



ROYAL CANADIAN MOUNTED POLICE
in the matter of a conduct hearing pursuant to the
Royal Canadian Mounted Police Act, RSC, 1985, c R-10

Between:

Commanding Officer, National Division

(Conduct Authority)

and

Sergeant Craig Reid
Regimental Number 48991

(Subject Member)

Conduct Board Decision

Louise Morel

November 17, 2023

Mr. Jonathan Hart, Conduct Authority Representative

Mr. Dan Scott, K.C., Subject Member Representative

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SUMMARY

The original *Notice of Conduct Hearing*, dated December 13, 2022, contains four alleged contraventions of section 2.1 of the RCMP Code of Conduct. Sergeant Reid is alleged to have made discourteous comments to three regular members as well as harassed or sexually harassed these same members.

Prior to the conduct hearing, on September 25, 2023, the Conduct Authority withdrew Allegation 1. Sergeant Reid admitted Allegations 2, 3 and 4. On October 3, 2023, the Conduct Board found Allegations 2, 3 and 4 to be established.

On October 4, 2023, the conduct measures phase of the hearing took place. The Conduct Board heard evidence from five witnesses, including Sergeant Reid. On October 5, 2023, the Conduct Board directed Sergeant Reid to resign within 14 days, failing which he would be dismissed.

INTRODUCTION

[1] Between December 27, 2019, and June 14, 2021, Sergeant Craig Reid is alleged to have made discourteous comments towards three regular members as well as harassed or to have sexually harassed these same members.

[2] On October 11, 2022, the Conduct Authority signed a *Notice to the Designated Officer* to request the initiation of a conduct hearing in relation to this matter. On October 13, 2022, I was appointed as the Conduct Board, pursuant to subsection 43(1) of the *Royal Canadian Mounted Police Act*, RSC, 1985, c R-10 [*RCMP Act*].

[3] The original *Notice of Conduct Hearing*, dated December 13, 2022, contains four alleged contraventions of section 2.1 of the RCMP Code of Conduct.

[4] On March 17, 2023, Sergeant Craig Reid provided his response to the allegations, pursuant to subsection 15(3) of the *Commissioner's Standing Orders (Conduct)*, SOR/2014-291. While Sergeant Reid admitted many particulars, he denied all four allegations and provided additional explanations with respect to several particulars.

[5] On July 18, 2023, I issued a *Determination of Established Facts*.

[6] The conduct hearing in this matter was scheduled to begin on October 3, 2023. On September 25, 2023, the Subject Member Representative advised that Sergeant Reid intended to admit Allegations 2, 3 and 4 at the outset of the conduct hearing. On that same date, the Conduct Authority Representative advised that the Conduct Authority was requesting for Allegation 1 to be withdrawn because the witnesses to this Allegation refused to participate in the process. At the Conduct Authority's request, I also made a minor modification to Particular 9 of the *Notice of Conduct Hearing* and struck out Particular 10, in Allegation 2.

[7] On October 3, 2023, at the outset of the conduct hearing, Sergeant Reid admitted the remaining three alleged contraventions of section 2.1 of the RCMP Code of Conduct. On that same date, I delivered my oral decision on the allegations, finding all three to be established.

[8] On October 4, 2023, the conduct measures phase of the hearing took place. I heard evidence from five witnesses, including Sergeant Reid and the victims of his harassment and sexual harassment.

[9] On October 5, 2023, I delivered my oral decision on conduct measures. I ordered Sergeant Reid to resign within 14 days, failing which he would be dismissed.

ALLEGATIONS

[10] The allegations as set out in the *Notice of Conduct Hearing* read as follows:

Allegation 1

[Allegation 1 was withdrawn on September 25, 2023.]

Allegation 2

On or between December 27, 2019 and January 13, 2022, at or near Spruce Grove, in the Province of Alberta, Sergeant Craig Reid failed to treat every person with respect and courtesy and did engage in sexual harassment contrary to section 2.1 of the *Code of Conduct of the Royal Canadian Mounted Police*.

Particulars common to all Allegations:

1. At all material times, you were a member of the Royal Canadian Mounted Police (“RCMP”) posted to the Parkland RCMP Detachment located in the City of Spruce Grove, “K” Division, in the Province of Alberta.
2. It was common knowledge that [Constable K.D.-L.] was a member of the LGBTQ community.

Particulars of Allegation 2:

6. You sexually harassed Constable [K.D.-L.] by referring to her as “scissor sister”. You sexually harassed Constable [K.D.-L.] asking if she has attempted the “scissor sister” position with her partner. You sexually harassed Constable [K.D.-L.] by referring to her and her partner as “scissor sisters”. You sexually harassed Constable [K.D.-L.] by using the term “scissor sisters” to refer to her.
7. You sexually harassed Constable [J.H.] and Constable [K.D.-L.] by referring to them as the “scissor sisters”. You engaged in sexual harassment by asking Constable [J.H.] and Constable [K.D.-L.] if they “hook up”. You sexually harassed Constable [J.H.] by asking what kind of girls she is interested in.

8. You sexually harassed Constable [J.H.] by asking if a female is on a bicycle, could they “get off” on the bicycle seat?
9. You sexually harassed Constable [K.D.-L.] by telling her she [words struck out on September 25, 2023] cleaned up nice in civilian clothes.
10. [Particular struck out on September 25, 2023.]
11. You sexually harassed Constable [K.D.-L.] by referring to her as a “scissor sister” and her sexual preference as “eating tacos”. On multiple occasion, you made sexual harassment comments about Constable [K.D.-L.] “eating tacos”.
12. You sexually harassed Constable [K.D.-L.] by saying that “certain female’s excite her and she would probably go down on them” or words to that effect.
13. You made discriminatory comments by stating something to the effect that women with their period blood stink up the female washroom.
14. You sexually harassed Constable [K.D.-L.] by asking about having sex with her and her spouse. You sexually harassed Constable [K.D.-L.] by questioning her about scissoring. You sexually harassed Constable [K.D.-L.] by asking how she knows she is homosexual if she has not been with a guy before.
15. You sexually harassed Constable [K.D.-L.] by making comments about “rug munching” throughout her time posted on the watch.
16. Because of these actions, you breached section 2.1 of the RCMP Code of Conduct.

Allegation 3

On or between December 1, 2020 and June 14, 2021, at or near Spruce Grove, in the Province of Alberta, Sergeant Craig Reid failed to treat every person with respect and courtesy and did engage in discrimination and harassment, contrary to section 2.1 of the *Code of Conduct of the Royal Canadian Mounted Police*.

Particulars of Allegation 3:

17. You made a discriminatory comment to Constable [D.M.] by pointing to a pimple on his forehead and stating, “are you a packie” or words to that effect.
18. Because of these actions, you breached section 2.1 of the RCMP Code of Conduct.

Allegation 4

On or between December 1, 2020 and June 14, 2021, at or near Spruce Grove, in the Province of Alberta, Sergeant Craig Reid failed to treat every person

with respect and courtesy and did engage in harassment, contrary to section 2.1 of the *Code of Conduct of the Royal Canadian Mounted Police*.

