



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 “K” Division

(Conduct Authority)

and

Constable Robert (Jonathon) Sinnott
Regimental Number 61809

(Subject Member)

CONDUCT BOARD DECISION

Sabine Georges and Dominique Lepage

(Conduct Authority Representatives)

John Benkendorf

(Subject Member Representative)

CONDUCT BOARD: Kevin Harrison

DATE: November 13, 2025

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SYNOPSIS

The *Notice of Conduct Hearing*, dated February 7, 2024, contained 2 allegations, both stemming from the same incident. Allegation 1 was under section 7.1 of the Code of Conduct (discreditable conduct). Allegation 2 is under section 2.1 of the Code of Conduct (harassment). The Conduct Authority alleged that, on November 12, 2022, the Subject Member initiated a text message exchange with the Complainant who was to appear as a witness in another conduct matter on November 14, 2022. In the text exchange, the Subject Member made hurtful and offensive comments directed at the Complainant and insinuated that the Complainant was lying in the other conduct matter. The Subject Member's actions caused the Complainant to fear for her physical and mental safety.

The Subject Member admitted both Allegations. On October 30, 2024, having heard from the Complainant and the Subject Member in the conduct measures phase of the conduct hearing, the Conduct Board imposed five conduct measures: 1) a 25-day forfeiture of pay; 2) ineligibility for promotion for 2 years; 3) a direction to complete a training course related to the prevention of harassment and violence in the workplace; 4) a direction to write an apology letter to the Complainant; and 5) a direction to comply with the provisions of the *Disability Management and Accommodation Program Manual*.

INTRODUCTION

[1] On November 5, 2023, the Conduct Authority signed a *Notice to the Designated Officer*, in which they requested the initiation of a conduct hearing in relation to this matter. On November 9, 2023, the Designated Officer appointed me as the Conduct Board, per subsection 43(1) of the *Royal Canadian Mounted Police Act*, RSC, 1985, c R-10 [*RCMP Act*].

[2] The *Notice of Conduct Hearing* contains two allegations. Allegation 1 is for discreditable conduct under section 7.1 of the Code of Conduct. Allegation 2 is for harassment under section 2.1 of the Code of Conduct. Both Allegations stem from the same incident. The Conduct Authority alleged that, on November 12, 2022, the Subject Member initiated a text exchange with the Complainant, who was to appear as a witness in another conduct matter (the K.S. Matter) on November 14, 2022. Corporal K.S., the subject member in the other matter, was a co-worker of both the Subject Member and the Complainant. In the text message exchange, the Subject Member made hurtful and offensive comments directed at the Complainant and insinuated that the Complainant was lying about the K.S. Matter. The Subject Member's actions caused the Complainant to fear for her physical and mental safety.

[3] The Subject Member admitted both Allegations. On October 30, 2024, having heard from the Complainant and from the Subject Member in the conduct measures phase, I imposed five conduct measures: 1) a 25-day forfeiture of pay; 2) ineligibility for promotion for 2 years; 3) a direction to complete a training course related to the prevention of harassment and violence in the workplace; 4) a direction to write an apology letter to the Complainant; and 5) a direction to comply with the provisions of the *Disability Management and Accommodation Program Manual*.

ALLEGATIONS

[4] The *Notice of Conduct Hearing*, dated February 7, 2024, contains the following two Allegations:

Particulars Common to all Allegations

1. At all material times, you were a member of the Royal Canadian Mounted Police ["RCMP"] posted to "K" Division, Strathcona Detachment, Alberta, and held the rank of Constable.

2. You worked with [the Complainant] at the Strathcona Detachment until she was transferred off Watch 2 sometime around September 2018.
3. Around March 2019, [the Complainant] mad a complaint against a fellow co-worker who held the rank of Corporal [“KS Matter”]. This complaint was investigated and the matter was referred to a Conduct Board for determination.
4. You were friends with the Subject Member in the KS Matter.
5. The KS Matter was scheduled to be heard November 14 – 18, 2022.
6. [The Complainant] was scheduled to testify on Monday, November 14, 2022, as part of the KS Matter.
7. Your profile name on Instagram is [name redacted]. Your username on Intragram is [name redacted].
8. On Saturday, November 12, 2022, around 5:24 p.m., you messaged the Complainant unprompted. You wrote:

You: God speed and good luck this week. Whatever happens just know that the majority of people know that you’re trash.

Complainant: Wow. I don’t know what to even say to that.

You: I can’t believe you’ve dragged it out this long.

Complainant I didn’t drag anything out.

You: Best of luck [Complainant]. Maybe I’m completely out to lunch. I just really don’t think I am. Especially after everything with [Corporal K.S.].

You: Timing is important.

Complainant Why would you even message me? Clearly you believe what you want. You’re right. Timing is important.

You: Because most everyone has a pucker factor of[?] the member that wants to kamikaze on everyone else.

You: How long do you think the RCMP wants to pay attention to the member that wants to cry wolf over everyone versus getting tired of the member that has convenient timing for a complaint against a good member?

Complainant: What ever you say [Subject Member].

You: I just want you to know that everyone sees you for what you are [Complainant]. Remember that this week.

Complainant: Again, whatever you say [Subject Member].

You: I have a clear conscious knowing I've never done you wrong.

You: At best all I ever did was try and help you.

