

RCMP



ROYAL CANADIAN MOUNTED POLICE

2014 - 2015

Annual Report Management of the RCMP Disciplinary Process

Adjudicative Services Branch



Royal Canadian Mounted Police
Gendarmerie royale du Canada

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The obligation to maintain the confidence of Canadians by promoting responsibility and public accountability rests with each RCMP member every day, in the performance of our duties, in the decisions we make, as well as how we treat one another and the members of the public. Together, we can make a more accountable RCMP, as well as a safe, healthy and respectful workplace for our employees.

Bob Paulson, RCMP Commissioner

EXECUTIVE SUMMARY

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2014-2015

This annual report on the Management of the RCMP Disciplinary Process is prepared pursuant to a 2008 Ministerial Directive.¹

Reports produced in accordance with the Ministerial Directive have provided an overview of the discipline regime; described its components and how they are organized; and provided a statistical look at the work done in each fiscal year. This report continues this tradition with a very important caveat: as a result of legislative reform two-thirds of the way through the fiscal year, the data collected for this year cannot be directly compared with previous years.

That legislative reform was brought about by the coming into force on November 28, 2014 of the *Enhancing Royal Canadian Mounted Police Accountability Act* (Accountability Act) which significantly amended the RCMP's governing statute, the *Royal Canadian Mounted Police Act (1988)*.² Among the most prominent changes was replacing the "discipline" regime in place with a new robust "conduct" management system. To avoid confusion, this report will refer to the pre-reform *Royal Canadian Mounted Police Act (1988)* as the "RCMP Act" and the post-reform version as the "Amended RCMP Act". In order to maintain consistency with earlier years of this report, it will also focus on the formal discipline process as it was administered under the RCMP Act using the terminology and reflecting the RCMP's organizational charts as they were prior to November 28, 2014. Although there will be incidental references to the new conduct process, terminology and organizational

structure, these will be kept to a minimum but more fully explored in a future report.

The administration of the formal discipline under the RCMP Act was managed in 2014-2015 primarily by Adjudicative Services Branch through three directorates: Appropriate Officer Directorate, Member Representative Directorate, and Adjudications Directorate. Their respective, distinct, but necessarily interrelated, responsibilities are: representing the officer who initiated formal discipline proceedings; representing the member against whom misconduct has been alleged; and, managing and conducting discipline board hearings. Formal discipline matters can be resolved by: (1) a contested disciplinary hearing which proceeds formally with calling of evidence; (2) an Expedited Resolution Process hearing in which a member admits the alleged misconduct; (3) withdrawal of the allegation; and, (4) resignation of the member. How did they perform?

Overall productivity, at least as measured by the number of formal discipline cases resolved, was down from the historical high of the previous year, 71 in comparison to 100. These 71 break down as follows: 42 by hearings (14 contested, 28 by Expedited Resolution Process), 7 because allegations were withdrawn, and 22 because members resigned. A Digest of Cases provides greater detail on the 42 matters heard.

¹ The Ministerial Directive appears in Appendix A.

² *Royal Canadian Mounted Police Regulations, 1988*, SOR/88-361 (as amended) ("Regulations")

In addition to the Digest of Cases, Figures 1 to 7 provide organizational information and Figures 8 to 24 provide considerable current and historical statistical information. As a snapshot: this year, the Appropriate Officer Directorate initiated 79 new cases; the Member Representative Directorate generated 201 new files; and Discipline Adjudications Directorate conducted 42 discipline hearings. Other key statistics show that: over the past seven years 66 percent of hearings proceeded by the expedited process; this year 30 members forfeited a total of 291 days' pay; over the past three years over 50 percent of members who were subject to formal discipline had less than 10 years service; the average length of time to resolve a formal discipline matter has decreased from 513.6 days to 482 days this year; and, during the year, just 0.16 percent of all members were subject of formal discipline proceedings.

Although the focus of the report is formal discipline the report includes a breakdown, by division, for the 118 cases (a drop of 40 from last year) which resulted in informal discipline. Though suspension is not a disciplinary action, the report also shows that there were 94 suspended members (86 suspended from duty with pay and allowances and 8 suspended from duty without pay and allowances) on March 3, 2015 (down from a total of 118 on March 31, 2014).

