

Publication ban: Any information that could identify the Complainant or Constable X in the present decision shall not be published, broadcast or transmitted in any way.



**ROYAL CANADIAN MOUNTED POLICE**

in the matter of  
a conduct hearing held pursuant to the  
*Royal Canadian Mounted Police Act*, RSC, 1985, c R-10

Between:

**Designated Conduct Authority for “E” Division**

(Conduct Authority)

and

**Constable Shaun Miranda**  
Regimental Number 64056

(Subject Member)

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**CONDUCT BOARD DECISION**

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John MacLaughlan and Amie Watson

(Conduct Authority Representatives)

Danielle Ching McNamee

(Subject Member Representative)

**CONDUCT BOARD:** Colin Miller

**DATE:** September 9, 2025

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## SYNOPSIS

Constable Shaun Miranda was served with a *Notice of Conduct Hearing*, which contains one allegation under section 7.1 of the RCMP Code of Conduct. He is alleged to have forcibly kissed the Complainant without her consent and to have made inappropriate comments of a sexual nature to another co-worker, which, if established, amount to discreditable conduct.

On August 21, 2025, after having heard from six witnesses, including Constable Miranda, the Conduct Board issued an oral decision, in which the Allegation was found to be established.

On August 22, 2025, the Conduct Board provided an oral decision on conduct measures, directing for Constable Miranda to resign within 14 days or be dismissed.

## INTRODUCTION

[1] On December 18, 2023, Constable D.A. reported that the Complainant, a new employee at the Detachment, was sexually assaulted by Constable Shaun Miranda on November 24, 2023.

[2] On December 21, 2023, pursuant to subsection 40(1) of the *Royal Canadian Mounted Police Act*, RSC, 1985, c R-10 [*RCMP Act*], an RCMP Code of Conduct investigation was mandated into Constable Miranda's actions. The *Conduct Investigation Mandate Letter* was served on Constable Miranda on January 8, 2024.<sup>1</sup>

[3] On September 24, 2024, the Conduct Authority signed a *Notice to the Designated Officer*, requesting the initiation of a Conduct Hearing. On October 9, 2024, I was appointed as the Conduct Board pursuant to subsection 43(1) of the *RCMP Act*.

[4] The *Notice of Conduct Hearing* was signed by the Conduct Authority on December 24, 2024, and served on Constable Miranda on January 3, 2025, along with the investigation package.

[5] On March 18, 2025, Constable Miranda provided his response to the *Notice of Conduct Hearing*, pursuant to subsection 15(3) of the *Commissioner's Standing Orders (Conduct)*, SOR/2014-291. He admitted some of the Particulars but denied the Allegation.

[6] On August 18, 2025, the Conduct Hearing began.

[7] On August 21 and 22, 2025, after having heard from six witnesses, including Constable Miranda, I delivered my oral decision on the Allegation and on the conduct measures, respectively.

[8] This written decision incorporates and further explains those oral decisions.

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<sup>1</sup> On January 19, 2024, the Conduct Authority signed an *Amended Conduct Investigation Mandate Letter* changing the conduct investigator assigned to the file. The *Amended Conduct Investigation Mandate Letter* was served on Constable Miranda on January 24, 2024.

## **Publication ban**

[9] In accordance with paragraph 45.1(7)(a) of the *RCMP Act*, I order that any information that could identify the Complainant or Constable X shall not be published, broadcast or transmitted in any document or in any other way.

[10] The Allegation and its Particulars have been amended to reflect this publication ban.

[11] At the beginning of the Conduct Hearing, the Conduct Authority Representatives expressed Corporal A.F.'s desire to have the publication ban extended to her as well. They noted the sexualized and disparaging nature of the comment that Constable Miranda had allegedly made to her. The Subject Member Representative argued that since Corporal A.F. was not a victim, it would be a discretionary ban, which would dilute the significance of its imposition.

[12] Noting Corporal A.F.'s reaction to Constable Miranda's comment—that she hardly remembered it and thought nothing of it, which was captured in her statement—I declined to extend the publication ban to protect her identity.

## **ALLEGATION**

[13] The *Notice of Conduct Hearing* reads as follows:

**Allegation 1:** On or about November 24, 2023, at or near [redacted], in the Province of British Columbia, Constable Shaun Miranda engaged in discreditable conduct, contrary to section 7.1 of the RCMP Code of Conduct.

### **Particulars for Allegation 1:**

1. At all material times, [Constable Miranda] was a member of the Royal Canadian Mounted Police ("RCMP") posted to "E" Division in the Province of British Columbia.
2. On or about [November 24, 2023], at or near the City of [redacted] in the Province of British Columbia, [Constable] Miranda attended a residential Christmas work party hosted at the residence of [Constable D.R.] and [Constable D.A.].
3. [The Complainant] — attended the above-noted party with her fiancé, [Constable X]. [Constable Miranda was] aware of their relationship.
4. In the course of the evening, [Constable] Miranda observed [the Complainant] exiting from the basement washroom. At that time,

[Constable] Miranda pushed [the Complainant] back into the washroom and forced an unwanted kiss upon her lips. [Constable] Miranda put his tongue inside [the Complainant's] mouth.

5. [Constable] Miranda's physical contact with [the Complainant] was unwanted and improper.
6. [Constable] Miranda undertook the roles of bartender and designated driver for fellow party attendees that night.
7. [Constable] Miranda was drinking alcohol that night.
8. [Constable] Miranda repeatedly supplied [the Complainant] with alcoholic beverages that night.
9. [Constable] Miranda also supplied attendee [Corporal A.F.] with one or more alcoholic beverages that night.
10. [Constable H.D.] – also [Constable] Miranda's spouse – was on duty, but stopped by the party and provided [Constable] Miranda with an Approved Screening Device. [Constable] Miranda registered a blood alcohol concentration ("BAC") of ~40 mg of alcohol per 100 ml of blood.
11. [Constable] Miranda drove the following people home from the party:
  - [Corporal A.F.]
  - [Constable X]
  - [The Complainant]
  - [Constable I. P-L.]
  - [Mr. G.L. and Ms. C.L.]
12. In the context of that drive, [Constable X] asked [Constable] Miranda if he was going to drop off [Corporal A.F.] first. [Constable] Miranda responded that [Corporal A.F.] "can come to [redacted] with us, maybe I can get some road head on the way back" or words to that effect.
13. [Constable] Miranda subsequently admitted that he made such commentary, and further that this type of comment "would have been one that [he] probably made 100 times to [Corporal A.F.]."
14. Once [the Complainant] and [Constable X] returned to their home, the Complainant disclosed [Constable] Miranda's improper actions at the party.
15. In the weeks that followed, [Constable] Miranda encountered [the Complainant] in a work setting and made further unwanted physical contact with her. This included tapping her arm and pulling on her vest and/or work attire.
16. On or about [December 16, 2023], at approximately 8:30 p.m., [Constable] Miranda was sitting in a police vehicle in the "well" parking

lot of the [redacted] RCMP Detachment. [Constable X] confronted him about the incident at the party.