Particulars of Allegation 4:

1. You made discriminatory comments to Constable [D.M.] by calling him a “retard” multiple times. You discriminated against Constable [D.M.] by referring to him as a “retard”. You discriminated against Constable [D.M.] by calling him “retarded”. You made discriminatory comments towards Constable [D.M.] by calling “special, slow and retarded”. You made discriminatory comments towards Constable [D.M.] by calling him a “fucking retard” or that he’s “fucking retarded”.
2. You made discourteous comments to Constable [D.M.] by shouting or stating something to the effect “for fucks sake’s [D.M.], I told you to change that fucking phone ring. Change your God damn ring, I’m sick of hearing it, why the fuck are you doing that?”.
3. Because of these actions, you breached section 2.1 of the RCMP *Code of Conduct*.

[*Sic throughout*]

Summary of established facts by the Conduct Board

[11] On July 18, 2023, pursuant to *Administration Manual* XII.1.11.10.3, I provided the parties my *Determination of Established Facts*, setting out the following undisputed facts:

Facts common to all allegations

[12] Sergeant Reid has been a regular member of the RCMP since September 2001. At all material times, he was posted to Parkland Detachment, located in the City of Spruce Grove, in “K” Division, Alberta.

[13] Constable K.D.-L. is a regular member of the RCMP and was posted to Parkland Detachment in December 2019, where she reported to Sergeant Reid.

[14] Constable J.H. is a regular member of the RCMP, who was posted to Parkland Detachment on Watch 4. Constable J.H. did not report to Sergeant Reid.

[15] Constable D.M. is a regular member of the RCMP, who was posted to Parkland Detachment from August 8, 2017, to November 2021. At all material times, he reported to Sergeant Reid, who was his Watch Commander on Watch 2.

Facts related to Allegation 2

[16] Sergeant Reid used the term “scissor sister” multiple times to refer to Constable K.D.-L. from the time she arrived at Parkland Detachment in December 2019.

[17] Sergeant Reid used the phrase “eating tacos” on multiple occasions.

[18] Sergeant Reid asked Constable K.D.-L. how she knew she is homosexual if she has not been with a man before.

Facts related to Allegation 4

[19] On numerous occasions, Sergeant Reid used the term “retard” and “retarded” in referring to Constable D.M.

[20] Sergeant Reid stated the following to Constable D.M.: “for fucks sake’s [D.M.], I told you to change that fucking phone ring. Change your God damn ring, I’m sick of hearing it, why the fuck are you doing that?”

Decision on the allegations

[21] While the RCMP Code of Conduct applies to all members, commissioned officers and senior non-commissioned officers have greater expectations placed on them to provide leadership, direction and guidance.

[22] Sergeant Reid is facing three allegations of failing to treat every person with respect and courtesy as well as engaging in discrimination, harassment and sexual harassment, contrary to section 2.1 of the RCMP Code of Conduct.

[23] Despite the fact that the allegations, as described in the *Notice of Conduct Hearing*, span from December 2019 to January 2022, the evidence presented during the Conduct Hearing

establishes that the majority of the offensive comments predate Constable K.D.-L.'s transfer to the plain-clothes unit in November 2020. Consequently, although the definition of harassment was modified on January 1, 2021, in Part II of the *Canada Labour Code*, RSC 1985, c L-2, for the purposes of this decision, I will refer to the definition and policies in place pre-January 2021.

[24] The applicable policy in effect at the time of the incidents,¹ which adopted the Treasury Board definition of harassment, reads as follows:

[...]

2.8. Harassment means any improper conduct by an individual that is directed at, and is 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 an objectionable act, comment or display that demeans, belittles or causes personal humiliation or embarrassment, and any act of intimidation or threat. It also includes harassment within the meaning of the Canadian Human Rights Act, i.e. based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and pardoned conviction.

2.8.1. Harassment is normally a series of incidents but can be one severe incident which has a lasting impact on the individual.

2.8.2. Harassment includes sexual harassment.

[...]

[25] The severity of harassment will be dependent on a variety of factors,² including, but not limited to:

- Frequency of the harassment;
- Harassment of a sexual nature;
- Persistent harassment despite being told of the offensive nature of the conduct; and
- Effect on the complainant.

¹ *Administration Manual*, Chapter XII.8 "Investigation and Resolution of Harassment Complaints" (May 7, 2018, version).

² *Conduct Measures Guide*, November 2014, at page 14.

[26] Additionally, the lack of intention to cause harm does not relieve the individual of culpability.³

[27] Section 2.1 of the RCMP Code of Conduct states: “Members treat every person with respect and courtesy and do not engage in discrimination or harassment.”

[28] The test to establish a contravention of “harassment or sexual harassment” under section 2.1 of the Code of Conduct requires that the Conduct Authority establish the following elements on a balance of probabilities:

- a) the acts that constitute the alleged behaviour;
- b) the identity of the member who is alleged to have committed these acts;
- c) whether the member’s actions are indicative of a lack of respect and courtesy, amounting to harassment or sexual harassment. In other words, would a reasonable person with knowledge of all the facts of the case, and knowledge not only of policing in general but policing in the RCMP in particular, have known or ought to have known that the acts or words were belittling, degrading or humiliating, or would give offence or cause harm, and for sex-related matters, was the harassment sexual in nature.

[29] Sergeant Reid admits each allegation and all the particulars before me. His admissions are consistent with the material before me. Having said this, I am still required to review the evidence before me with respect to each allegation and make a finding as to whether or not the allegation is established, on a balance of probabilities.

[30] It is well established that police officers are held to a higher standard than the general public. Members of the RCMP must adhere to the Code of Conduct both on- and off-duty. In this instance, the acts in question took place in the workplace, while Sergeant Reid was on-duty, as a Watch Commander, in a position of authority over the targeted subordinate members.

³ *Foerderer v Nova Chemicals Corporation*, 2007 ABQB 349 (CanLII); *Calgary (City) and CUPE, Local 709 (Schmaltz), Re*, 2017 CarswellAlta 308.

Allegation 2

[31] Sergeant Reid admits using the expressions “scissor sister” and “eating tacos” multiple times when speaking to or about Constable K.D.-L. Throughout her time posted on Watch 2, he made comments such as “rug munching”; asked her if she would go down on certain females that excited her; and questioned her about having sex with her and her spouse.

[32] He further admits to referring to Constable J.H. and Constable K.D.-L. as “scissor sisters” and asking them if they “hook up”. These terms were used in reference to the fact that both constables are members of the 2SLGBTQI+ community.

[33] Additionally, Sergeant Reid acknowledges that he sexually harassed Constable J.H. by asking her if a female riding a bicycle could “get off” on a bicycle seat.

[34] The severity of this sexual harassment is amplified by the frequency of these comments, which the evidence establishes was a repeated daily occurrence, made in the bullpen of the Detachment, in front of Constable K.D.-L. and Constable J.H.’s colleagues and peers, spanning from December 2019 to, at a minimum, November 2020, when Constable K.D.-L. transferred to the plain-clothes unit.

[35] Sergeant Reid’s inappropriate, discourteous, crude and sexualized comments, even if meant in jest, demonstrate a serious lack of judgment and are incompatible with the duties and responsibilities of a member of the RCMP, let alone a senior non-commissioned officer within a detachment, as set out in section 37 of the *RCMP Act* as well as in clear directions from consecutive commissioners with respect to acceptable workplace conduct.