Assessing productivity – and measuring success –, however, requires more than an assessment of these statistics. A true assessment of what has been accomplished must take into consideration the considerable demand on existing resources not merely to prepare for the implementation of the changes brought by the Accountability Act, but also the pressures of servicing both the pre-reform discipline process and the post-reform conduct process for one full third of this reporting period.

The pressure of servicing two systems will continue for some time as at year end there remained 135 formal discipline cases to be resolved and must be managed in tandem with the new conduct process.

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Message from the Professional Responsibility Officer

In my message in the Preface to last year's Annual Report, I observed that on the whole, the overwhelming majority of our members perform their demanding duties with professionalism, but that there are some who, at times, engage in conduct that does not meet the high expectations of the RCMP and the communities it serves. In those still-rare cases, misconduct must be addressed in a timely and effective manner. With the passing of the Accountability Act and coming into force of not merely the Amended RCMP Act, but also new Regulations and various updated Commissioner's Standing Orders on November 28, 2014, the formal discipline system³ detailed in this report was replaced with a robust conduct management system. Conduct management is the way forward and I am encouraged by the fact that despite some "teething pains" the early signs are promising.

However, data and further commentary on the new conduct management process are topics for the future. This report is a review of the progress made during the fiscal year managing the formal discipline system as it existed under the RCMP Act prior to November 28, 2014.

As the report shows, while challenges remain, we ended the year at 135 outstanding cases, down from a record-high inventory of 144 at the end of 2012-2013. With the new conduct process in place, that total is in terminal decline. Thus, this is the last Annual Report with a focus on the "legacy" formal discipline regime.

A new era of conduct management in the RCMP has begun.

Craig S. MacMillan

Professional Responsibility Officer,
Royal Canadian Mounted Police.

³ The Professional Responsibility Officer was known, under the former discipline system, as the Professional Integrity Officer

Message from the Director General

As the Professional Responsibility Officer has indicated, this is the last Annual Report with a focus on the “legacy” formal discipline regime. That does not, however, mean that the 135 remaining cases will vanish without effort. Indeed, in all likelihood, some of these cases will, for various reasons, remain on the books for the next few years. As experience has taught us, reasons for these delays include parallel criminal proceedings and/or appeals, other concurrent court proceedings, illnesses of counsel, adjudicators or the subject member, the vagaries of weather and staffing pressures. These, and other challenges will persist even as the remaining cases are reduced to those that are the most difficult, contentious and resource-intensive to resolve. In short, there remains much work ahead before the formal discipline regime reaches its true end.

Looking only at the numbers contained in this report, it is obvious that the output of Adjudicative Services Branch,⁴ measured as formal discipline cases concluded, dropped this year in comparison to last. Superficially this may look like a disappointing performance, but taken in context, I think this outcome was almost inevitable and not as discouraging as it appears. First, last year’s total of 100 was a historic high. It is always difficult to beat one’s best. Secondly, with only two-thirds of a year’s worth of new cases coming in, the number was lower than preceding years.

Although somewhat counterintuitive, this can mean that there were proportionally fewer straightforward cases to be resolved within the reporting period. Thirdly, there was a slight increase in administrative and medical discharge files over recent years. While these do not count as “discipline”, these files still tax Branch resources. Fourthly, and perhaps most significantly, the Branch committed resources to the massive effort necessary to prepare for and implement aspects of the new conduct management process. Fifthly, as of November 28, 2014, the Branch has had to manage cases in both the formal discipline stream and the conduct process. These factors put the decline in the overall number of concluded cases for this reporting period into perspective.

In looking at other aspects of the data, it is encouraging to see a reversal of the multi-year increase in the average number of days to conclusion for formal discipline cases. From a high last year of just over 513 days, the figure has dropped to 482. While still higher than the 5-year average of about 442 days, this is a welcome development. Also welcome is the continuation of a trend of relatively low discipline rates. This year only .16% of the member population had formal discipline imposed on it, the lowest since 2002-2003.