17. During this December 16th interaction, [Constable] Miranda conveyed to [Constable X] that:

- He entered the washroom with [the Complainant];
- He did “grab her aside”;
- He was concerned about a perceived argument between [Constable X] and [the Complainant];
- He kissed [the Complainant] on the cheek;
- He was not drinking and was sober; and
- [The Complainant] was “giving it out that night”.

18. [Constable X] made a recording of the above-noted interaction. That recording was later obtained pursuant to an *RCMP Act* warrant.

19. When [Constable X] asked [Constable] Miranda why he would kiss [the Complainant], [Constable] Miranda responded that “she was handing it out” and that he was trying to make her feel “less uncomfortable with the situation”.

20. [Constable] Miranda conducted himself in a manner that is likely to discredit the RCMP, contrary to Section 7.1 of the *RCMP Code of Conduct*.

### Standard of proof

[14] Subsection 45(1) of the *RCMP Act* requires that the “balance of probabilities” standard of proof be applied in adjudicating alleged contraventions of the Code of Conduct. This requires a determination on whether it is more likely than not that the alleged acts or omissions occurred.

[15] The Supreme Court of Canada provides the following guidance:

[46] [...] evidence must always be sufficiently **clear, convincing and cogent** to satisfy the balance of probabilities test. [...] <sup>2</sup> [Bold added]

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<sup>2</sup> *F.H. v McDougall*, 2008 SCC 53 [*McDougall*], at paragraph 46.

## Credibility and reliability

[16] At the allegations phase of the Conduct Hearing, I heard testimony from Corporal A.F., Constable D.A., Constable D.R., Constable X, the Complainant and Constable Miranda. When assessing this evidence on a balance of probabilities, the totality of the evidence must be considered and used to make findings of credibility. In the present case, findings of credibility and reliability are determinative of the outcome.

[17] On this point, the Supreme Court of Canada states:

[86] [...] finding the evidence of one party credible may well be conclusive of the result because that evidence is inconsistent with that of the other party [...]<sup>3</sup>

[18] Although I am guided by a number of authorities,<sup>4</sup> I believe that the Court of Appeal for British Columbia effectively summarizes the principles of how to assess credibility and reliability:

[...]

The credibility of interested witnesses, particularly in cases of conflict of evidence, cannot be gauged solely by the test of whether the personal demeanour of the particular witness carried conviction of the truth. The test must reasonably subject his story to an examination of its consistency with the probabilities that surround the currently existing conditions. In short, **the real test of the truth of the story of a witness in such a case must be its harmony with the preponderance of the probabilities which a practical and informed person would readily recognize as reasonable in that place and in those conditions.** Only thus can a Court satisfactorily appraise the testimony of quick-minded, experienced and confident witnesses, and of those shrewd persons adept in the half-lie and of long and successful experience in combining skilful exaggeration with partial suppression of the truth. [...] [Bold added]<sup>5</sup>

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<sup>3</sup> *McDougall*, at paragraph 86.

<sup>4</sup> *R. v R.E.M.*, 2008 SCC 51, at paragraph 65; *McDougall*, at paragraph 58.

<sup>5</sup> *Faryna v Chorny*, [1952] 2 DLR 354, at page 357.



*Corporal A.F.*

[19] Corporal A.F. attended the party with Constable Miranda and works at the same Detachment. With respect to her testimony, I found her to be credible and generally reliable. At times during her testimony, given her consumption of alcohol at the party, she could not recall some details or required prompting. However, she testified in a forthright manner. Consequently, I accept her evidence regarding the events that she witnessed at the party and during the drive home.

*Constable D.A.*

[20] Constable D.A. also works at the same Detachment as Constable Miranda. She and her spouse, Constable D.R., hosted the party where the alleged sexual assault occurred. I found her testimony to be credible and reliable. She was emotional in her testimony and spoke to her obligations as a police officer, which compelled her to report the Allegation. Additionally, she spoke to the expectations placed on all police officers and the sense of violation that she felt, knowing that this incident took place inside her home. I find her testimony was honest and sincere. Accordingly, I accept her evidence.

*Constable D.R.*

[21] Constable D.R. hosted the party with his spouse, Constable D.A., and was a very close friend of Constable Miranda. I found Constable D.R. to be a credible and reliable witness. He testified to the general events of the evening as he had not observed the incidents forming the gravamen of the Allegation. He testified to the information that he received from Constable D.A., Constable X and the Complainant about the alleged sexual assault. He also spoke of his relationship with Constable Miranda, stating that they had been so close that they were like brothers.

[22] Constable D.R. testified in a direct fashion, though at times, I found him to be argumentative with the Subject Member Representative. However, his evidence was consistent with that of the other witnesses and was not embellished. Hence, I accept his evidence.

*Constable X*

[23] The Subject Member Representative asserted that Constable X, the Complainant's fiancé, is not reliable because he lacks credibility. She referenced the surreptitious nature of the recording he made of his confrontation with Constable Miranda and his failure to disclose the existence of that recording to the conduct investigator. She suggested that it was Constable X's attempt to control the narrative.

[24] The Subject Member Representative also focused on Constable X's failure to report the alleged sexual assault, noting that he was duty-bound to report it. She contrasted his response in that regard to that of Constable D.A. She opined that Constable X did not report the incident in the washroom because it did not happen.

[25] Generally, I found that Constable X testified in a straightforward manner. He, too, spoke of his close relationship with Constable Miranda and his sense of betrayal when he learned of Constable Miranda's conduct with the Complainant. Though I accept that he did not disclose the recording earlier because he made it to protect himself as opposed to using it for evidentiary purposes, his suggestion that he did not initially recognize its relevance to the conduct process seems unlikely.