[36] There is no question that Sergeant Reid’s comments were objectionable and that he reasonably ought to have known they would cause offence. Sergeant Reid now admits to making the various offensive comments over a one-year period. He acknowledges that the comments were inappropriate, disrespectful and completely improper, especially in his role as a sergeant.

[37] I find that a reasonable person in society with knowledge of all the facts of this case, and knowledge not only of policing in general but policing in the RCMP in particular, would have known or ought to have known that the words or comments used were belittling, degrading or

humiliating, and would give offence or cause harm and, furthermore, would constitute sexual harassment.

[38] Accordingly, Allegation 2 is established on a balance of probabilities.

Allegation 3

[39] Sergeant Reid admits to asking Constable D.M. if he was a “packie” in reference to the fact that Constable D.M. had a pimple on his forehead.

[40] There is no question that using a racial slur such as “packie” when referring to any individual is vulgar and offensive and that a reasonable person in society with knowledge of all the facts of this case, and knowledge not only of policing in general but policing in the RCMP in particular, would conclude the comment used was belittling and degrading, and would give offence or cause harm and, furthermore, would constitute harassment.

[41] I find Allegation 3 established on a balance of probabilities.

Allegation 4

[42] Sergeant Reid admits using the terms “retard” and “retarded” when referring to Constable D.M. He asserts that he did not directly call Constable D.M. a “retard” but, rather, used those terms when speaking about Constable D.M. with his peers. As an explanation, Sergeant Reid states that Constable D.M. was a challenge to manage and that he was “frustrated”.

[43] Sergeant Reid’s responsibility and obligation towards Constable D.M. were to assist and mentor him to become a more competent, self-assured and effective member. It was not to demean, denigrate and embarrass him in front of his peers.

[44] In addition, using terms such as “retard” and “retarded” directly to or about a subordinate’s intellectual capacities or abilities, in any context, is inappropriate.

[45] As stated in the context of Allegation 2, there is no question that Sergeant Reid’s repeated comments were objectionable and he knew or ought to have known that these terms had the effect of demeaning, belittling and humiliating Constable D.M.

[46] Consequently, I find that Allegation 4 is established on a balance of probabilities.

CONDUCT MEASURES

[47] Having found Allegations 2, 3 and 4 to be established and in accordance with subsection 45(4) of the *RCMP Act*, as well as with the *RCMP Conduct Measures Guide*, I am required to impose “a fair and just measure that is commensurate to the gravity of the contravention, the degree of blameworthiness of the member, and the presence of mitigating and aggravating factors.”⁴

[48] Additionally, subsection 24(2) of the *Commissioner’s Standing Orders (Conduct)*, SOR/2014-291, states: “A conduct board must impose conduct measures that are proportionate to the nature and circumstances of the contravention of the Code of Conduct.”

[49] On the afternoon of October 3, 2023, at the outset of the conduct measures phase, I heard oral testimony from four witnesses: Constables R.L., D.M., J.H. and K.D.-L. All of them were both credible and reliable witnesses and testified in a forthright manner.

[50] On October 4, 2023, Sergeant Reid testified on his own behalf. I then heard submissions from both the Conduct Authority Representative and the Subject Member Representative.

Oral evidence

Constable R.L.

[51] Constable R.L. testified that she has nine years of service and, prior to her arrival at Parkland Detachment, was posted to three other detachments in Alberta. In each of her postings, she worked in a General Duty policing capacity until June 2021 when she transferred to a plain-clothes role as part of the Crime Reduction Unit at Parkland Detachment.

⁴ *Conduct Measures Guide*, at page 3.

[52] She noted that, from December 2019 to May 2021, she worked General Duty in Parkland Detachment and that Sergeant Reid was her supervisor for approximately one year, beginning in March of 2020.

[53] Constable R.L. described Sergeant Reid as a direct individual who held members accountable to the standards and addressed any performance issues by either speaking to them individually or airing the matter in the open.

[54] Constable R.L. testified that two or three months after transferring to Sergeant Reid's Watch, she was placed in an acting corporal position. While in that position and after hearing Sergeant Reid's various comments directed at Constable K.D.-L., she decided to approach Constable K.D.-L. to assess whether it was an issue that she needed to address with Sergeant Reid.

[55] Constable R.L. stated that Constable K.D.-L. assured her that she and Sergeant Reid were friends and that she was not concerned about the various sexual comments he directed at her. In essence, Constable K.D.-L. laughed it off and seemed to take the comments as a joke.⁵

[56] Constable R.L. testified that she then approached Sergeant Reid to discuss his use of inappropriate sexual comments in view of his rank and position of authority within the Watch. Sergeant Reid stated that he and Constable K.D.-L. were good friends and that she knew that he was only joking.⁶ According to Constable R.L., Sergeant Reid did not seem to take the matter seriously.

[57] Constable R.L. advised that Sergeant Reid's inappropriate comments did not stop after she approached him to caution him about the danger of making such comments.⁷

⁵ Transcript of October 3, 2023, at page 76, line 24, to page 77, line 13.

⁶ Transcript of October 3, 2023, at page 78, lines 22 to 25.

⁷ Transcript of October 3, 2023, at page 81, lines 21 to 23.

Constable D.M.

[58] Constable D.M. testified that he is currently posted in Ottawa within the Critical Incident Program of Protective Services. Upon graduating from Depot, he was first posted to Stony Plain, Alberta, which amalgamated with Spruce Grove and became Parkland Detachment.

[59] Constable D.M. stated that, shortly after Sergeant Reid arrived at Parkland Detachment, there was a Watch shuffle and he was switched to Watch 2 under Sergeant Reid's command. According to the witness, Sergeant Reid was his supervisor for approximately one year.

[60] Constable D.M. confirmed that Sergeant Reid routinely referred to him as a "retard", "special", "slow" and "retarded" and called him a "fucking retard". Constable D.M. took this to mean he could not think like normal people, he was delayed in his development and he was less intelligent as well as less capable.⁸

[61] Additionally, Constable D.M. testified that he recalled being in the bullpen when Sergeant Reid asked him "What, are you a packie now?" because he had a pimple on his forehead. He questioned whether Sergeant Reid was trying to be funny, but noted that they did not have the type of rapport that would allow Sergeant Reid to make fun of him. He found the comment derogatory and stated that Sergeant Reid was trying to poke fun at him based on an appearance flaw.⁹ Constable D.M. stated that it was a "completely unprofessional comment".

[62] Constable D.M. noted that Sergeant Reid would come out of his office and would shout at him in front of everyone in the main office area. Sergeant Reid chose to make a big public display in front of everybody instead of calling him into his office to speak with him.

[63] Constable D.M. testified that Sergeant Reid's comments were disheartening as he was working hard to gain the respect of his colleagues and this made him feel like a problem child and not a good member. It led him to have issues in terms of confidence in his ability to do his job as well as issues of self-esteem.

⁸ Transcript of October 3, 2023, at page 101, lines 7 to 16.

⁹ Transcript of October 3, 2023, at page 114, lines 3 to 25.

[64] Constable D.M. stated that it got to a point that he approached Sergeant Reid in his office and advised him of the following: he did not appreciate the comments; they were inappropriate; and he wanted him to stop. Constable D.M. recalled that Sergeant Reid responded that he was just joking around, but that he would cease referring to him as a retard and stop using degrading comments.¹⁰

[65] Constable D.M. confirmed that after he confronted Sergeant Reid, the behaviour ceased and Sergeant Reid spoke to him in a more professional and appropriate manner.