It is also worth observing that the rate of informal discipline also dropped this reporting period, something one could anticipate from the fact that the data collected spans only two-thirds of a year. However, even taking this into account, there were substantial decreases in some Divisions. Finally, I note that, even if only snapshot of a moment in time, the number of members suspended (with or without pay) was also lower at the end of this year (94) than at the end of last year (118).

Stephen N.S. Thatcher

Director General, Recourse Services Branch
Royal Canadian Mounted Police

⁴ The Adjudicative Services Branch is currently known as the Recourse Services Branch.

The RCMP Formal Disciplinary Regime

1.1 Report Overview

2014 was a very busy year, as considerable effort was required to administer the RCMP's discipline processes under the RCMP Act, while planning for the changes necessitated by the Accountability Act. Time and resources expended in preparing for the legislated changes to the RCMP discipline process impacted productivity for most of the year.

This year's annual report marks the end of reporting with a focus on the management and functioning of the disciplinary process under the RCMP Act. The report provides updates on some of the changes initiated in past years, as well as continuing reporting on new analyses introduced in the 2012-2013 report concerning the rank or level of members facing discipline and an examination of the years of service of members subject to formal discipline during the year. The number of formal discipline cases resolved was 71.

1.2 Ministerial Directive

In 2008, the Minister of Public Safety issued direction to the Commissioner of the RCMP regarding the RCMP's disciplinary process. The aim was to bring about additional clarity and enhanced accountability.

The Ministerial Directive on the RCMP Disciplinary Process ("Ministerial Directive") is the impetus for this report.⁵

In addition to ordering that an annual report on the management of the RCMP disciplinary process be prepared, the Ministerial Directive calls for:

- the standardization of the application of, and enhancements to the transparency of the disciplinary process set out in the RCMP Act;⁶
- the maintenance and ongoing monitoring of comprehensive records on all disciplinary files;
- the effective coordination and efficient administration of the RCMP disciplinary system;
- nationally-consistent policies and protocols to inform RCMP members of the requirements and procedures associated with the disciplinary process;
- regular training for appropriate staff to promote awareness of and compliance with the above requirements and procedures; and
- a designated representative of the Commissioner, having regard for legal and operational considerations, to inform the Minister in a timely manner of significant disciplinary matters.

⁵ The Ministerial Directive appears in Appendix A.

⁶ *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10 (as amended) "RCMP Act").

1.3 Overview of the Disciplinary Regime

(i) Historical Overview

The RCMP's disciplinary process has evolved from the careful examination and consideration of appropriate legislative measures during the 1970s and 1980s. The provisions now under Part IV of the RCMP Act, include those for informal and formal disciplinary actions.

In the 1976 *Report of the Commission of Inquiry Relating to Public Complaints, Internal Discipline and Grievance Procedures within the Royal Canadian Mounted Police* ("Marin Commission"), it was found that the RCMP disciplinary regime was essentially punitive. The penalties available were: cautioning – a formal oral admonishment by an officer; warning – a written reprimand by an officer; charging with a service offence; and compulsory discharge.

Disciplinary charges alleging major and minor service offences were tried within a Service Court presided over by a single commissioned officer. The accused member was permitted to request the representation of another member, however, there was no entitlement to professional counsel. Service Court proceedings used the same adversarial process and rules of evidence as criminal trials. Punishments included imprisonment for up to one year, fines, loss of pay, reduction in rank, loss of seniority, a reprimand or compulsory discharge.

The Marin Commission reported that Service Court proceedings were patterned on the adversarial system. The member and the prosecutor could call, examine and cross examine witnesses, evidence was given under oath and the presiding officer determined law and fact. There was "ambiguity, equivocation, misunderstanding and mistrust" through the inconsistent application of rules of evidence and standards of proof (i.e., "balance of probabilities" as in a civil trial or "beyond a reasonable

doubt" as in a criminal trial).⁷ The report of the Marin Commission provided recommendations aimed to define and clarify the rights, obligations, rules and procedures of the RCMP's formal disciplinary system.