[26] With respect to his failure to report the alleged sexual assault, I found that his explanation as to the weighing of the interests of his fiancée, who did not want the incident reported, and his obligation to the RCMP to make sense.

[27] During cross-examination, I found his answers to be a little curt, only providing short, direct answers to the questions posed. However, his version of the events was corroborated by other witnesses or the recording. Consequently, I found him credible and reliable.

*Complainant*

[28] The Complainant is not an RCMP member but another category of employee. She had just begun working at the Detachment at the time the alleged sexual assault occurred. She attended the party hosted by Constables D.A. and D.R. with her fiancé, Constable X.

[29] The Subject Member Representative raised two specific issues regarding the Complainant's testimony. First, she argued that the Complainant cannot be believed because she is not reliable. The Subject Member Representative asserted that due to the Complainant's level of intoxication and the admissions that she made with respect to the diminishing effects of alcohol, her evidence is unreliable although she may be trying to be truthful.

[30] Second, the Subject Member Representative suggested that the events that were recounted by the Complainant were inadvertently tainted by her conversations with others. She argued that, through her recounting of the details with Constables D.A., D.R. and X, the Complainant may have adopted their words, such as the reference to Constable Miranda's tongue, resulting in inadvertent collusion.

[31] Consequently, the Subject Member Representative argued that the Complainant's evidence should be rejected.

[32] With respect to the Complainant, I found her evidence to be credible; however, there were some reliability issues. Due to the amount of alcohol that she consumed throughout the evening, her recollection of the party was impaired. I found that she testified in a forthright way, even agreeing with the Subject Member Representative when suggestions were proposed that were not to her benefit. However, when it came to the events that took place in the washroom, she was steadfast in her account. Consequently, I accept her evidence.

[33] Regarding the suggestion that there had been inadvertent collusion, there was no evidence to suggest that the Complainant had adopted the conclusions of other witnesses or had been unduly influenced by them. Therefore, I dismiss this argument.

#### *Constable Miranda*

[34] The Conduct Authority Representatives argued that I should form a negative assessment on the credibility of Constable Miranda. They noted the lack of corroboration of Constable Miranda's assertion that there were relationship issues between the Complainant and Constable X, which led to Constable Miranda's intervention. They also asserted that Constable Miranda's

suggestion that he and the Complainant discussed multiple topics, including their weddings, in 5 to 10 seconds does not make sense.

[35] The Conduct Authority Representatives also pointed to the inconsistencies between Constable Miranda's testimony and the statement that he had provided during the investigation, such as the amount of alcohol he had to drink, the use of his right palm to guide the Complainant into the washroom and the timing of a comment that he said that Constable X had made at the party.

[36] The Conduct Authority Representatives suggested that Constable Miranda was "trying to find a narrative that explains away the credible story that [the Complainant] has told". They argued that Constable Miranda had a "glaring motive to lie"—to preserve his career, marriage and reputation.

[37] In relation to Constable Miranda, I found that he testified in a clear but unsteady fashion. At times, he appeared to search for answers. While he was present for the events in question and not significantly impaired, the inconsistency and unreasonableness of his answers, led me to find him neither credible nor reliable.

[38] I will detail specific issues with respect to the testimony of the Complainant and Constable Miranda during my analysis of the Allegation.

### **Analysis**

[39] As previously outlined, the burden is on the Conduct Authority to establish the Allegation on a balance of probabilities. Practically speaking, this means that I must find that the Conduct Authority has established that it is more likely than not that Constable Miranda has contravened section 7.1 of the Code of Conduct.

[40] The test to establish an allegation of discreditable conduct under section 7.1 of the Code of Conduct requires that the Conduct Authority prove the following elements on a balance of probabilities:

- a) the identity of the member who is alleged to have committed the acts;
- b) the acts that constitute the alleged behaviour;

- c) that the member's behaviour is likely to discredit the RCMP; and
- d) that the behaviour is sufficiently related to the member's duties and functions as to provide the RCMP with a legitimate interest in disciplining them.

*Identity of member*

[41] The identity of Constable Miranda as the member alleged to have committed the acts as set out in the *Notice of Conduct Hearing* is not contested. Therefore, the first element of the test is established.

*Acts constituting alleged behaviour*

[42] The incidents, alleged to have occurred on November 24, 2023, are that Constable Miranda sexually assaulted the Complainant and made inappropriate sexual comments in reference to Corporal A.F.

[43] The Allegation consists of 20 Particulars. Although Constable Miranda has admitted to some of the Particulars, the substantive elements needed to make a finding on the Allegation are contested.

[44] Given that the gravamen of the Allegation is the conduct alleged in Particular 4 and that the conclusions in Particular 5 are drawn from that alleged conduct, I will summarily address the other Particulars before focusing on Particulars 4 and 5 and providing my conclusion with respect to Particular 20.

***Particulars 1, 2, 3, 7, 11 and 16***

[45] These Particulars are not contested and were admitted by Constable Miranda in his Response to the Allegation and confirmed during his testimony. These Particulars were also corroborated by other witnesses at the Conduct Hearing. Accordingly, Particulars 1, 2, 3, 7, 11 and 16 are established.

***Particular 6***

[46] It is clear from the testimony of all the witnesses, including Constable Miranda, that he performed the role of bartender during the Christmas party and that, following the party, he acted as a designated driver for some of the attendees. Accordingly, Particular 6 is established.

***Particular 8***

[47] Both the Complainant and Constable Miranda testified that he had provided her with alcoholic beverages during the party. Constable Miranda testified that he had refilled the Complainant's rum and coke on at least three occasions, in addition to serving her the beverages that she had brought to the party. Therefore, Particular 8 is established.

***Particular 9***

[48] All the witnesses, including Constable Miranda, testified that he assumed a position behind the bar and was making drinks for the other guests. Corporal A.F. testified that Constable Miranda made her drinks. Although Constable Miranda did not specify making drinks for Corporal A.F., he testified that he made drinks upon request and offered to replenish those that had been consumed. Accordingly, I conclude that he made drinks for Corporal A.F. Hence, Particular 9 is established.

***Particular 10***

[49] Corporal A.F., Constable D.R. and Constable Miranda all testified that Constable H.D. stopped by the party, bringing an approved screening device with her. They all testified to providing a breath sample and confirmed that Constable Miranda registered a BAC of approximately 40 mg of alcohol in 100 ml of blood. Therefore, Particular 10 is established.