[66] Constable D.M. testified that, as a result of Sergeant Reid's behaviour and comments, he still struggles to try and think of himself as a good member. When he makes a mistake, he thinks of himself as incompetent and a "waste of space". He acknowledged that his self-doubt is decreasing and he is starting to get his confidence back now that he has a better chain of command.

[67] Constable D.M. testified that, on a personal level, he has become bitter and that his wife has noted this. He stated that he has been diagnosed with an occupational stress injury, part of which is associated to the harassment he went through as well as traumatic incidents he responded to as a police officer.

[68] Finally, Constable D.M. confirmed that he was aware that Sergeant Reid had prepared an apology letter for him, but that he declined to read it as it would simply open up old wounds and cause him anxiety. He is trying to find a way to move on and find a better future in terms of career.

Constable J.H.

[69] Constable J.H. testified that she was recently transferred to St. Albert, Alberta, after being at Parkland Detachment for approximately six years. She self-identified as a member of the 2SLGBTQI+ community and advised that she was engaged to her partner of two years.

[70] Constable J.H. explained that she was not on Sergeant Reid's Watch while at Parkland Detachment and that he was not her supervisor. However, she was friends with Constable K.D.-L. When she would come in for her night shift, Constable K.D.-L. was finishing her day shift and

¹⁰ Transcript of October 3, 2023, at page 106, lines 11 to 23.

they would chat. She got to know Sergeant Reid because he was Constable K.D.-L.'s supervisor; when he would see them chatting, he would come over and join their conversations.

[71] Constable J.H. testified that initially Sergeant Reid chatted in a friendly manner; however, it soon evolved to more sexual types of discussions. He referred to her and Constable D.-L. as "scissor sisters". When asked about what context this comment was made, the witness testified that Sergeant Reid would simply walk up to them and state something to the effect of "Hey, scissor sisters. What are you guys talking about?"¹¹ He would always bring up derogatory topics pertaining to what lesbians do sexually.

[72] Constable J.H. recounted that Sergeant Reid asked her and Constable K.D.-L. if they "hooked up" or engaged in sexual acts together.¹²

[73] Constable J.H. stated that she did not tell Sergeant Reid that she was offended or to stop his comments because she did not want to create any issues and due to the reality that he was superior in rank to her and she did not want to become a target for speaking up.

[74] When asked about the impact Sergeant Reid's comments had on her, Constable J.H. opined that, if anything, it made her be more secretive and hesitant to divulge her sexual orientation to others. She stated that it also made her dislike men in the RCMP because the organization is a "man's world" and men get to do and say what they want to women.¹³

[75] Constable J.H. made the point that she never witnessed or heard Sergeant Reid approach heterosexual members and ask about how they engaged in sexual intercourse nor with whom or how they "hooked up". Overall, she found his comments and questions grossly inappropriate.

[76] Constable J.H. admitted that Sergeant Reid's comments and behaviour affects and frustrates her to this day. She noted that she should be allowed to admit her sexual orientation and

¹¹ Transcript of October 3, 2023, at page 145, lines 1 to 10.

¹² Transcript of October 3, 2023, at page 150, lines 4 to 8.

¹³ Transcript of October 3, 2023, at page 148, lines 4 to 11.

that she is engaged to a female without having to be a “target that somebody wants to learn more about you and learn more about what you do sexually with your partner”.¹⁴

[77] Constable J.H. stated that eventually she started to distance herself from Sergeant Reid when she perceived that the direction he was taking in discussions was sexual. Constable J.H. simply stopped dropping by to speak with Constable K.D.-L. at the beginning of her night shifts.

[78] In summary, Constable J.H. stated that she hopes that someday members of the 2SLGBTQI+ community will not have to be nervous about talking about certain things or having supervisors say “ridiculous inappropriate things”.¹⁵

[79] During Constable J.H.’s cross-examination, the Subject Member Representative enquired whether she was interested in seeing Sergeant Reid’s apology letter. The witness stated that she was not interested and that Sergeant Reid’s apology did not matter to her.

Constable K.D.-L.

[80] Constable K.D.-L. stated that, in December 2019, at 10 years of service., she was transferred to Spruce Grove, Alberta, as a General Duty member on Watch 2 of Parkland Detachment. She remained in that position for 10 months, under the supervision of Sergeant Reid. In November 2020, she transferred out of Watch 2 to a plain-clothes position as a Sexual Assault Reviewer, where she remains in today.

[81] Constable K.D.-L. testified that, when she first arrived at Parkland Detachment, she met privately with Sergeant Reid to discuss his expectations of her. As she was a more senior member, they discussed her potentially assuming some acting supervisor roles once she became familiar with the area and the Detachment. She believed that Sergeant Reid communicated well and was leading her in the right way.¹⁶ Initially, they had a good working relationship and she did not recall having any issues with Sergeant Reid’s management style.

¹⁴ Transcript of October 3, 2023, at page 148, lines 18 to 23.

¹⁵ Transcript of October 3, 2023, at page 157, lines 8 to 11.

¹⁶ Transcript of October 3, 2023, at page 172, lines 4 to 12.

[82] Constable K.D.-L. stated that, shortly after her arrival, Sergeant Reid referred to himself as her “scissor sister”. She viewed the comment as hurtful and derogatory and stated that, even though she was comfortable with her sexual orientation, she would not call another lesbian by that term.¹⁷

[83] Constable K.D.-L. recalled that Sergeant Reid also referred to her and Constable J.H. as “scissor sisters” and found that to be both hurtful and disrespectful. She stated that they were being labelled and emphasized that the fact that they were within the 2SLGBTQI+ community does not affect how they do their work.¹⁸

[84] Constable K.D.-L. confirmed that Sergeant Reid asking her and Constable J.H. whether they “hooked up” was disrespectful of both them as well as her partner with whom she had been in a long-term relationship. She stated, “basically labeling the fact that because the two of us are lesbians, that we automatically have hooked up, or will hook up, or ... you know, you don’t go around asking all the heterosexuals in the room if they hooked up before. [...] So the fact that it was to us specifically that he asked that, to me, that was just ignorant.”¹⁹

[85] Constable K.D.-L. testified that all of Sergeant Reid’s comments, be it “scissor sister”, “eating tacos”, “hooking up”, all made her feel the same way. The comments were frequent and with other people around. It was embarrassing, shameful and has affected her since.

[86] She noted that she began seeing a psychologist for unrelated reasons, but that it got to the point where she had to bring up Sergeant Reid’s comments to her because it was affecting her. “I was losing sleep over it, I was anxious, or you know, was feeling some anxiety going into work because I was always thinking, ‘What’s it going to be today?’”²⁰

[87] Constable K.D.-L. acknowledged that she did not advise Sergeant Reid that his comments were affecting her because she does not do well with conflict, noting that dealing with “clients on the street” is quite different from dealing with personal matters in the workplace. She stated: “So me not doing well with conflict, I just never had the, I don’t know what it’s called or what you

¹⁷ Transcript of October 3, 2023, at page 174, lines 3 to 7.

¹⁸ Transcript of October 3, 2023, at page 174, lines 19 to 25.

¹⁹ Transcript of October 3, 2023, at page 175, lines 7 to 18.