Complainant [thumbs up emoji]

You: Why are you doing this?

You: I just don't get it.

You: There's such a distinct difference between you when you started and where we are now.

You: You've went through all of this [?] used on anguish caused on you, without a second thought on the anguish caused on literally everyone else.

You: If I'm wrong I owe you a huge apology.

You: But I really don't think I'm wrong.

Complainant: You don't care to know the truth.

You: That's nonsense.

You: You've never offered "the truth".

You: And I would have been happy to hear it.

You: You've just never wanted to level with anyone.

Complainant Nothing I say to you matte[r]s. The report with facts won't matter. You made that clear from day one. Hope you feel better [thumbs up emoji].

You: I don't feel better about anything. If I did I wouldn't be texting you.

You: There is no report with facts.

You: There's an [Alberta Serious Incident Response Team] report that can't conclusively say one thing or another. I know you want to spin that into a reality where you[r] version of events is validated. I just want you to know that literally the rest of people that breath oxygen know that it means you're totally full of shit.

Complainant: Well I'm not here to make you feel better, so go message someone else.

You: Oh [Complainant]. If I thought you were here to do anything positive I would have messaged you ages

ago. Maybe take note on the fact that most everyone thinks you a money chasing piece of trash.

You: There's ways to retire with dignity. This isn't one of them.

Complainant: Enough [Subject Member]. I know where you stand. Did from the start. So stop contacting me.

You: No. Enough was years ago when you started this gimmick. You should be ashamed of yourself.

You: [Audio clip lasting 1 second]

You: Block me [Complainant]. You've have ample opportunity over the years. Nothings stopping you.

Alleged contraventions of the Code of Conduct

Allegation 1

On or about November 12, 2022, at or near Edmonton, Alberta, [the Subject Member] did engage in discreditable conduct contrary to section 7.1 of the Code of Conduct of the RCMP.

Particulars to Allegation 1

9. You messaged [the Complainant] in relation to the KS Matter.
10. You called [the Complainant] offensive names and implied that she was lying in regards to the KS Matter.
11. You intimidated [the Complainant] with respect to testifying at the KS Matter.
12. Your behaviour caused [the Complainant] to fear for her physical and mental safety.
13. You sought to influence and impede a witness while under summons.
14. You sought to impact the testimony of the witness and potentially obstruct justice.
15. Your conduct breached section 7.1 of the RCMP's Code of Conduct.

Allegation 2

On or about November 12, 2022, at or near Edmonton, Alberta, [the Subject Member] did engage in workplace harassment contrary to section 2.1 of the Code of Conduct of the RCMP.

Particulars to Allegation 2

16. You messaged [the Complainant] with hurtful and offensive comments. You called her a piece of trash and implied she was lying.

17. Your behaviour caused [the Complainant] offence, humiliation, anger, and embarrassment.
 18. Your behaviour caused [the Complainant] to fear for her physical and mental safety.
 19. You harassed [the Complainant].
 20. Your behaviour breached section 2.1 of the RCMP's Code of Conduct.
- [*Sic throughout* and footnotes omitted]

[5] Per subsection 45(1) of the *RCMP Act*, my role as Conduct Board is to decide whether each Allegation under the Code of Conduct is established on a balance of probabilities. The Conduct Authority has the onus of establishing the allegations on this same standard. This means that I must find that it is more probable than not that the Subject Member contravened the Code of Conduct. This burden is met when sufficiently clear, convincing and cogent evidence is presented.¹

[6] The Conduct Authority need not prove every Particular in the *Notice of Conduct Hearing* as some are included simply to give context to the Allegations.

FINDINGS OF FACT

[7] At all material times, the Subject Member was a member of the RCMP posted to Strathcona Detachment, in "K" Division, and held the rank of Constable.

[8] The Subject Member worked with the Complainant on Watch 2 at Strathcona Detachment until the Complainant moved off the Watch some time around September 2018.

[9] Around March 2019, the Complainant made a formal complaint against a co-worker, Corporal K.S. The K.S. Matter was investigated. A conduct board was appointed. The K.S. Matter was scheduled to proceed to a conduct hearing beginning on Monday, November 14, 2022. The Complainant was scheduled to testify on the first day of the conduct hearing.

[10] The Subject Member and Corporal K.S. were friends.

¹ *F.H. v McDougall*, 2008 SCC 53, at paragraph 46.

[11] On Saturday, November 12, 2022, at approximately 5:24 p.m., the Subject Member sent a text message to the Complainant. The message was unsolicited. The text exchange set out in Particular 8 ensued. It contains offensive language, including the Subject Member calling the Complainant trash and insinuations that the Complainant was lying about the K.S. Matter.

ANALYSIS

Allegation 1

[12] Allegation 1 is under section 7.1 of the Code of Conduct, which is for discreditable conduct or conduct that is likely to discredit the Force. To establish an allegation under section 7.1 of the Code of Conduct, the Conduct Authority must demonstrate each of the following on a balance of probabilities:

- a) The acts that constitute the alleged behaviour;
- b) The identity of the subject member;
- c) Whether the subject member's behaviour is likely to discredit the Force; and
- d) Whether the member's behaviour is sufficiently related to his duties and functions so as to provide the Force with a legitimate interest in disciplining the member.