Following the analysis by the Marin Commission, the RCMP recognized its disciplinary system lacked impartiality and procedural rights. To address this, and in advance of legislative change, the Adjudications Branch was created in 1981 in an attempt to bring consistency and professionalism into the administration of the Service Court process.

In 1985, the Adjudications Branch evolved into the Professional Standards Directorate, which was formed as a centralized unit that had dedicated personnel with legal training to act as trial officers, and defence and prosecution counsel. The objectives were: the development of expertise; more efficient, consistent and timely processes; and more control over the process.

The 1988 amendments to the RCMP Act, based on the work of the Marin Commission, created a wider range of disciplinary options and removed the penalty of imprisonment. Service Court proceedings before the trial officer became hearings before a board of three adjudicators. Representatives of the parties involved in the proceedings became appropriate officer representatives and member representatives.

In the summer of 2004, in the wake of concerns about member representation and delays in the system, the RCMP Pay Council was asked by the Staff Relations Representatives Program and RCMP management to undertake a review of the RCMP's internal disciplinary system.

⁷ Report of the *Commission of Inquiry Relating to Public Complaints, Internal discipline and Grievance Procedures within the Royal Canadian Mounted Police* (Ottawa: Minister of Supply and Services, 1976), pages 111-131.

The key findings of the *Pay Council Report* related to undue delays within the disciplinary system, particularly at the investigative and adjudicative stages of the process. Another issue was the perceived failure of the system to meet the legislative intent that it be corrective, expeditious and informal, rather than overly legalistic, adversarial, formal and punitive. The *Pay Council Report* further stressed internal investigations into alleged breaches of the Code of Conduct were far too slow and there was a failure to advise members of their progress.

The *Pay Council Report* suggested a renewed commitment to managing the disciplinary system as an integrated program with unified responsibility, oversight and coordination. This new approach would help ensure discipline was administered as a single, continuous program in a prompt, effective manner while maintaining the autonomy of investigations and the adjudications and representative programs. The report suggests doing this by way of an accountability framework precisely setting out where investigations and programs were and were not answerable to RCMP management. It was recommended that the role of unit and divisional command, particularly with respect to administering informal discipline at the lowest possible level, be re-emphasized. At the investigative level, it was stressed that investigations must be conducted expeditiously and be continuously supervised and monitored. Finally, at the adjudicative level, the process called for a more direct involvement by the boards in scheduling and concluding matters in a timely manner.

The Pay Council recommendations were revisited in December 2007 when the Task Force on Governance and Cultural Change in the RCMP submitted its final report, *Rebuilding the Trust*, to the Minister of Public Safety and to the President of the Treasury Board.

The Task Force had been given a mandate to report and make recommendations on numerous aspects of the RCMP, discipline being one. With respect to the disciplinary system, it recommended that the RCMP:

- implement the *Pay Council Report* recommendations with whatever amendments management felt appropriate;
- establish a centralized disciplinary authority;
- eliminate backlogs existing in its disciplinary system;
- re-commit itself at the highest levels to the expeditious and informal resolution of disciplinary matters at the lowest-possible levels; and,
- establish reasonable time frames for the commencement and completion of disciplinary investigations with these only rarely exceeding six months and, at the outside limit, held to one-year time limits subject to the ability of the RCMP to apply for extensions to facilitate contemporaneous criminal investigations.

In January 2008, the Minister of Public Safety issued the Ministerial Directive, in which he directed the Commissioner to standardize the application of the RCMP's disciplinary process and enhance its transparency.

(ii) Code of Conduct

RCMP members are subject to the same laws as all Canadian citizens. In addition, whether on- or off-duty, members are governed by the Code of Conduct (which is outlined in the Regulations to the RCMP Act).⁸ Matters of employee misconduct are taken seriously, and the RCMP Act gives an officer or member in command of a detachment the authority to initiate a Code of Conduct investigation. Any RCMP member found to have contravened the Code of Conduct may be disciplined.