²⁰ Transcript of October 3, 2023, at page 177, lines 5 to 11.

would call it, but the guts, I guess, to bring up to his attention for myself. [...] I was hoping that somebody else would, which is what ended up happening at the end, which was a relief.”²¹

[88] She explained that she becomes uncomfortable in the face of conflict and her defence mechanism is humour. Constable K.D.-L. admitted that she would speak back to Sergeant Reid, go along with his comments. She did not know or think that she had any other choice.²²

[89] Constable K.D.-L. recalled that she brought up Sergeant Reid’s comments to her partner as she was frustrated with the comments and herself for not being able to speak up. Her partner was supportive and tried to encourage her to tell someone; however, she never could.

[90] Concisely, Constable K.D.-L. summarized that year by stating that the comments were daily and frequent. She states: “[...] all of those comments would have had the same impact, in that sense that I felt I was being labelled, I was embarrassed to be called that in front of my colleagues, because it goes without saying that it is derogatory and that it’s just not a nice term [“rug munching”] to describe or refer to a lesbian as.”²³

[91] In cross-examination, the Subject Member Representative asked Constable K.D.-L. whether she had any interest in seeing the letter of apology that Sergeant Reid had drafted. She advised that she had no interest as it did not mean anything to her at this point.

Sergeant Reid

[92] Sergeant Reid testified on his own behalf. He began his testimony by stating that he has 22 years of service, most of which was served at various locations in Saskatchewan. In August of 2018, he was transferred to Parkland Detachment as a Watch Commander until February 2021, when he took a lateral transfer within the Detachment as the sergeant in charge of the plain-clothes section.

[93] Sergeant Reid testified that Constable K.D.-L. transferred to Parkland Detachment in December of 2019 and joined Watch 2 under his command. Based on her experience, he viewed

²¹ Transcript of October 3, 2023, at page 177, line 23, to page 178, line 4.

²² Transcript of October 3, 2023, at page 177, lines 10 to 14.

²³ Transcript of October 3, 2023, at page 180, lines 8 to 14.

her as a solid member who could become one of the acting corporals on his Watch. She was on Watch 2 until November 2020 when she won the position of Sexual Assault Reviewer.

[94] Sergeant Reid stated that, while Constable K.D.-L. was working for him, they had a friendly relationship and talked quite a bit at work. He stated that they were “cordial with each other, generally. There was never any, to my knowledge, any conflict between us.”²⁴

[95] Sergeant Reid explained that he tried to bond with all the members on his Watch and that joking around is one of the things he did. He stated that he joked around with Constable K.D.-L. and that “it’s shameful the way I talked to her, or the way we talked. Like, it was frankly embarrassing. It’s hard to digest her testimony yesterday.”²⁵

[96] Sergeant Reid acknowledged that the manner in which he chose to “bond” with his subordinates was clearly wrong and he should have known better.

[97] When questioned about the comments he is alleged to have made to Constable J.H., Sergeant Reid testified that he did not recall making them but that he believed her testimony and could not dispute making the comments. Again, he acknowledged it was wrong and that he should not have made those comments.²⁶

[98] Sergeant Reid testified that Constable D.M. was also a constable on Watch 2. He noted that they had a strained relationship because, operationally, he required assistance. He acknowledged that the manner in which he handled issues with Constable D.M. was not appropriate, that he let his frustration get the better of him.²⁷

[99] Sergeant Reid testified that he did not recall calling Constable D.M. a “retard” directly, but he recalled saying it about him. However, he acknowledged that even that was not appropriate.²⁸

[100] Sergeant Reid recalled that Constable D.M. confronted him about the manner in which he talked to him in front of others and asked that if he had issues, then he should address them with

²⁴ Transcript of October 4, 2023, at page 9, line 24, to page 10, line 1.

²⁵ Transcript of October 4, 2023, at page 10, lines 18 to 21.

²⁶ Transcript of October 4, 2023, at page 10, line 25, to page 11, line 3.

²⁷ Transcript of October 4, 2023, at page 13, lines 3 to 7.

²⁸ Transcript of October 4, 2023, at page 22, lines 3 to 8.

him in private. Sergeant Reid stated that, from that point on, he stopped making derogatory comments to Constable D.M. in front of his colleagues and that their relationship improved.²⁹

[101] The Subject Member Representative then addressed Constable R.L.'s testimony with Sergeant Reid. Sergeant Reid recalled that Constable R.L. approached him and stated something to the effect that she realized he and Constable K.D.-L. were just joking around; however, she questioned if he should be doing that. He remembered saying that they were friends.

[102] Sergeant Reid could not recall when he had the discussion with Constable R.L., but he believed he stepped back with respect to these comments to Constable K.D.-L. and "the joking around".³⁰

[103] Sergeant Reid testified that he was sent home on May 28, 2021, when Inspector L. advised him that there was a harassment complaint against him and that he was subsequently suspended in January 2022. Since being suspended, he has reread the Code of Conduct and the harassment policy; he stated that he is committed to being a positive role model going forward.

[104] Sergeant Reid stated that he was truly sorry for what he did to Constables K.D.-L., J.H. and D.M. He acknowledged that he failed them and Parkland Detachment.³¹

[105] During his cross-examination, Sergeant Reid acknowledged having had harassment and management training dating back to 2005 and as recently as February 2019.

[106] In addition, Sergeant Reid continued to maintain that he only remembered using the term "scissor sister" when speaking to Constable K.D.-L., but not the other terms. However, Sergeant Reid stated that he was not disputing using the terms as all the witnesses stated he did.

[107] Sergeant Reid also reiterated that he did not recall calling Constable D.M. a "retard" or "a fucking retard" to his face, he only recalled referred to him by those terms in front of his peers, in the bullpen.³²

²⁹ Transcript of October 4, 2023, at page 12, line 21, to page 14, line 12.

³⁰ Transcript of October 4, 2023, at page 18, lines 18 to 23.

³¹ Transcript of October 4, 2023, at page 26, line 22, to page 27, line 2.

³² Transcript of October 4, 2023, at page 44, lines 3 to 15.

[108] Additionally, he stated that he did not recall using the term “packie”, but, again, if all the witnesses recalled his using the term, he has no reason to dispute he did.³³

[109] At the conclusion of Sergeant Reid’s testimony, the Conduct Board asked him if the reason he did not recall any of the offensive terms he used, with the exception of “scissor sister”, was because that is just the way he always acted and spoke, at the time, to members in the Detachment. Sergeant Reid could not explain the reason except to say “it happened a long time ago”.³⁴

Applicable legal principles

[110] In their submissions for the conduct measures, the parties have referenced the *Ceyssens and Childs Report*,³⁵ which identifies five principles that serve as a foundation for the process of creating a fit conduct measure.

[111] The first principle articulated is “a conduct measure must fully accord with the purposes of the police complaint and discipline process”.³⁶ Furthermore, in the context of determining an appropriate sanction, these purposes are “the public interest, the RCMP’s interest as an employer; the subject-member’s interest to be treated fairly and, finally, the interests of those affected by the misconduct at issue”³⁷ (in this case, the three complainants or targeted junior members).

[112] Paragraph 36.1(e) of the *RCMP Act* refers to the second foundational principle articulated in the *Ceyssens and Childs Report*: corrective and remedial dispositions should prevail, where appropriate.