***Particular 12***

[50] Constable X testified that he asked if Constable Miranda was going to drop off Corporal A.F. first and that Constable Miranda replied that "she can come to [redacted] with us, maybe I can get some road head on the way back". Corporal A.F. testified that she did not initially

recall this comment being made. She later only had a vague recollection of it being said but did not give it much thought, as it was not unusual for Constable Miranda to make comments or jokes of that nature. In his testimony, Constable Miranda admitted to making the comment but explained that he only meant it as a joke between friends. Hence, I find that Particular 12 is established.

***Particular 13***

[51] In Constable Miranda's February 28, 2024, statement to the conduct investigator,<sup>6</sup> he stated "that would have been a comment [referring to "road head"] I've made but it would be one that I've probably made a hundred times to [Corporal A.F.]." Furthermore, during his testimony at the Conduct Hearing, Constable Miranda confirmed that he would regularly make what could be considered inappropriate jokes to Corporal A.F. Therefore, Particular 13 is established.

***Particular 14***

[52] Both the Complainant and Constable X testified that, upon arrival at Constable X's residence, the Complainant disclosed that Constable Miranda kissed her at the party. While the Complainant could not recall the exact details she disclosed at that time to Constable X, other than "Shaun kissed me", Constable X testified that the Complainant stated that she used the washroom, and upon exiting, Constable Miranda placed his hands on her shoulders, put his tongue in her mouth and began kissing her. Constable X also testified that she told him that she pushed Constable Miranda away and went back to the party. Accordingly, Particular 14 is established.

***Particular 15***

[53] While both the Complainant and Constable Miranda recalled each of the events described in this Particular, their versions differed.

[54] On one occasion, the Complainant describes sitting in the office, working on a computer, when Constable Miranda approached her from behind and picked her up by her vest. Constable Miranda acknowledged seeing the Complainant in the office but denied picking her up by the vest, stating that it would be impossible. It was not clearly articulated by the Complainant whether this

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<sup>6</sup> Constable Miranda's statement to the conduct investigator, dated February 28, 2024, at lines 254 to 256.

pulling of the vest resulted in the Complainant leaving the ground or simply being elevated. Regardless, I have difficulty with Constable Miranda's stating definitively that it would be impossible and prefer the version given by the Complainant.

[55] In relation to the other event captured in this Particular, the Complainant and Constable Miranda provided a similar account. However, where the Complainant testified that Constable Miranda was tapping her arm, Constable Miranda stated, rather unconfidently, that he did not believe that he had done this. Given the discrepancy of apparent assurance in their responses, I prefer that of the Complainant. Consequently, Particular 15 is established.

***Particular 17***

[56] While this Particular does not capture all the details that Constable Miranda provided during the December 16, 2023, interaction with Constable X, each of the points set out were confirmed by Constable Miranda during his testimony at the Conduct Hearing and are captured in the recording. As such, Particular 17 is established.

***Particular 18***

[57] It is uncontested that Constable X recorded his interaction with Constable Miranda and that the recording was seized pursuant to a warrant during the conduct investigation. That recording was discussed during each of their testimonies and was played during Constable X's testimony. Moreover, the recording was disclosed to the Conduct Board and forms part of the evidentiary record before me. Hence, Particular 18 is established.

***Particular 19***

[58] The recording made by Constable X clearly captures Constable Miranda stating that the Complainant was "handing it out" and that he was trying to make her feel "less uncomfortable with the situation". Constable X and Constable Miranda both spoke to this exchange during their testimonies, and Constable Miranda did not contest the words he used. Consequently, Particular 19 is established.



***Particular 4***

[59] As I indicated at the outset of my analysis on the Particulars, the basis of the Allegation is what took place in or around the basement washroom of Constable D.A.'s and Constable D.R.'s house at their Christmas party on November 24, 2023.

[60] The Complainant testified that she had gone to use the washroom and, upon opening the door on her way out, Constable Miranda was standing right in front of it, which startled her. She stated that he stepped into her, put his hands on her upper biceps area and pushed her back towards the sink. He kissed her on the lips and stuck his tongue in her mouth. Panicked, she pushed him away, left the washroom and went back to the bar. She stated that the incident lasted only seconds, that the door was wide open and that no words were exchanged between them. In cross-examination, she was unequivocal, stating that she knew exactly what happened in the washroom and had no doubt that Constable Miranda had put his tongue in her mouth.

[61] The Complainant testified that she did not say anything about the alleged sexual assault because she did not want to start a fight or disrupt the party. When questioned as to whether she hugged and kissed Constable Miranda at the party, the Complainant testified that she has never hugged Constable Miranda nor kissed him on the cheek.

[62] Constable Miranda testified that he had noticed the dynamic between the Complainant and Constable X over the course of the evening and was concerned that they may be having issues.

[63] Constable Miranda testified that, in the middle to later in the evening, he needed to use the washroom. Since it was in use, he waited by the door. When the door opened, he saw that it was the Complainant.

[64] Constable Miranda stated that the Complainant was going to step out of the door when she acknowledged him. He explained that it was their first one-on-one meeting during the party and first since his wedding. She asked the whereabouts of his wife and proceeded to tell him how much fun she had at their wedding. Since the Complainant and Constable X were engaged, Constable Miranda enquired with respect to their wedding plans. He stated that it was a social conversation lasting 5 to 10 seconds.

[65] At that point, Constable Miranda remembered thinking about the Complainant and Constable X and the dynamic that he had observed, so he took this opportunity to speak with her. Since it was a personal conversation that he did not want to bring up in a loud social setting with people around, he put his hand on her shoulder or back to guide her into the washroom. He stated that they “stepped not even a foot into the washroom” and that he asked the Complainant if she and Constable X were okay. She replied that they were good and then put her arms above Constable Miranda’s shoulders and gave him an appreciative hug. He contends that he reciprocated by putting his hands around her back.

[66] Constable Miranda testified that the hug lasted a few seconds, and he does not recall who broke the embrace, but it lasted a second or two too long and felt awkward. The Complainant then gave him a kiss on his right cheek, which he reciprocated due to not knowing what to do. He stated that they both stepped out of the washroom at the same time and that the Complainant went back to the party, while he stood in the hallway thinking about what had just taken place.