⁸ *Royal Canadian Mounted Police Regulations, 1988, SOR/88-361 (as amended) ("Regulations")*

It is important to note that an RCMP member is entitled to fairness and due process throughout a Code of Conduct investigation and any ensuing disciplinary proceeding or action. Should the officer or member in command of the detachment conclude that the allegation is substantiated, the officer or member will then decide what type of discipline is appropriate. Depending on the seriousness of the contravention, disciplinary action can be informal or formal and sanctions vary in scope.

In June 2013, the Accountability Act received Royal Assent, setting in motion the reform of the RCMP Act. On November 28, 2014 the provisions to amend the RCMP Act, and the supporting Regulations, Commissioner's Standing Orders, policies, processes and procedures came into force. The new conduct process allows misconduct to be addressed in a more responsive, timely and effective manner, while balancing fairness. The majority of conduct matters will be dealt with through a meeting process, giving managers and employees greater flexibility when dealing with conduct issues.

(iii) Informal and Formal Discipline

The RCMP Act allows informal action to be taken to discipline members or officers contravening the Code of Conduct by the member in charge of a local detachment or the responsible officer, without a requirement for a formal process. Less serious violations are to be addressed by "informal disciplinary action".¹⁰ The informal disciplinary actions provided are generally of a corrective nature.

All informal disciplinary actions are considered personal information as defined in section 3 of the *Privacy Act* (RSC 1985, C P-21). As such, disclosure is governed by this Act and information is generally only provided to the parties involved and others with a need to know that information for specific purposes. Informal disciplinary actions authorized by the RCMP Act are:

- recommendation for special training;
- recommendation for professional counseling;
- recommendation for transfer;
- direction to work under close supervision;
- the forfeiture of regular time off for any period not exceeding one workday (subject to conditions established by the Commissioner); and,
- a reprimand.

Any member against whom informal disciplinary action is taken in the form of a direction to work under close supervision, a forfeiture of regular time off, or a reprimand, may appeal. Informal discipline appeals are decided by a single officer, whose rank is dependent on the rank of the member subject to discipline. An informal discipline appeal must be presented within the 14-day limitation period set out in the *Commissioner's Standing Orders (Disciplinary Action)*.

⁹ Emphasis is on the informal resolution of contraventions of the Code of Conduct, preferably at the detachment level and supports the principle that informal discipline is to be applied at the lowest possible level to ensure a high level of accountability.

¹⁰ At the formal level as well, the legislation provides for corrective measures, although clearly it was intended to be punitive when necessary.

Formal discipline is warranted when it is alleged a member has contravened the Code of Conduct and informal disciplinary action would not be sufficient. A formal disciplinary hearing is then initiated by the appropriate officer and notice is provided to the subject member.

The designated officer appoints an adjudication board, before which the parties, normally represented by legal counsel, have a full opportunity to present evidence, to cross-examine witnesses and to make representations. The adjudication board must follow established legal principles and weigh all of the circumstances before deciding if an allegation of misconduct is established on the balance of probabilities.

If an adjudication board determines that one or more allegations are established, the parties may again call evidence and make representations, and the board must consider all relevant factors that aggravated and/or mitigated the professional misconduct in determining the appropriate sanction. Formal disciplinary sanctions range from a forfeiture of pay for a period not exceeding 10 work days, to demotion or dismissal. The adjudication board may also impose informal disciplinary measures in addition to, or as a substitute for, formal disciplinary sanctions. With the exception of dismissal, sanctions imposed after the formal disciplinary hearing process are also intended to be primarily corrective or remedial.

(iv) Treasury Board Values and Ethics Code for the Public Sector and the RCMP Organizational Code of Conduct

Although the Code of Conduct has long governed the conduct of regular and civilian members of the RCMP, it does not regulate the conduct of the RCMP's many employees in other categories.

Recently developed as a requirement of the *Public Servants Disclosure Protection Act* ("PSDPA"), the Treasury Board's *Values and Ethics Code for the Public Sector* modernized the existing code for the Public Service. It outlines the expected behaviour of all public servants, including regular and civilian members of the RCMP. The PSDPA also required that all federal departments develop an organizational code of conduct that supports the *Values and Ethics Code for the Public Sector* while taking into account the unique requirements of their department.