[113] The third foundational principle is the presumption that one should impose the least onerous disposition; however, this presumption will be displaced if the public interest or other specified considerations should prevail.

³³ Transcript of October 4, 2023, at page 47, lines 1 to 4.

³⁴ Transcript of October 4, 2023, at page 65, line 14, to page 66, line 10.

³⁵ Ceyssens, Paul and Childs, Scott, *Phase 1 – Final Report Concerning Conduct Measures and the Application of Conduct Measures to Sex-Related Misconduct under Part IV of the RCMP*, date February 24, 2022 [*Ceyssens and Childs Report*].

³⁶ *Ceyssens and Childs Report*, at page 17, paragraph 4.1.

³⁷ *Commanding Officer, “K” Division and Constable Ryan Deroche*, 2022 CAD 13, at paragraph 82.

[114] The fourth principle, as articulated by the Supreme Court of Canada and courts of appeal, is that a higher standard of conduct applies to police officers.³⁸

[115] Finally, the *Ceyssens and Childs Report* articulates that the fifth foundational principle is proportionality or parity of sanction.³⁹ This requires a conduct board to identify the “relevant proportionality considerations”; then assess whether the identified proportionality factors are mitigating, aggravating or neutral; and, finally, appropriately balance or weigh the identified relevant proportionality considerations.

[116] The *Conduct Measures Guide*, while not prescriptive, is intended to promote parity of sanction. However, it is a “guide” and it must be read in the context of evolving societal standards, as established by jurisprudence or applicable policies and legislation.

[117] Similarly, while I am not bound by prior conduct decisions, they can provide some guidance with respect to the appropriate range of sanctions for a particular category of behaviour.

Position of the parties

Conduct Authority

[118] The Conduct Authority Representative has reiterated that the Conduct Authority is seeking a direction for Sergeant Reid to resign from the RCMP, failing which he is to be dismissed.

[119] He began by reviewing the testimony of Constables R.L., K.D.-L., J.H. and D.M. The Conduct Authority Representative submitted that all four witnesses were engaged, balanced and credible; I agree.

[120] The Conduct Authority Representative submitted that a common theme that emerged from the testimony of all witnesses was the perception that RCMP management was not supportive of subordinates and the perception that the culture of the RCMP, the “old boys club”, will never

³⁸ *Montréal (City) v Quebec (Commission des droits de la personne et des droits de la jeunesse)*, 2008 SCC 48, at paragraphs 33 and 86.

³⁹ *Ceyssens and Childs Report*, at page 21, paragraph 7.1.

change. He submitted that this should be a key consideration in my analysis of the appropriate sanction.

[121] He noted that, despite Constable R.L.'s belief that nothing would change, when she was in an acting corporal role, she approached Sergeant Reid and expressed her concerns with the inappropriate comments he was making to Constable K.D.-L. When asked if her discussion with Sergeant Reid made a difference in the way he acted or spoke, she testified that there was no change of behaviour.

[122] The Conduct Authority Representative submitted that Sergeant Reid was given all the tools required to be an effective and respectful manager by the RCMP. He highlighted the fact that Sergeant Reid completed the *Canada Labour Code* Awareness course in 2005; Respectful Workplace in 2014 and again in 2019; Manager Development Program in 2019; and finally, Workplace Violence in 2020.

[123] Despite all of the training provided, Sergeant Reid failed to apply what he was taught. The Conduct Authority Representative submitted that this demonstrates that Sergeant Reid does not have rehabilitative potential. He was given the tools to be an effective manager yet disregarded what was learned.

[124] The Conduct Authority Representative drew my attention to the *Ceyssens and Childs Report* and the fact that it notes that women within the RCMP have been disproportionately exposed to harassment and sexual harassment. He highlighted the following passage of the *Ceyssens and Childs Report*:⁴⁰

[...] Misconduct that affects vulnerable persons or members of communities that traditionally suffer disproportionate exposure to harassment, sexual harassment or discrimination, should be viewed as particularly aggravating. For the past several decades, the RCMP has focussed on women [...] However, as the RCMP increases the diversity of it[s] members beyond its traditional cohort, and polices increasingly diverse communities, this factor must be expanded to include members of other communities. [...] Accordingly, any assessment of "seriousness" must involve an examination

⁴⁰ *Ceyssens and Childs Report*, at page 30, paragraph 11.12.

of the history of disproportionate exposure to sexual harassment, including LGBTQ2S+ persons [...].

[125] The Conduct Authority Representative pointed to Constable J.H.'s testimony wherein she stated that Sergeant Reid's actions not only affected her trust in the RCMP, but in men within the RCMP. She testified that she actively began to avoid Sergeant Reid. His actions were directly contrary to the positive onus on the RCMP to provide a safe workplace for its employees.

[126] The Conduct Authority Representative emphasized that Sergeant Reid has extensive policing experience and has been a supervisor for a number of years. He submitted that this should be viewed as both an aggravating and mitigating factor. At 20 years of service, Sergeant Reid should have known better.

[127] The Conduct Authority Representative asked that I consider not only the public interest, but the future environment of all employees who may, if Sergeant Reid is retained as a member, have to work with him.

[128] With respect to Constable K.D.-L., the Conduct Authority Representative submitted that Sergeant Reid took advantage of their friendship and exploited their initial good working relationship. He noted that Constable K.D.-L. did not speak out—she is able to confront clients, but not Sergeant Reid. As a defence mechanism, she, at times, joked with Sergeant Reid. However, this did not mean that she was a willing participant—and, in her own words, “she simply did not have the guts to confront him”. She was embarrassed, offended, felt disrespected and anxious.

[129] The Conduct Authority Representative questioned whether Sergeant Reid was truly remorseful and apologetic. He noted that when he challenged Sergeant Reid with respect to how he could possibly have made the comments he did after receiving extensive training, Sergeant Reid stated that, except for the expression “scissor sister”, he did not recall making the other comments. The Conduct Authority Representative implied that Sergeant Reid admitted the allegations and apologized simply to get to the end of the process.

[130] The Conduct Authority Representative submitted that seeking Sergeant Reid's resignation was not punitive. Rather, it is a recognition that the RCMP is changing, needs to change, and that

it requires non-commissioned officers who believe and support their employees, not act as bullies or harassers.

[131] He noted that the period or persistence of the harassment in this case constitutes an aggravating factor.

[132] The Conduct Authority Representative highlighted a passage from *Williams*,⁴¹ which states: “The reputation of the profession is more important than the fortunes of any individual member: Membership of a profession brings many benefits, but that is a part of the price.”

[133] He noted that the maintenance of public confidence and respect in the police service might mean that a high-ranking officer must be treated more severely than would a junior officer in similar circumstances.⁴²

[134] The Conduct Authority Representative then emphasized the profound impact that Sergeant Reid’s behaviour had on Constables K. D.-L., J.H. and D.M., and continues to have today.

[135] Finally, he opined that the facts of this case and the prolonged misconduct of Sergeant Reid went to the heart of the employment relationship between Sergeant Reid and the RCMP and that this relationship has been irreparably shattered.

Subject Member Representative

[136] The Subject Member Representative canvassed three prior conduct decisions.

[137] The first was a 2023 conduct board decision⁴³ where the subject member admitted to five allegations, one of discreditable conduct and four contraventions of section 2.1. He was found to have assaulted a female regular member, made discourteous comments and have harassed three regular members and one public service employee.