[13] The Subject Member's identity is not at issue in this proceeding. Hence, the second element of the test for discreditable conduct is established.

The acts that constitute the alleged behaviour

[14] The acts the Conduct Authority says constitute the alleged behaviour for Allegation 1 are that the Subject Member sent the Complainant an unsolicited text message relating to the K.S. Matter. A text message exchange ensued in which the Subject Member called the Complainant offensive names and implied that the Complainant was lying about the K.S. Matter.

[15] The Subject Member admitted to sending the message and agreed with the content of the text message exchange that shows he called the Complainant "trash", which is an offensive name and did imply that the Complainant was lying. Based on this admission and my review of the Record, I find that the Conduct Authority has demonstrated the acts that constitute the behaviour

on a balance of probabilities. Therefore, the Conduct Authority has established the first element of the test for discreditable conduct.

Whether the Subject Member's conduct is likely to discredit the Force

[16] The well-established test for discreditable conduct is whether a reasonable person with knowledge of the facts, including the realities of policing in general, and the RCMP in particular, would find the conduct discreditable or likely to discredit the Force.

[17] The Conduct Authority alleges that the Subject Member sought to influence and impede a witness under summons in an RCMP conduct proceeding and that he sought to impact the Complainant's testimony and potentially obstruct justice.

[18] The Subject Member denied these claims in his response to the Allegations. However, he made an unqualified admission to the Allegations at the conduct hearing.

[19] Whether the Subject Member intended to impact the Complainant's testimony or to obstruct justice, I find that the inevitable outcome of the text message exchange was that it would have an impact on the Complainant. This would translate into an impact on her testimony in the K.S. Matter given that the text message exchange related to her testimony in that matter.

[20] I find that a reasonable person with the knowledge of the facts, including the realities of policing in general, and the RCMP in particular, would find that an RCMP member sending a text message to another member who is a witness in a conduct proceeding, in which this other member was called trash and insinuations are made that this member is lying about the matter they are to testify about, is discreditable conduct or likely to discredit the Force. Consequently, the Conduct Authority has demonstrated the third element of the test for discreditable conduct.

Whether the Subject Member's behaviour was sufficiently related to his duties

[21] The acts attributed to the Subject Member relate to an RCMP conduct proceeding that was before a conduct board. The Conduct Authority alleges that the Subject Member attempted to impede a witness and obstruct justice.

[22] Part IV of the *RCMP Act* deals with member conduct. Section 36.2 of the *RCMP Act* sets out the five important purposes of Part IV. Paragraph 36.2(b) is relevant to this proceeding as it emphasizes the importance of maintaining the public trust and reinforces the high standard of conduct expected of members. When a member's misconduct impedes that purpose by interfering with a witness about to testify in a conduct hearing, the Force has every interest in disciplining the member. Given this, I find that the Conduct Authority has demonstrated the fourth element of the test for discreditable conduct.

Conclusion on Allegation 1

[23] The Conduct Authority has demonstrated all four elements of the test for discreditable conduct on a balance of probabilities. Therefore, I find that the Conduct Authority has established Allegation 1.

Allegation 2

[24] Allegation 2 is an allegation of harassment under section 2.1 of the Code of Conduct. In order to establish an allegation of harassment, the Conduct Authority must demonstrate each of the following on a balance of probabilities:

- a) The identity of the subject member;
- b) The action(s), comment(s) or conduct the subject member is to have made or engaged in;
- c) The action(s), comment(s) or conduct events are related to the workplace or linked with employment; and
- d) That a reasonable person, placed in the same circumstances of the affected employee, would feel offended, humiliated or suffered an injury or illness as a result of the action(s), comment(s) or conduct.

[25] The Subject Member's identity is not at issue in this proceeding. Hence, the first element of the test for harassment is established.

The action(s), comment(s) or conduct attributed to the Subject Member

[26] The action(s), comment(s) or conduct the Conduct Authority says the Subject Member engaged in include the following:

- a) He sent text messages to the Complainant that were hurtful.
- b) He called the Complainant trash.
- c) He implied that the Complainant was lying in relation to the K.S. Matter.

[27] The Subject Member admitted these actions, comments and conduct. His admission corresponds with the material before me in the Record. Therefore, I find that the Conduct Authority has demonstrated the second element of the test for harassment.

Whether the action(s), comment(s) or conduct is related to the workplace

[28] The Subject Member's actions, comments and conduct are related to text messages sent to an RCMP member who is a witness in an RCMP conduct proceeding. That is sufficient for the Conduct Authority to demonstrate the third element of the test for harassment.

Whether a reasonable person would feel offended or humiliated or suffered injury or illness

[29] Calling a co-worker trash is both offensive and humiliating even in the context of a private text exchange. The Subject Member questioned the Complainant's integrity by suggesting that she lied in the K.S. Matter. This is also offensive and humiliating because a member's integrity goes to the core of their function as a police officer.

[30] Given this, I find that a reasonable person placed in the circumstances of the Complainant would feel offended, humiliated or suffer an injury or illness as a result of the actions, comments or conduct. Hence, I find that the Conduct Authority has demonstrated the fourth element of the test for harassment.

Conclusion on Allegation 2

[31] The Conduct Authority has demonstrated all four elements of the test for harassment on a balance of probabilities. Therefore, I find that the Conduct Authority has established Allegation 2.