[67] Constable Miranda denied pushing her into the washroom, kissing her on the lips, or forcing his tongue in her mouth.

[68] While acknowledging that she was intoxicated and expressing her agreement that alcohol consumption can have negative effects on perception and memory, the Complainant provided a clear account of what took place in the washroom. She testified in a direct and forthright manner. Her testimony is strengthened by the story she recounted to Constable X upon being dropped off at his residence. Though she was intoxicated and does not recall every detail of what took place during the party and ride home, there is no evidence to suggest that she could not comprehend the nature of Constable Miranda’s actions. Certainly, an incident such as this would stand out. Hence, I find that the Complainant’s version has an air of reality.

[69] Conversely, I find Constable Miranda’s version problematic. The following is a non-exhaustive list of some of the issues I have identified in his testimony:

- a) Other than some vague agreement from Corporal A.F. in relation to the way the Complainant and Constable X were interacting with each other, no other witness noted any conflict or argument between the couple during the party.

- b) Given the Complainant's level of intoxication, which was noted by Constable Miranda, it seems unlikely that he would choose to have a sensitive discussion with an individual in that state.
- c) Constable Miranda and the Complainant both described the relationship between them as acquaintances. It is hard to believe that he would feel comfortable enough to engage in this type of personal conversation with her, let alone ask her to join him in the washroom and then provide reassurance that he is there for her.
- d) It seems entirely illogical that a conversation would transition from a discussion about the plans for the Complainant's and Constable X's upcoming wedding to questions about the stability of their relationship.
- e) Constable Miranda testified that he did not have the opportunity to speak with Constable X at the party. Both members stated that they were good friends. Therefore, if Constable Miranda believed Constable X was having issues with his relationship, it would be reasonable for Constable Miranda to make an effort to speak with him.
- f) When confronted by Constable X on December 16, 2023, Constable Miranda was understandably taken aback. He did not anticipate the conversation and was confronted with strong accusations. However, his response which included "she was handing it out" is not compatible with his version of events.

[70] Moreover, it should be noted that the Complainant did not want to report the alleged sexual assault, nor did she. It was Constable D.A., upon learning of the incident from Constable D.R., who had been informed by Constable X, who took the step to formally report it. As the Complainant testified, the reporting of the incident has only had a negative impact on her.

[71] Consequently, I prefer the Complainant's version of the events, and Particular 4 is established.

#### ***Particular 5***

[72] Given my finding with respect to Particular 4 and the Complainant's testimony that Constable Miranda had nonconsensual physical contact with her, Particular 5 is established.

[73] Consequently, I find that the acts constituting the alleged behaviour have been established, and the second element of the test has been met.

*Likelihood of behaviour discrediting RCMP*

[74] To determine the likelihood of Constable Miranda's behaviour discrediting the RCMP, I must determine whether a reasonable person in society, with knowledge of all the relevant circumstances, including the realities of policing in general and the RCMP in particular, would view Constable Miranda's actions as likely to bring discredit to the RCMP.

[75] I will start by determining whether Constable Miranda's actions at the Christmas party are considered a sexual assault. To do so, I turn to *Brown*,<sup>7</sup> in which the adjudicator agrees with the External Review Committee that *Ewanchuk*<sup>8</sup> is the proper legal test to determine if a person's actions constitute a sexual assault, even in a civil context. The *Ewanchuk* test requires that the following elements be present:

- 1) physical relations that are sexual in nature;
- 2) a finding that the complainant's state of mind was that she did not consent to the sexual touching taking place; and,
- 3) a finding that the accused person knew that the complainant did not consent, or was reckless to or willfully blind regarding the issue of consent, or did not take reasonable steps to ascertain the Complainant's consent.<sup>9</sup>

[76] The Supreme Court of Canada states that the sexual nature of an assault is determined objectively.<sup>10</sup> Constable Miranda pushed the Complainant into the washroom, kissed her on the lips and stuck his tongue in her mouth. It is widely understood that kissing of this nature is done for a sexual purpose. Consequently, I find that Constable Miranda's physical interaction with the Complainant was sexual in nature.

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<sup>7</sup> *Deputy Commissioner Rob Hill and Brown*, 2024 CAD 09 [*Brown*], at paragraphs 43 and 44.

<sup>8</sup> *R v Ewanchuk* [1999] 1 SCR 330, [*Ewanchuk*].

<sup>9</sup> *Brown*, at paragraph 43.

<sup>10</sup> *Ewanchuk*, at paragraph 25.

[77] Furthermore, the Complainant testified that no words were exchanged between herself and Constable Miranda prior to the incident. Additionally, throughout her ensuing actions and her testimony, she clearly indicated that she did not consent to such contact from Constable Miranda. Hence, I find that the second and third elements of the test have been met. Therefore, I find that Constable Miranda has committed a sexual assault on the civil standard.

[78] Moreover, I find Constable Miranda's comment to Corporal A.F. referring to "road head", an allusion to oral sex, to be offensive and highly inappropriate. Although a singular comment of this nature made in private between two friends may not always attract reprisal, the specific circumstances of this incident do attract sanction.

[79] Shortly before the comment was made, Constable Miranda had forced himself upon an intoxicated female at a Christmas party. He then made the impugned comment in the presence of Constable X and the Complainant, referring to Corporal A.F., who was a co-worker. Furthermore, Corporal A.F. was also an intoxicated female, who would be travelling alone with Constable Miranda in his vehicle after he dropped off the other passengers.

[80] Throughout the Conduct Hearing, I repeatedly heard evidence with respect to the trust that is inherently placed upon police officers. Members of the RCMP must adhere to the Code of Conduct both on and off duty. In committing a sexual assault and making offensive remarks of a sexual nature, Constable Miranda's conduct was a serious departure from the standard expected of a member of the RCMP.

[81] Consequently, I find that a reasonable person in society, with knowledge of all the relevant circumstances, including the realities of policing in general and the RCMP in particular, would view Constable Miranda's actions as likely to bring discredit to the RCMP. Thus, the third element of the test is established.