⁴¹ *R (on the application of Williams) v Police Appeals Tribunal (2016)*, [2016] EWHC 2708 (Admin) [Williams], at paragraph 42.

⁴² *Williams*, at paragraph 71.

⁴³ *Designated Level III Conduct Authority, “E” Division and Constable Corey Flodell*, 2023 CAD 05.

[138] In that case, prior to the conduct hearing, the parties submitted a *Joint Proposal on Conduct Measures*, which was accepted by the conduct board. The conduct measures imposed were: (a) a financial penalty of 15 days; (b) a forfeiture of 10 days of annual leave; (c) a transfer; (d) a direction to work under close supervision for one year; (e) a direction to draft written apology letters to the members and employee affected by his misconduct; and (f) a direction to undergo additional training with respect to workplace harassment.

[139] The next decision provided by the Subject Member Representative is a “Record of Decision” issued by the Commanding Officer of “K” Division in March of this year.⁴⁴ The Subject Member Representative was counsel for the subject member in that matter. The subject member in that case was found to have sexually harassed a female constable, whom he was mentoring. He forwarded in excess of 25 inappropriate videos, photos and links to the female constable, which included pornography and other graphic sexual content.

[140] The conduct measures imposed in this instance were 25 days of pay to be taken as 16 days of pay and 9 days of annual leave. In that case, the conduct authority found the following mitigating factors:

- The subject member had mental health issues during the time frame of the misconduct;
- The subject member accepted responsibility and admitted to his misconduct;
- The victim of the sexual harassment did not advise that the behaviour was unwelcome; and
- The misconduct was primarily while the subject member was off-duty.

[141] With all due respect to the conduct authority in that matter, I fail to see how the fact that the victim, a junior member under the authority of the subject member, did not object to the misconduct constitutes a mitigating factor.

[142] Finally, the Subject Member Representative provided the Conduct Board with a 2021 decision⁴⁵ issued by an arbitrator in a *Police Act*, RSA 2000, c P-17, complaint against an

⁴⁴ Corporal [S.K.], *Regimental Number 53719*, ACMT 202233642, dated March 28, 2023.

⁴⁵ *In the Matter of a Complaint against Reg. No. 2357, Det. Shane Faulkner under the Police Act, RSA 2000, c P-17*, dated July 8, 2021.

Edmonton Police Services detective. The subject member in that case faced three allegations of breaching the Edmonton Police Service Harassment in the Workplace Policy. The matter proceeded based upon an Agreed Statement of Facts and a Joint Submission on Penalty. The conduct measure imposed was a 60-hour suspension in pay and the completion of a course on gender equity.

[143] The Subject Member Representative submitted that when dealing with issues of sexual harassment, there is a spectrum that exists with incidents of sexual assault or actual touching at the most extreme and aggravated end of that spectrum and then minor one-time comments, at the lower end of the spectrum.

[144] He emphasized that people need to be allowed to take responsibility for serious errors in judgment and apologize, and still remain part of the organization. He noted that failing this, the approach to misconduct is simply punitive and does not allow for subject members to learn from their mistakes and move forward.

[145] Furthermore, he argued that if the RCMP, as an organization, cannot accept Sergeant Reid's unmitigated acceptance of what he did and his fulsome apology, it is closing the door for any member to make amends and demonstrate that they are capable of rehabilitation.

[146] The Subject Member Representative pointed to the testimony of Constable D.M. as evidence that Sergeant Reid has a strong rehabilitative potential in view of the fact that he altered his manner, tone and approach with Constable D.M. after being advised that his comments were demeaning, embarrassing and offensive.

[147] While acknowledging that the caselaw is clear that "victim blaming" for failing to speak up and report inappropriate conduct is not permitted, the Subject Member Representative submitted that a distinction needs to be drawn in the case of Constable K.D.-L. who failed to voice her objections to Sergeant Reid's offensive and crude sexual comments when she was approached by Constable R.L. He emphasized that there was a positive duty on all members to report potential harassment.

[148] The Subject Member Representative noted that, based on the Record before me, many members in the Detachment were of the opinion that the inappropriate exchanges between Sergeant Reid and Constable K.D.-L. were “consensual” between a supervisor and a subordinate, despite the power imbalance. Furthermore, he submitted that the inappropriate exchanges “did not appear to be malicious”.

[149] In the Subject Member Representative’s words, I need to consider the totality of the evidence and the opportunity that was clearly given to Constable K.D.-L. to say something if she was concerned about Sergeant Reid’s comments and behaviour.⁴⁶

[150] The Subject Member Representative asked me to infer that if Constable K.D.-L. had said something to Constable R.L., Sergeant Reid’s misconduct could have been addressed at that point.

[151] He noted that Parkland Detachment management acted appropriately when the complaint against Sergeant Reid became known in May 2021 in that Inspector M.L. immediately sent Sergeant Reid home.

[152] In constructing fit conduct measures, the Subject Member Representative emphasized foundational principles 2 and 3: the measures need to be remedial and corrective where appropriate; and, the presumption that the least onerous disposition should be imposed.

[153] He noted the following aggravating factors:

- one of the established allegations is a sexual harassment allegation;
- that the subject member in this case is a sergeant in a leadership position; and
- that the misconduct is not an isolated incident, the harassment was ongoing over an extended period of time.

[154] The mitigating factors proposed by the Subject Member Representative are as follows:

- Sergeant Reid accepted responsibility;
- Sergeant Reid acknowledged the misconduct, which had the effect of disposing of a full-blown contested hearing;

⁴⁶ Transcript of October 4, 2023, at page 119, line 5, to page 120, line 3.

- He provided a fulsome apology and is remorseful;
- Sergeant Reid has a good work record;
- He has a letter of support from his line officer, Inspector K.M.;
- Sergeant Reid has a good potential to be rehabilitated and there is minimal likelihood of the behaviour being repeated.

[155] The Subject Member Representative submitted that there is no decision and no precedent from any conduct board where there has been an apology and acceptance of responsibility by the subject member, and where the conduct measure imposed was dismissal.

[156] As a proposed conduct measure, the Subject Member Representative submitted that a demotion to the rank of corporal, or even constable, would be appropriate. He noted that Inspector K.M. opined that Sergeant Reid still has significant value added to the organization as a non-commissioned officer. Finally, as an additional conduct measure, he proposed a transfer to another detachment that would not involve Sergeant Reid's need to relocate his personal residence in view of the fact that his spouse is also a serving member.

Decision on conduct measures

[157] I will begin my analysis by setting out the appropriate range of measures and then go through the mitigating, aggravating, and neutral considerations relevant in this case. Finally, I will briefly set out how I have weighed those factors and balanced the interests of the public, the RCMP, the subject member and the victims, in arriving at my decision.

Range of conduct measures

[158] With respect to the appropriate range, I have considered counsels' submissions as well as the case law they presented in support of their position. I find that the appropriate range for a sanction in this case, which involves sexual harassment and harassment over a period of a year and a half, is a forfeiture of pay of 45 days or more, in combination with other conduct measures, including demotion, a direction to resign or outright dismissal.

Mitigating factors

[159] I note that mitigating factors do not constitute a justification or an excuse for the misconduct; but, in fairness to the subject member, these may be taken in consideration to reduce the severity of the sanction imposed in order to appropriately deal with the misconduct.