CONDUCT MEASURES

[32] Subsection 45(4) of the *RCMP Act* states that if a conduct board decides that an allegation under the Code of Conduct is established, the conduct board will impose one or more of the three listed sanctions. The first is dismissal from the Force. The second is a direction to resign from the Force and, in default of resigning within 14 days after being directed to do so, to be dismissed from the Force. The third is any “one or more of the conduct measures provided for in the rules”. These are found in sections 3, 4 and 5 of the *Commissioner’s Standing Orders (Conduct)*, SOR/2014-291 [*CSO (Conduct)*]. My role is to find the appropriate conduct measures for the circumstances of this case, taking into consideration the material before me, the evidence I heard during the conduct hearing and the parties’ submissions.

[33] During the October 4, 2024, Pre-Hearing Conference, the Conduct Authority Representatives informed me that the Conduct Authority was no longer seeking the Subject Member’s dismissal from the Force. The Conduct Authority Representatives confirmed this at the conduct hearing and asked me to impose the following conduct measures:

- a) For Allegation 1:
 - i. A reduction to the next lower rate of pay for a period of two years; and
 - ii. Ineligibility for promotion for a period of 3 years.
- b) For Allegation 2:
 - i. A financial penalty of 45 days of pay;
 - ii. A direction to complete training; namely, the Canada School of Public Service Preventing Harassment and Violence in the Workplace for [E]mployees (course number [WMT]101); and
 - iii. A direction to write a letter of apology to the Complainant with the letter to be provided to the Conduct Authority, in turn to be provided to the Complainant with her consent.
- c) As a global conduct measure:
 - i. A direction to participate fully in the disability management policies to ensure health and wellbeing and a timely return to duty.

[34] The Subject Member Representative suggested that an appropriate financial penalty was of between 20 and 24 days of pay. He added that the Subject Member did not oppose the remedial conduct measure proposed by the Conduct Authority which include a direction for training, an apology letter and a direction to comply with policy.

[35] Given the similarity of the two Allegations and the fact that they occurred within the same fact pattern, I intend to impose global conduct measures rather than assign conduct measures specifically to each of the two established Allegations.

Background facts relating to the Subject Member

[36] I was not provided an abundance of information about the Subject Member. He began his basic training in Regina in January 2015. He graduated from Depot Division in July 2015. He was posted to Strathcona Municipal Detachment in Alberta where he performed general policing duties until May 2022, when he was transferred to a Federal Serious and Organized Crime Unit still in Alberta. He is currently married and has two children.

Application of five foundational principles

[37] In an effort to modernize how the RCMP deals with the conduct of its members, RCMP senior management adopted the recommendations found in two reports.² They include the application of five foundational principles. The *Phase 1 Final Report* summarizes the five foundational principles, at paragraph 8.2, as follows:

8.2 [...]

1. A conduct measure must fully accord with the four purposes of the police complaint and [conduct] process:
 - i. the *public* interest: ensuring a high standard of conduct in the [RCMP], and public confidence in the [RCMP]
 - ii. the [RCMP's] interests in its “dual capacity” as an employer seeking maintaining integrity and discipline in the police workplace, and as “a public body responsible for the security of the public”
 - iii. the interests of the [Subject Member] in being treated fairly
 - iv. in cases where *other individuals* are affected, to ensure that the interests of those individuals (such as public complainants or other RCMP employees) are addressed.

² 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 Royal Canadian Mounted Police (February 24, 2022) (*Phase 1 Final Report*); 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) (*Phase 2 Final Report*).

2. Corrective and remedial dispositions should prevail, where appropriate.
3. A presumption that the least onerous disposition applies, which presumption would be displaced if the public interest or other specified considerations should prevail.
4. Proportionality.
5. A higher standard applies to police officers' conduct, compared to employees generally, principally because police hold a position of trust.

Proportionality

[38] I begin with the fourth foundational principle which is proportionality. This is the most technical and complex portion of the application of the five foundational principles. In the proportionality analysis, I am required to make three decisions. First, I must identify the relevant proportionality factors. Second, I must assess the identified proportionality factors as mitigating, aggravating or neutral. Third and finally, I must appropriately balance the proportionality factors to arrive at the appropriate conduct measures.

[39] The *Phase 1 Final Report* includes a non-exhaustive list of 15 proportionality factors. I will only examine proportionality factors that I find relevant to this matter.

Disability and other relevant personal circumstances

[40] The Subject Member testified that he sought psychological treatment pre-emptively beginning in 2016. He was diagnosed with PTSD and Major Depression Disorder from an operational stress injury in 2021. A medical report from Ms. Jennie Ward, a registered psychologist, bears this out. I accept the diagnosis. The Subject Member attended 29 sessions with Ms. Ward between July 2016 and December 2021.

[41] An Independent Medical Assessment report prepared by Dr. Kyle Burns indicates that by December 2021, the Subject Member's symptoms were in remission. The Subject Member was placed on medication at a dosage level that controlled his symptoms; however, during the summer of 2022, the medication dosage was decreased at the Subject Member's request to mitigate some adverse side effects. The Subject Member's mental health began to deteriorate in late

October 2022. According to Dr. Burns and the report of the Subject Member's current treating psychologist, Ms. Jill Storcer, the reduction in medication was a primary contributing factor to the Subject Member's actions on November 12, 2022. I accept these assessments and find that the reduction in his medication played a role in his actions. However, as the Subject Member Representative pointed out, this does not absolve the Subject Member of culpability for his actions.