*Actions in relation to RCMP duties and functions and need for discipline*

[82] Although Constable Miranda was off duty at the time of the incidents, as I have mentioned, the Code of Conduct applies to members of the RCMP when they are both on and off duty. Furthermore, Constable Miranda committed the acts against co-workers while at a function that

was hosted and attended by his co-workers. Moreover, sexual assault, an offence to which he could be called upon to respond to, is an issue that plagues our society and one that the RCMP is making serious efforts to eliminate from its midst. As such, I find that Constable Miranda's behaviour is sufficiently related to his duties and functions as to provide the RCMP with a legitimate interest in disciplining him.

### *Decision on Allegation*

[83] Therefore, as all four elements of the test have been met, I find Constable Miranda's conduct to be discreditable. As a result, I find both Particular 20 and the Allegation to be established on a balance of probabilities.

### **CONDUCT MEASURES**

[84] Having found the Allegation to be established, in accordance with paragraph 36.2(e) of the *RCMP Act*, I am required to impose "conduct measures that are proportionate to the nature and circumstances of the contravention and, where appropriate, that are educative and remedial rather than punitive".

[85] The Conduct Authority is seeking Constable Miranda's immediate dismissal. Alternatively, they request for Constable Miranda to be directed to resign within 14 days or be dismissed.

[86] Conversely, the Subject Member Representative has argued that dismissal is disproportionate to the nature of Constable Miranda's misconduct and has suggested that a lesser measure would be more appropriate. Accordingly, she argued that a combination of any of the serious measures set out in the legislation would adequately address Constable Miranda's misconduct. Failing that, she requested for Constable Miranda to be directed to resign as opposed to being dismissed outright.

[87] During the conduct measures phase, I heard testimony from Constable Miranda and from his wife, Constable H.D.

[88] Constable Miranda testified that he immigrated to Canada when he was 12 years old. He explained how he always wanted to be a police officer, wanting to help or standup for people. Furthermore, he spoke of the allure of the RCMP and the pride he felt when he joined.

[89] Constable Miranda talked about his arrival to the Detachment, which was his first post, and about the striking “brotherhood” he experienced. He then proceeded to describe his policing experiences, including the challenges and successes that he had had. He noted that he recovers well from professional mistakes, has learned a great deal from this experience with the conduct process and was anxious to earn back the trust that he had lost.

[90] Constable Miranda expressed regret for his actions and offered apologies to Corporal A.F., Constables D.A., D.R., X and the Complainant, as well as management at the Detachment.

[91] Constable H.D. testified that Constable Miranda “has consistently demonstrated integrity, loyalty, and care in his relationships outside of this matter”. She acknowledged that she did not expect this type of conduct from him or think that he was capable of committing a sexual assault but did not believe that he had broken his marital vows to her.

[92] Constable H.D. stated that she was intimately aware of all the details of the incident, but that she knows Constable Miranda better than anyone. While admitting that he is not perfect and that he can be immature and inappropriate, she stated that he is being painted as a “horrible, horrible person” and that is not who he is.

[93] Although not strenuously argued by the Subject Member Representative, she did suggest that since the misconduct occurred prior to the release of the 2024 *Conduct Measures Guide*, I could be guided by the 2014 version instead. The Conduct Authority stated that whereas it is now 2025, the 2024 version provides the applicable guidance.

[94] As such, it is worth mentioning that the two reports<sup>11</sup> upon which the 2024 version is based were issued prior to the misconduct in question. Moreover, as the Subject Member Representative

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<sup>11</sup> Paul Ceysens and W. Scott Childs, “Phase 1” Final Report Concerning Conduct Measures, and the Application of Conduct Measures to Sex-Related Misconduct under Part IV of the Royal Canadian Mounted Police Act, Report to the

noted from one of my previous decisions,<sup>12</sup> regardless of the version referenced, I am unfettered by the guidance contained therein. That being said, I am going to apply the principles set out in the 2024 version, which was referenced in both Representatives' submissions.

[95] Accordingly, in assessing the appropriate conduct measures, I will begin by applying the five foundational principles that guide the assessment of a fit conduct measure, as set out in section B.2 "Five foundational principles – How to determine a fit conduct measure" of the 2024 *Conduct Measures Guide*.

### **Assessing fit conduct measures**

[96] The first foundational principle states that "Conduct measures should fully accord with the four purposes of the police complaint and discipline process", which requires the balancing of four interests: 1) the public; 2) the RCMP as an employer; 3) the subject member in being treated fairly; and 4) those affected by the misconduct at issue, where applicable.<sup>13</sup>

[97] Paragraphs 36.2(b) and (c) of the *RCMP Act* highlight this principle:

#### **Purposes**

**36.2** The purposes of this Part are

[...]

(b) to provide for the establishment of a Code of Conduct that emphasizes the importance of maintaining the public trust and reinforces the high standard of conduct expected of members;

(c) to ensure that members are responsible and accountable for the promotion and maintenance of good conduct in the Force;

[...]

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Royal Canadian Mounted Police (February 24, 2022); Paul Ceysens, and W. Scott Childs, "Phase 2" *Final Report Concerning Conduct Measures and Related Issues under Part IV of the Royal Canadian Mounted Police Act*, Report to the Royal Canadian Mounted Police (January 31, 2023).

<sup>12</sup> *Designated Conduct Authority for "K" Division and Staff Sergeant X*, 2025 CAD 04, at paragraph 45.

<sup>13</sup> Section B.2.1 of the 2024 *Conduct Measures Guide*.



[98] The Supreme Court of Canada has also highlighted the importance of the public interest by stating that “The purposes of disciplinary bodies are to protect the public, to regulate the profession and to preserve public confidence in the profession”.<sup>14</sup>

[99] The second and third principles provide that educative and remedial measures should prevail, where appropriate, and that the presumption of the least onerous disposition should be imposed. However, both of these principles will be displaced if the public interest or other considerations, such as the seriousness of the misconduct, triumph.

[100] The fourth principle is that the conduct measures imposed must be proportionate to the nature and circumstances of the contravention. This requires the conduct board to identify the relevant proportionality considerations, assess whether they may be mitigating, aggravating or neutral. Finally, the conduct board must appropriately balance and weigh these in consideration of the circumstances of the case and of the four purposes of the police complaint and discipline process.

[101] The fifth principle is that police officers are expected to adhere to a higher standard of conduct.

[102] Although I will canvass all five of the principles, they will not be addressed in order, as I believe the analysis flows more logically in this fashion. Accordingly, I will provide my findings with respect to the second and third principles later in my decision.