Accordingly, the RCMP developed its Organizational Code of Conduct, designed to complement the existing Code of Conduct, ensuring that all RCMP employees, regardless of category, are all held to similar expectations relative to behaviour. Both the *Values and Ethics Code for the Public Sector* and the RCMP Organizational Code of Conduct came into effect on April 2, 2012.

The Organizational Code of Conduct has particular significance for employees not subject to the Code of Conduct, specifically public service employees, temporary civilian employees, and reservists. Remaining employee groups are to be guided by and respect the intentions of the new Organizational Code of Conduct. This includes volunteers, auxiliaries, and both municipal and provincial employees.

Also arising from the *Values and Ethics Code for the Public Sector* was a new Conflict of Interest Directive, which included as a major component, an equally new Interpersonal Workplace Relationship Policy. The Conflict of Interest Directive offers guidance to all RCMP employees on how to avoid and manage conflict of interest situations generally. The Interpersonal Workplace Relationship Policy is more specific and provides employees clarity on when and how they should report romantic or sexual relationships involving supervisors or subordinates.

The objective of the policy is not to limit such relationships, but rather to mitigate conflicts of interest as well as to provide employees with a safe and respectful workplace free of the abuse of authority or harassment. The new directive and policy were developed and approved by the RCMP's Senior Executive Committee during the 2012-2013 fiscal year and came into effect in April 2013.

Recognizing the importance of providing, maintaining and promoting a respectful workplace, in 2013-2014 the RCMP introduced mandatory respectful workplace training. Between January 30, 2014, and May 31, 2014, all RCMP employees were required to complete "The Respectful Workplace" course. This web-based training supports the continuous respectful workplace dialogue which the Commissioner encourages between all managers, supervisors and employees. The RCMP is committed to an evolving, modern culture.

In conjunction with renewing the RCMP Code of Conduct for RCMP Members, the RCMP also updated its Organizational Code of Conduct for Public Service Employees. The Public Service Employee Code of Conduct is consistent with the expectations outlined in the new RCMP Code of Conduct and the Treasury Board's *Values and Ethics Code for the Public Sector*.

(v) Adjudication Boards

Adjudication boards are comprised of three RCMP commissioned officers. These officers must have the appropriate adjudicative training and not be in a real or perceived conflict of interest with respect to the subject member and matter to be heard. Additionally, at least one of the officers must be a graduate of a recognized law school. All adjudicators must swear an Adjudicator's Oath of Office in which they undertake to act faithfully, impartially and honestly and in accordance with the Adjudicator's Code of Ethics.

(vi) Suspension of Members¹¹

The RCMP Act allows for the suspension of a member who is suspected of or has been found to have contravened the Code of Conduct, or a federal or provincial law.

Suspension is not itself a disciplinary sanction. Suspension with, or without pay, is a preventive measure created to protect the integrity of the RCMP and its processes pending the outcome of the matter which gave rise to the suspension. Suspension from duty is only ordered in cases where not doing so would seriously jeopardize the integrity of the RCMP. Where suspension from duty is not warranted, the member may be assigned to other duties.

Of the two forms of suspension, suspension without pay is the less frequent, arising only when the alleged misconduct, were it established, is so outrageous that it requires a greater response than suspension alone. It is invoked only when it would be inappropriate to pay a member pending the outcome of the disciplinary hearing.

(vii) Appeals of Adjudication Board Decisions and the RCMP External Review Committee

Appeals of adjudication board decisions may be made to the Commissioner within the 14-day limitation period set out in the RCMP Act. A subject member may make an appeal on any ground with respect to the adjudication board's finding(s) of fact or on the sanction imposed. Similarly, an appropriate officer may appeal on any ground with respect to the adjudication board's finding(s) of fact. In very limited circumstances, the appropriate officer may also appeal the sanction imposed.