[42] The Subject Member also testified that prior to sending the text messages to the Complainant, he and his wife had the worst argument they had ever had. The argument was about his declining mental health as it related to his plans to take their son to Newfoundland. According to the Subject Member, his wife had left and he simply lashed out at the Complainant. Corporal K.S.'s hearing was coming up and, as he put it, the Complainant was an easy person to lash out at. He acknowledged that his intent was not good, he was simply trying to make himself feel better by getting his anger "out into the world".

[43] Without condoning his actions, I find that his state of mental health at the time of this incident is a significant mitigating proportionality factor.

Public interest

[44] Police work requires police officers to exercise a significant degree of judgment and integrity at all times. The position police officers hold requires the utmost public trust. The nature of the employment requires the highest standard of moral character. Notwithstanding his mental health issues, the Subject Member failed to live up to the standard expected of RCMP members. Consequently, I find this to be an aggravating proportionality factor.

Seriousness of the misconduct

[45] Allegation 1 is an allegation of discreditable conduct. Ordinarily, matters of discreditable conduct coming before a conduct board are serious in nature. This matter is no exception.

[46] Allegation 2 is an allegation of harassment. Changes in legislation that occurred in 2021 recognize that harassment in the workplace is a workplace safety concern and not simply a concern about conduct. This speaks to the seriousness of this Allegation.

[47] What elevates this matter to the level of the most serious misconduct is that the Subject Member's actions, although not necessarily intended to impede a witness in an RCMP conduct proceeding, had an effect on the Complainant. The Subject Member Representative suggested that, based on the transcripts from the K.S. Matter, the Complainant's evidence was not impacted by the Subject Member's actions. The Complainant testified that she was already on edge preparing for her testimony. The Subject Member's actions resulted in disbelief, shock and fear. I find her response justifiable under the circumstances. It is difficult enough for persons affected by another member's misconduct to come forward to make a complaint. Whether the Complainant's complaint against Corporal K.S. had merit was none of the Subject Member's affair. A conduct process was in place to make that determination.

[48] Per paragraph 37(e) of the *RCMP Act*, RCMP members are duty-bound to report the misconduct of another member when it becomes known to them. Complainants in a conduct process should not have to fear repercussions for coming forward to fulfill their duty obligations. The RCMP must protect persons affected by a member's misconduct. It has taken steps to do so in this case by initiating a conduct hearing and by requesting that I impose serious conduct measures.

[49] Given the foregoing, I find the seriousness of the Subject Member's conduct to be a significant aggravating proportionality factor.

Recognition of the seriousness of the misconduct (remorse)

[50] The Subject Member recognized that his conduct had a negative effect on many people. During his therapy sessions, he indicated an awareness of the seriousness of his conduct and regret for his actions. He expressed remorse for his actions during his testimony. He apologized to the Complainant, the RCMP and his co-workers. I accept his apology as sincere. I am confident that the Subject Member will not re-engage in this type of behaviour in the future if he is allowed to remain in the RCMP. Therefore, I find this to be a mitigating proportionality factor.

Provocation

[51] Provocation is a proportionality factor that is ordinarily considered to mitigate a conduct measure. However, I believe that it is open to me to consider provocation as an aggravating factor, particularly when a subject member instigates an incident that progresses into their serious misconduct as is the case here.

[52] The Subject Member's initial text message to the Complainant was unsolicited. The Subject Member acknowledged that it was not his place to say anything to the Complainant about the K.S. Matter. He also acknowledged that he spoke out in anger with no consideration for the Complainant. I find this to be an aggravating proportionality factor.

Employment history

[53] The Subject Member has no prior record of misconduct. He presented performance evaluations from the fiscal year 2015-2016 through to 2021-2022 and 3 forms 1004 – *Performance Logs*. The evaluations describe the Subject Member as a hard-working, energetic, knowledgeable, approachable and reliable member who has a genuine interest in helping people including other members. He was described as an asset to Strathcona Detachment.

[54] He also presented 23 support letters that are predominately from RCMP members including peers, supervisors and Detachment Commanders at Strathcona Detachment. The letters contain consistent themes with respect to the Subject Member. They portray him as a kind, respectful and caring person. Many of the letters indicate that the Subject Member's actions on November 12, 2022, were not those of the person they knew the Subject Member to be. They were clearly out of character for him.

[55] As a result, I find this proportionality factor to be significantly mitigating.

Potential to reform or rehabilitate

[56] Potential to reform or rehabilitate is closely related to remorse and employment history.

[57] The Subject Member recognized years before this incident that he was having mental health concerns and pre-emptively sought treatment, which was effective in identifying and addressing those issues. He chose to forego therapy sessions in 2021, when his symptoms abated. However, his symptoms returned in the fall of 2022 after the dosage of his medication was reduced during the summer. Immediately following this incident, the Subject Member, recognizing his recurring symptoms, again sought out the help of medical professionals.

[58] The Subject Member has taken other steps like hiring a personal trainer to assist him in maintaining his physical health.