*Accordance with purposes of police complaint and discipline process*

[103] The public has an expectation that RCMP members, who have been granted exceptional powers to enforce the laws in our society, will uphold and abide by the law, presenting themselves as good examples to others. Incidents of sexual misconduct are inherently personal to those who are victimized, leaving a lasting impact. Accordingly, the public has a vested interest in ensuring that individuals who commit such acts do not remain in positions of authority and in not being at risk from those sworn to protect them.

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<sup>14</sup> *Law Society of Saskatchewan v Abrametz*, 2022 SCC 29, at paragraph 53.

[104] Similarly, the RCMP, as an employer, has a responsibility to provide a safe workplace to its employees. Consequently, it must take the necessary actions to shield its employees from possible threats. Given the nature of Constable Miranda's misconduct, that it happened at an RCMP function (albeit unofficial) and the fact that the affected persons are co-workers, the RCMP would have reason to be concerned if Constable Miranda remained in the workplace.

[105] Furthermore, over the past several decades, the RCMP has been beleaguered with reports of sexual harassment and related assaults. Significant media attention has been garnered, creating a lack of trust both inside the RCMP and in society at large, as well as tarnishing the reputation of the RCMP. To rebuild this trust, the RCMP must demonstrate that they are holding accountable members who contravene the Code of Conduct.

[106] Constable Miranda's interests must also be considered. He must be afforded the rights dictated by procedural fairness. Additionally, given that the result of an administrative process, such as the RCMP Code of Conduct process, will have serious ramifications on his career as well as his personal life, I must be mindful of the educative and rehabilitative objectives of this process.

[107] Constable Miranda's interests have been protected throughout this process, culminating in a full Conduct Hearing, where he has had the chance to be heard and has been afforded the opportunity to test the Conduct Authority's case.

[108] The interests of the affected parties are also to be considered. The Complainant testified to the impact that Constable Miranda's actions have had on her, including the decrease in the comfort and excitement she had in assuming her new position.

[109] While Corporal A.F. was not initially bothered by the comment that Constable Miranda made to her, during her testimony, she spoke of having a new perspective on the nature of his comment.

### *Proportionality*

[110] The presence of mitigating, aggravating or neutral considerations play a factor in my decision-making. Thus, I must appropriately weigh these in the context of the case and of the four

purposes of the police complaint and discipline process, as enumerated under the first foundational principle.

[111] The 2024 *Conduct Measures Guide* provides a non-exhaustive list of factors to be considered in determining proportionality. I will list the ones that are relevant to this matter and indicate whether I have found them to be mitigating, aggravating or neutral.

- a) **Public interest:** As I noted previously, the public has a profound interest in ensuring that those in a position of authority can be trusted to protect them. An act of sexual violence has the opposite effect. This incident has drawn media attention, which serves to undermine the confidence the public can place in the police, more specifically, the RCMP. Accordingly, it is an aggravating factor.
- b) **Seriousness of misconduct:** Any act of sexual violence is serious misconduct. While Constable Miranda's actions are not the most serious type of sexual misconduct that can occur, there are several factors that elevate their severity: the Complainant's intoxication level, which inherently makes her more vulnerable than if she had not been under its influence; Constable Miranda's awareness of her level of intoxication, supplying her with alcohol and noting that she was really drunk; his application of force; his use of that force to position her in a confined space for the perpetration of the assault; and the impact that his actions have had on the Complainant and their co-workers. Hence, it is an aggravating factor.
- c) **Recognition of seriousness of misconduct (remorse):** During his testimony on conduct measures, Constable Miranda took responsibility for his actions and expressed his desire to apologize to those affected by his actions, including the Complainant and Corporal A.F. He demonstrated that he understood that his conduct had a broad impact on his co-workers and the organization. I took his words as sincere and genuine; thus, it is a mitigating factor.
- d) **Disability and other relevant considerations:** There was some reference to hospitalization during Constable Miranda's testimony and the Subject Member Representative's submissions on measures. However, no evidence was presented to provide me with any insight with respect to a medical condition, if any, that may have afflicted Constable Miranda. Consequently, I find this to be a neutral factor.

- e) **Procedural fairness considerations:** Although she did not provide extensive arguments with respect to the surreptitious nature of the recording made by Constable X, the Subject Member Representative did highlight its distasteful nature and Constable Miranda's reliance on Constable X's representation that the content of their conversation would not be shared. Constable X testified as to why he made the recording and that he had no intent of disclosing it; in fact, it was several months before he notified the conduct investigator of its existence. While I do find the act to be relatively underhanded, no application was made for its exclusion, and it was admitted into evidence. Therefore, I find it to be a neutral factor.
- f) **Employment history:** Much was made by the Subject Member Representative of Constable Miranda's work history, specifically that he has positive performance reviews, was a capable member, and had no previous performance issues. However, his previous assessments were not entered as evidence, which could have demonstrated that he was an above-average performer or stellar employee. While I draw no negative inference from this, I cannot attribute much weight to this consideration, as the RCMP, like any employer, has a right to expect that its employees will perform in a satisfactory manner. Although, I do note that Constable Miranda was beginning to take on a supervisory role, which would suggest that he had been identified as having potential. That said, the Subject Member Representative shared that Constable Miranda saved a life through the administration of naloxone. Moreover, I will give some consideration to this commendable action. Therefore, I find Constable Miranda's employment history to be a mitigating factor.
- g) **Potential to reform or rehabilitate:** I have considered the content of the two letters provided on behalf of Constable Miranda and the description of the person that his references, including his wife, describe him to be. I also note the testimony of Constable Miranda and the assurances made by the Subject Member Representative that his misconduct would not be repeated. It has been suggested that this was a singular incident and that his behaviour was out of character. However, I disagree with that conclusion. Though there has never been another reported incident of sexual assault, I repeatedly heard of his inappropriateness, including in the workplace. I note the comment that Constable Miranda made to Corporal A.F. as well as his suggestion

that he had made comments of that nature to her a hundred times. This discredits the picture that the references and the Subject Member Representative are trying to paint of him. While Constable Miranda may be changing because of this conduct process, it is the repeated actions that portray his true character. Accordingly, I do not have confidence that this type of conduct will not reoccur. I find it to be an aggravating factor.

