you will be required to retire or resign from the Force.

Definitions

Political activity means:

- a) Carrying on any activity in support of, within or in opposition to a political party;
- b) Carrying on any activity in support of or in opposition to a candidate before or during an election period;
- c) Seeking nomination as or being a candidate in an election before or during the election period.²⁰

Decisions

Krahn v. Treasury Board (Department of the Environment), [2012] C.P.S.L.R.B. No. 9.

Other References

Administration Manual XVII – Conflict of Interest

²⁰ *Public Service Employment Act*, S.C. 2003, c. 22, part 7.