[59] The reports of Dr. Burns and Ms. Storcer and the Subject Member's evidence indicate that he has gained awareness of his situation. As the Subject Member indicated, he recognizes that therapy will be a lifelong commitment for him. The reports of Dr. Burns and Ms. Storcer also indicate that the Subject Member has excellent prospects for rehabilitation and that a chance of recurrence of his actions is unlikely. Consequently, I find this to be a significant mitigating proportionality factor.

Effect on the Subject Member and the Subject Member's family

[60] Any conduct measures I impose that involve a significant financial penalty will adversely impact the Subject Member. However, I have been provided no evidence to support any substantiated findings in this area. Therefore, I assess this proportionality factor as neutral.

Parity – Consistency of disposition

[61] Parity of sanction addresses the issue of consistency of outcome. A comparison of similar cases is essential to reaching an appropriate outcome.

[62] The Conduct Authority provided three RCMP conduct board decisions as well as one Superior Court of Ontario decision in a non-RCMP matter to support the request for significant conduct measures. All four cases are distinguishable in many ways from this matter. Therefore, they provide me with little assistance.

[63] The Subject Member provided four RCMP conduct board decisions relating to conduct measures. Of these, three are joint proposals on conduct measures and have little semblance to this matter. Therefore, they are of little assistance to me in this matter.

[64] That said, the fourth case is *Mills*,³ which is very similar to this case and is, consequently, instructive. I agree with the Conduct Authority Representatives that the member's conduct in *Mills*, which involved damage to property and leaving the detachment area, is not as serious as the conduct in this case. However, I note that two of the allegations were for deceit and dishonesty, which warranted dismissal but for the member's work-related mental illness and associated paranoia.⁴

[65] In *Mills*, the conduct board recognized that the first goal of discipline is rehabilitation and that the rehabilitation is more medical than conduct related. In recognition of this, the conduct board imposed a reprimand, the continuation of professional counselling until it was determined that counselling was no longer necessary and a financial penalty of 10 days of pay. These conduct measures were below those proposed by both parties.⁵ On appeal, the adjudicator confirmed the conduct board's decision on conduct measures and accepted the reasons for them.

[66] Although the Subject Member has taken steps to address his medical issues, rehabilitation remains a focus in this case in light of the continuing need for therapy in the long term. Nevertheless, I find this to be a mitigating proportionality factor.

Specific and general deterrence

[67] Given that the Subject Member's health care providers have indicated that recurrence of the Subject Member's behaviour is unlikely and the fact that they also indicate that he has gained insights into his mental health issues, I find that this matter does not require specific deterrence.

[68] I do find a need to address general deterrence with significant conduct measures particularly in light of the RCMP's zero-tolerance policy for harassment, which is compounded in

³ *Commanding Officer of "F" Division and Mills*, 2021 CAD 25 [*Mills*].

⁴ *Mills*, at paragraph 123.

⁵ *Mills*, at paragraph 117.

this case by the fact that the harassment was directed at a complainant in a sexual harassment case specifically because the complainant made the complaint. In order for the RCMP's zero tolerance policy to be effective, complainants need to feel that the RCMP will treat seriously any repercussions against them resulting from their filing a complaint.

[69] I find the need to address general deterrence in this case to be an aggravating proportionality factor.

Systemic failure and organizational/institutional context

[70] Successive RCMP commissioners have delivered very strong messages that harassment of any kind will not be tolerated in the RCMP. The RCMP has adopted a zero-tolerance policy. The Subject Member acknowledged that he was aware of this policy through training he received from the RCMP. Both the Complainant and the Subject Member commented that the Subject Member's actions impeded the RCMP's efforts to provide a safe work environment for all employees. I agree that it had this effect. Consequently, I find this to be an aggravating proportionality factor.

Damage to the RCMP's reputation

[71] I have no evidence as to the extent of the damage to the RCMP's reputation. However, based on the findings on the Allegations, I feel I am able to say that the Subject Member's actions have the potential to contribute to a loss in public confidence in the RCMP.

[72] Public confidence in the RCMP has been dramatically eroded over the past decade due to harassment issues within the Force. The issues were made public in several public reports, including the final report on the implementation of the Merlo Davidson settlement agreement⁶ and the *Final Report on Tiller/Copeland/Roach RCMP Class Action*.⁷

[73] Furthermore, cases coming before a conduct board involve serious matters of harassment and, in this case, discreditable conduct. Conduct board decisions are published for public access

⁶ The Honourable Michel Bastarache, *Broken Dreams Broken Lives: The Devastating Effects of Sexual Harassment on Women in the RCMP*, Final Report on the Implementation of the Merlo Davidson Settlement Agreement, November 11, 2020.

⁷ Office of the Assessors, *Final Report on Tiller/Copeland/Roach RCMP Class Action*, June 7, 2022.

through the RCMP website. Each successive case of harassment adjudicated and established by a conduct board contributes to the loss of public confidence; therefore, this is an aggravating proportionality factor.

Conclusion on proportionality factors

[74] Three proportionality factors that appear in the list found in the *Phase 1 Final Report* are not relevant to this proceeding. These include procedural fairness considerations, effect of publicity, and loss resulting from unpaid interim administrative suspension.

[75] I have found several aggravating proportionality factors including public interest, the seriousness of the misconduct, provocation, institutional context, general deterrence and damage to the RCMP's reputation. These factors are aggravating to varying degrees.