- h) **Effect on police officer and their family:** Constable Miranda spoke about the impact that these accusations have had on his life. Particularly, he emphasized the stress that this situation has caused to both he and his wife and the sense of isolation and embarrassment that he has felt. Undoubtedly, this process has taken a toll on him and his family and will continue to impact them moving forward. As such, I find this to be a mitigating factor.
- i) **Parity (consistency of disposition):** The Subject Member Representative cited two cases<sup>15</sup> where dismissal was ordered that can be distinguished from this matter, both of which I would agree were more serious than the facts before me. She also referenced two cases<sup>16</sup> where dismissal was not imposed that she termed as similar. Before turning to the latter cases, it should be noted that the doctrine of precedent (*stare decisis*) does not apply in administrative law. Consequently, I am not bound by the decisions of other conduct boards. Furthermore, the incidents in *Caram* occurred in 2015 and those in *Allen* in 2011. Societal expectations have continued to evolve, and the perspectives held a decade ago do not reflect those of 2025. Additionally, I observe that in each of those cases there were strong mitigating factors, which are not present in this case. Hence, this is a neutral factor.
- j) **Specific and general deterrence:** I acknowledge Constable Miranda's experience with the conduct process, the regret that he has expressed for his actions and his desire to regain the respect that he has lost. However, given that Constable Miranda's misconduct was not comprised of a singular act, I find that specific deterrence is

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<sup>15</sup> *Commanding Officer for "K" Division and Martin*, 2023 CAD 12; *Commanding Officer for "E" Division and Dhillon*, 2019 RCAD 13.

<sup>16</sup> *Commanding Officer for "E" Division and Caram*, 2021 CAD 05; *Commanding Officer for "E" Division and Caram*, 2017 RCAD 08 [*Caram*]; *Commanding Officer for "H" Division and Allen*, 2019 RCAD 10 [*Allen*].

necessary. Moreover, instances of sexual violence committed by members of the RCMP, which should be a never occurrence, continue to occur. Considering the scourge that this type of misconduct is on the RCMP, I find that general deterrence is also required. Therefore, it is an aggravating factor.

- k) **Public confidence in the police service:** As I have spoken about the importance of maintaining the public's trust, I will not revisit it again other than to note its importance to having an effective policing organization. Hence, I find this to be an aggravating factor.

[112] In weighing all the factors, I find that the balance shifts to the side of aggravation.

*Public expectations*

[113] As previously stated, the public expects that police officers will be held to a higher standard of behaviour.

*Predominance of educative and remedial conduct measures and presumption of least onerous one*

[114] Section B.7.1.4.8 "Sexual Misconduct" of the 2024 *Conduct Measures Guide* aptly sets out the lens through which behaviour of this nature should be examined:

Members of the RCMP are in a unique and visible position in the communities they serve. They hold a position of authority and are entrusted to enforce laws and maintain public safety. Holding a position of authority comes with great responsibility and expectations of a higher standard of conduct, whether on or off duty. **This is particularly important with respect to any form of sexual misconduct as it is so damaging to those affected as well as to public and employee confidence in the RCMP. This type of behaviour will jeopardize a member's employment with the RCMP.** [Bold added]

[115] The 2024 *Conduct Measures Guide*, at sections B.7.1.4.8.5 and B.7.1.7.8.9, proceeds to state that presumptive dismissal is the appropriate outcome for sexual misconduct with members of the public or for sexual assault. Presumptive dismissal means, if established, and in the absence of exceptional mitigating circumstances, the member can reasonably expect dismissal as a probable outcome.

[116] Constables D.A. and D.R. decided to host a party at their residence to celebrate Christmas with members of Constable D.A.'s watch and some other employees of the Detachment. From the evidence I heard, all the attendees worked at the Detachment or were the spouses of someone who did. As such, it was intended to be a safe space where they could relax and have fun.

[117] Constables D.A. and D.R. spoke to the trust that was extended by inviting the guests into their home and the expectations that they held, knowing that everyone was connected to the RCMP. Constable D.A. was very emotional in describing the breach of that trust by Constable Miranda in committing the misconduct in her residence.

[118] The Complainant, who had just started working at the Detachment, spoke of her comfort with the attendees, whom she knew through the Detachment or through Constable X. Consequently, she drank and socialized in this safe environment. Over the course of the party, the Complainant had several drinks, largely supplied by Constable Miranda, which resulted in her becoming intoxicated.

[119] It was in this safe space that Constable Miranda violated the bodily integrity of an intoxicated woman, by forcibly pushing her into the washroom, before kissing her on the lips and sticking his tongue into her mouth. Later that same night, in the presence of his co-workers, he made a sexualized comment to Corporal A.F. One, which, by his own account, was like those that he had made to her a hundred times.

[120] I have considered the preference for the imposition of educative and remedial conduct measures, where appropriate, and that the presumption of the least onerous disposition should be imposed. However, when I consider the totality of the circumstances, particularly the seriousness of the misconduct, the location in which it occurred and the need for both general and specific deterrence, I have concluded that these principles should be displaced.

### **Decision on conduct measures**

[121] As previously stated, the Conduct Authority is seeking Constable Miranda's immediate dismissal, or in the alternative, a direction to resign within 14 days or be dismissed. Conversely, the Subject Member Representative has proposed that any combination of serious measures be

imposed in lieu of dismissal. However, if I were not persuaded that Constable Miranda should be retained, the Subject Member Representative requests for him to be directed to resign.

[122] The Allegation in this matter is very serious. Not only did Constable Miranda commit a sexual assault on a person in a state of vulnerability, but he did so in what should have been a safe environment. His actions have destroyed friendships and broke the confidence of his co-workers. Co-workers who must rely upon one another in very stressful and dangerous situations and, at times, who must trust each other with their lives.

[123] Accordingly, I find that Constable Miranda has severed the employment relationship between himself and the RCMP. His retention would not only erode the public trust but that of his fellow members as well. Consequently, I direct Constable Miranda to resign within 14 days or be dismissed.

## **DECISION**

[124] The Allegation is established. In accordance with section 45(4)(b) of the *RCMP Act*, I direct Constable Miranda to resign within 14 days or be dismissed.

[125] Either party may appeal this decision by filing a statement of appeal with the Commissioner within 14 days of the service of this decision on Constable Miranda, as set out in section 45.11 of the *RCMP Act* and section 22 of the *Commissioner's Standing Orders (Grievances and Appeals)*, SOR/2014-289.

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Colin Miller  
Conduct Board

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September 9, 2025  
Date