[160] Sergeant Reid has no prior discipline, nor negative performance logs or negative comments on any of the performance evaluations submitted to me. To the contrary, and as evidenced the reference letter of his superior, Inspector K.M., reports on him as being experienced and well trained with a strong work ethic.

[161] The Subject Member Representative submitted that the fact that Sergeant Reid has accepted responsibility, admitted to the allegations, and acknowledged the misconduct is a mitigating circumstance. I note that these are all facts; however, I also note that Sergeant Reid did not do so at the first available opportunity. He did so one week before the start of the conduct hearing. Nevertheless, I accept the submission that this represents a mitigating factor.

[162] Sergeant Reid wrote three letters of apology to the victims of his harassment, which were entered as exhibits. The Subject Member Representative submitted that these were fulsome, represented a level of maturity on the part of Sergeant Reid, and evidenced remorse. The Conduct Authority Representative, on the other hand, questioned the genuineness of the apologies. I also note that none of the three members impacted by Sergeant Reid's misconduct was willing to receive these apologies.

[163] I accept that the letters of apology represent a mitigating factor and a recognition that his behaviour was totally unacceptable.

[164] Sergeant Reid also has the support of his line officer as evidenced by Inspector K.M.'s letter of reference. This constitutes a mitigating factor although I have attributed minimal weight to it in light of the seriousness of the misconduct, which occurred while on-duty and which contradicts the assertion that Sergeant Reid is a "good" non-commissioned officer.

[165] The Subject Member Representative has submitted as an additional mitigating factor that fact that Sergeant Reid has demonstrated a good potential to be rehabilitated and there is minimal

likelihood of the behaviour being repeated. He relied on the fact that after being confronted by Constable D.M., Sergeant Reid altered his approach with him.

[166] On that point, I note that the evidence of Constable R.L., who approached Sergeant Reid with her concerns with respect to his inappropriate and sexualized comments, was that his behaviour did not change after their discussion. I recognize that Sergeant Reid testified that, in fact, he did modify his behaviour. However, if that was true, then it begs the question as to why, in May 2021, sometime after the discussion with Constable R.L., subordinate members at Parkland Detachment felt the need to approach Inspector M.L. to report his behaviour.

[167] I accept Constable R.L.'s evidence that, subsequent to her intervention, Sergeant Reid did not alter his behaviour. Consequently, I do not accept that Sergeant Reid has demonstrated a good potential to be rehabilitated.

[168] Finally, having said this, Sergeant Reid's recognition that he failed in his role and responsibilities as a sergeant and that his comments were completely improper, inappropriate and offensive leads me to believe that there is a minimal likelihood of recidivism. This is a mitigating factor.

Aggravating factors

[169] I note that aggravating factors are any circumstances attending to the commission of the misconduct that increases its guilt or enormity or adds to its injurious consequences. In the present case, I have identified several of those factors.

[170] From the outset is the seriousness of the misconduct. Sergeant Reid has 22 years of service and has received extensive training between 2005 and 2020 with respect to creating and maintaining a respectful workplace. As submitted by the Conduct Authority Representative, Sergeant Reid was given all the tools to be an effective and respectful manager; yet, he failed to apply this training. It is inconceivable to me that he did not realize that the crude and sexualized comments he made were inappropriate in the workplace.

[171] I also note that, regarding the sexual harassment, it was misconduct that affected and was directed to two subordinates who are part of the 2SLGBTQI+ community. This adds to the seriousness of the misconduct.

[172] Another aggravating factor is that Sergeant Reid's behaviour and comments towards Constables K.D.-L., J.H. and D.M. demonstrated a total lack of respect.

[173] Additionally, Sergeant Reid is a senior non-commissioned officer, with 20 years of service at the time. He was in a position of authority, should have been a role model for his subordinates, setting the tone of what was appropriate in RCMP workplaces. In other words, he should have known better.

[174] I agree with the comments found in *Williams*⁴⁷ submitted by the Conduct Authority Representative: rank and long service carry with them responsibility. The maintenance of public confidence and respect in the police service does mean that senior officers and non-commissioned officers must face stricter or harsher consequences than would a junior officer in similar circumstances.

[175] The fact that the behaviour occurred over an extended period, repeatedly, almost daily according to the Record and the evidence of all witnesses, is also an aggravating factor.

[176] The most significant aggravating factor in this case is the lasting adverse psychological and emotional impact that this misconduct had on the three junior subordinates—Constables K.D.-L., J.H. and D.M.

Analysis

[177] Deterrence is of particular importance in this case, not only as a warning to other members, but also as insurance that this inappropriate and unacceptable behaviour will not be repeated in the future. The need for specific deterrence becomes even more acute when the perpetrator of the contravention is someone in a position of trust and authority, like Sergeant Reid.

⁴⁷ *Williams*, at paragraph 71.

[178] Although some mitigating factors were accepted, I find that they are not strong enough to counter the seriousness of the misconduct such as to reduce the ultimate sanction that I feel necessary, considering the sexual nature of the misconduct in some instances and the power imbalance between Sergeant Reid and the subordinate constables under his authority.

[179] I find it inconceivable and incredible that Sergeant Reid “does not recall” routinely using the expressions “rug munching”, “eating tacos”, etc., over the extended period of at least one year.

[180] Furthermore, Sergeant Reid has been provided with all of the available training to ensure that he was equipped to foster a respectful and safe workplace; and yet, he was unable to discharge his responsibilities properly.

[181] I acknowledge that there is a presumption that one should impose the least onerous disposition, unless displaced by public interest. In the present case, I find that the presumption is displaced.

[182] Members of the public would be appalled to discover that senior RCMP non-commissioned officers, who are entrusted with management responsibilities of detachments and junior police officers across this country, still treat and speak to individuals in the workplace in such an inappropriate manner.

[183] There is no excuse, in this day and age, to tolerate this type of behaviour in any workplace, let alone a police detachment entrusted with serving a diverse community with respect, tolerance and devoid of preconceived judgmental opinions or beliefs based on that diversity.

[184] Sergeant Reid’s misconduct is serious and goes to the heart of the employer-employee relationship and the public’s expectation of police officers in their dealings with members of diverse communities. His misconduct breaches and jeopardizes all of the efforts the RCMP has made to ensure a safe, secure and harassment-free environment for its employees.

[185] There can no longer be acceptance or tolerance of this type of misconduct, which shatters the trust of employees in their employer, the RCMP.

[186] I find that, through his misconduct, Sergeant Reid has repudiated several of the essential core values of the Force. His actions constitute a fundamental breach of the public trust and a renunciation of his obligations as a member of the RCMP.

[187] Given the nature of the established allegations, I simply cannot justify retaining Sergeant Reid as a member of the RCMP.

CONCLUSION

[188] Having found the allegations established and in accordance with paragraph 45(4)(b) of the *RCMP Act*, I direct Sergeant Reid to resign from the Force within 14 days, in default of which he is to be dismissed.

[189] Either party may appeal this decision by filing a statement of appeal with the Commissioner within the limitation period set out in subsection 45.11 of the *RCMP Act*, and in accordance with the rules contained in the *Commissioner's Standing Orders (Grievances and Appeals)*, SOR/2014-289.

Louise Morel
RCMP Conduct Board

November 17, 2023
Date