[76] I have also found several mitigating proportionality factors that include the Subject Member's recognition of the seriousness of his misconduct, his mental health issues, his employment history, his potential for reform or rehabilitation, and parity of sanction.

[77] The balancing of these proportionality factors essentially lies between the seriousness of the Subject Member's misconduct, which requires significant conduct measures including dismissal, versus the need to demonstrate compassion and support for the member's good faith attempts at treatment for a duty-related operational stress injury and accommodation up to a point of undue hardship. This is what the conduct board did in *Mills*, which was an approach supported on appeal by the adjudicator.⁸

[78] In balancing the aggravating and mitigating proportionality factors, I find that a significant financial penalty supplemented by remedial conduct measures strikes the appropriate balance. I will discuss this further in my analysis of the remaining four foundational principles.

⁸ *Mills*, at paragraph 123.

Accordance with the purposes of Part IV of the RCMP Act

[79] As previously mentioned, the first foundation principle is that conduct measures must accord with the four purposes of the RCMP complaint and conduct process. These are:

- a) the public interest;
- b) the RCMP's interests as both an employer and a public institution;
- c) the member's interest in being treated fairly; and
- d) the interests of affected individuals.

[80] My role is to balance these competing interests to arrive at the appropriate conduct measures in conjunction with the four foundational principles.

Public interest

[81] The public has an interest in ensuring that RCMP members demonstrate the highest level of integrity and moral character both on and off duty. Consequently, member misconduct is always a matter of public interest because it impacts public confidence in the RCMP. The Subject Member did not live up to this expectation. He failed to adhere to the RCMP's Core Values and caused a loss of confidence in his employer and the community.

[82] Based on the historic devastating impact of harassment on the RCMP's reputation, the public interest demands that all cases of harassment be dealt with severely, up to dismissal.

[83] The public also recognizes that police officers are exposed to highly stressful and traumatic events in the course of their duties, which may have an impact on the officer's wellbeing. Consequently, the public interest supports a compassionate approach to police officers whose health is adversely affected by their duties as is the case with the Subject Member.

[84] Given the entirety of the circumstances, particularly the seriousness of the Subject Member's actions, I find that the public interest in maintaining public confidence in the RCMP outweighs the public interest in supporting a compassionate approach to the Subject Member's duty-related mental health issues. However, this does not mean that dismissal is a necessary outcome in this case.

RCMP interest

[85] The RCMP's interest relates to its dual role as an employer and as a public institution.

[86] As an employer, the RCMP must maintain integrity and discipline in the workplace. The Subject Member's actions directly relate to the harassment of a witness involved in a conduct proceeding on the eve of the witness testifying before a conduct board. In order to maintain integrity and good conduct in the workplace, the RCMP must deal harshly with any member whose misconduct impedes a conduct process whether or not that was the intended result.

[87] The RCMP also has an obligation to maintain a safe work environment free from workplace violence. The RCMP has made extensive efforts over the past decade or more to do just that. Again, both the Complainant and the Subject Member recognized that the Subject Member's actions ran counter to this obligation. Cases as serious as this will often require a member to be permanently removed from the workplace. However, the Conduct Authority's decision to no longer seek the Subject Member's dismissal signals to me that the Conduct Authority believes that returning the Subject Member to the workplace will not pose a continuing safety risk to other employees.

[88] As a public institution, the RCMP is responsible for the security of the public. The events of November 12, 2022, were out of character for the Subject Member. The Subject Member sought medical attention for his operational stress injury and, according to their opinions, is unlikely to engage in this type of behaviour again. He has promising prospects for rehabilitation. Although the circumstances of this case may bring into question the Subject Member's moral ability to perform duties as a police officer, this is not as large a consideration as it might be in different circumstances. That said, this does not preclude the imposition of serious conduct measures.

The Subject Member's interest

[89] The Subject Member's interest in this proceeding is in being treated fairly. He has been represented by legal counsel throughout this conduct matter and has been afforded all of the aspects of procedural fairness and the ability to respond to the allegations that the RCMP conduct process

provides. He continues to have the ability to appeal my findings on the allegations and the conduct measures once he is served my final written decision.

Interests of affected parties

[90] I heard the Complainant's impassioned victim impact statement. She clearly feels she was betrayed by the Subject Member, who she thought was a friend. She spoke of the significant detrimental impact to her physical, mental and financial wellbeing. To be frank, I found some of the things she said about her experience and its impact on her very hard to hear. If it were solely up to the Complainant, the Subject Member would not remain a member of the RCMP.

[91] The Complainant also spoke of her feelings of betrayal by other members and the RCMP as a whole. On this issue, I agree with the Subject Member Representative on two points. First, the Subject Member cannot be held responsible for the actions of others whom he had no influence or control over. Second, it is difficult to untangle the impact of the Subject Member's actions and the impact of the Complainant's experience with co-workers as well as the RCMP during her involvement in the K.S. Matter. In the case at hand, the extent of the impact of the Subject Member's actions on the Complainant is impossible to determine. I have no doubt that the Subject Member's actions directly and adversely impacted the Complainant, but I cannot say with any degree of certainty to what extent that may have been.

[92] I was pleased to hear the Subject Member recognize that his actions had a broader impact. This includes the impact on the members who are left behind to "pick up the slack" when a member is suspended, which can be for an extended period. In this case, the Subject Member has been suspended for almost two years. Soft vacancies like suspensions due to misconduct make up a considerable portion of the vacancy pattern at detachments. This results in more work for the members remaining on duty, which translates into member burnout and diminished service delivery to the communities the RCMP serves.

Predominance of educative and remedial conduct measures

[93] In keeping with paragraph 36(e) of the *RCMP Act*, I must administer “conduct measures that are proportionate to the nature and circumstances of the contravention and, where appropriate, that are educative and remedial rather than punitive”.

[94] The seriousness of the misconduct and the public interest considerations render the imposition of educative and remedial conduct measures exclusively inappropriate in this case. I have already identified the seriousness of the Subject Member’s behaviour as a significant aggravating factor. I have also identified that the public interest favours the imposition of serious conduct measures. Combined, these considerations weigh strongly in favour of loss of employment; however, the mitigating factor of the Subject Member’s deteriorated mental state justify serious conduct measures short of dismissal. Should the Subject Member retain his employment, it also remains imperative that he continues to deal with his physical and mental health under the direction of medical professionals on an ongoing basis.

[95] I find a significant financial penalty combined with remedial conduct measures are proportionate to the nature of the contravention and the circumstances of this case.

Presumption of least onerous conduct measure

[96] Where several conduct measures are appropriate, a presumption of the least onerous disposition should prevail. This presumption can be supplanted if public confidence in the administration of the RCMP conduct process and/or the RCMP’s organizational effectiveness is undermined.

[97] Based on my previous comments, I find that the presumption is supplanted by the public interest in this case. However, I do not find that the administration of the RCMP conduct process and the RCMP’s organizational effectiveness would be undermined by allowing the Subject Member to continue his career in the RCMP.

Expectation of higher conduct standard on police officers

[98] The fifth foundational principle is that a higher standard applies to police officers' conduct compared to employees in general because police officers hold a position of trust. Paragraph 36.2(b) of the *RCMP Act* states that one of the purposes of the RCMP conduct regime is to emphasize the importance of maintaining the public trust and to reinforce the high standard of conduct expected of members.

[99] The Subject Member's conduct ran contrary to the exemplary image and integrity required to perform the duties of a police officer. His actions seriously tarnish the RCMP's image and contribute to the loss of public confidence and respect for the RCMP and police in general. These factors speak to the need to impose significant conduct measures tempered by the recognition that the Subject Member's duty-related operational stress injury contributed to his out-of-character actions on November 12, 2022.

Conclusion on conduct measures

[100] I find that the conduct measures I administer must be significant in order to be proportionate to the Subject Member's conduct. This includes a significant financial penalty. It is generally recognized that a financial penalty of 45 days deducted from the member's pay is at the upper end of the range for this conduct measure.

[101] An educative conduct measure in the form of a direction to undertake training is also appropriate to address the Subject Member's demonstrated harassing behaviour.

[102] I also heard that the Complainant and the Subject Member have had limited personal contact since the incident of November 12, 2022. The Subject Member apologized to the Complainant during his testimony, but the Complainant was not present to hear that apology. I feel that a direction to provide the Complainant an apology letter is appropriate provided the Complainant is willing to accept it.

[103] An additional conduct measure to ensure that the Subject Member continues with his solid plan to manage his operational stress injury is also appropriate.

[104] Finally, an additional conduct measure of ineligibility for promotion will ensure that the Subject Member is on track and fully functioning upon his return to work before he undertakes any supervisory responsibilities.

[105] Based on the foregoing, I impose the following conduct measures:

- a) A financial penalty of 25 days to be deducted from the Subject Member's pay pursuant to paragraph 5(1)(j) of the *CSO (Conduct)*.
- b) Ineligibility for promotion for a period of 2 years pursuant to paragraph 5(1)(b) of the *CSO (Conduct)*. The ineligibility will start on October 30, 2024.
- c) A direction to complete the Canada School of Public Service training course Preventing Harassment and Violence in the Workplace (course number WMT101) pursuant to paragraph 3(1)(c) of the *CSO (Conduct)*. The course is to be completed within four weeks of the Subject Member's return to duty with proof of completion of the course to be provided to his Unit Commander.
- d) A direction to write a letter of apology to the Complainant pursuant to subsection 3(2) of the *CSO (Conduct)*. The letter is to be provided to the Conduct Authority and, in turn, to the Complainant if she consents.
- e) A direction to participate fully in the disability management policies set out in *Disability Management and Accommodation Program Manual* pursuant to subsection 3(2) of the *CSO (Conduct)*.

DECISION

[106] I have found both Allegations established on a balance of probabilities. After applying the five foundational principles, I imposed five conduct measures: 1) a 25-day forfeiture of pay; 2) ineligibility for promotion for 2 years; 3) a direction to complete a training course related to the prevention of harassment and violence in the workplace; 4) a direction to write an apology letter to the Complainant; and 5) a direction to comply with the provisions of the *Disability Management and Accommodation Program Manual*.

[107] The Subject Member has been provided an opportunity to continue his career in the RCMP. His supervisors and the appropriate conduct authority will seriously review any future contravention of the Code of Conduct, which could lead to his dismissal from the Force.

[108] 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 the Subject Member, 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.

Kevin Harrison
Conduct Board

November 13, 2025
Date