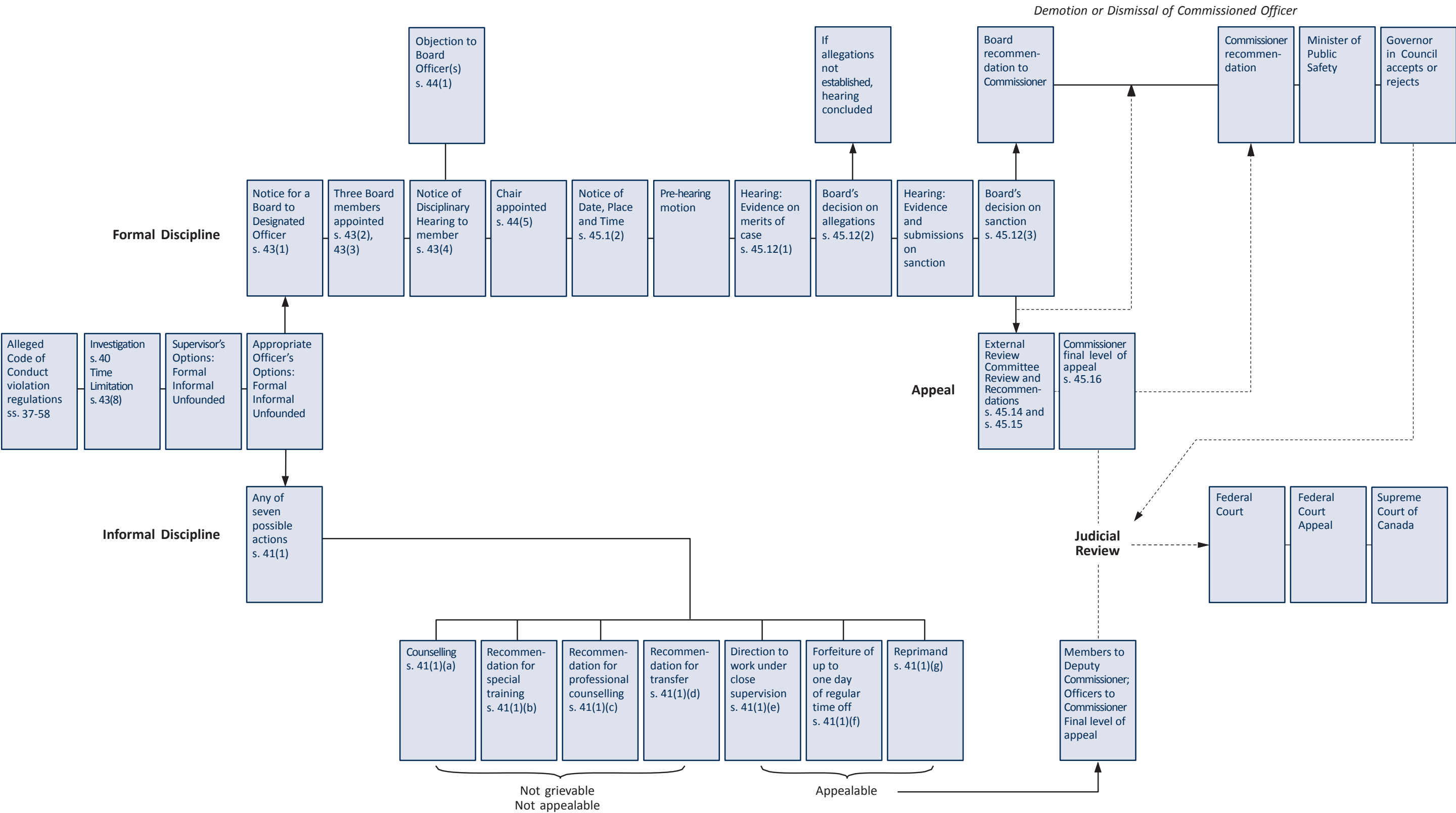
¹¹ For additional information on matters relating to the RCMP suspension policy and suspension of members without pay and suspension of members with pay, see both section 3.1 (iii)(1) and section 3.3 of this Annual Report.

This right is limited to a circumstance in which the adjudication board imposes a sanction that is not provided for by the RCMP Act.

Before the Commissioner rules on an appeal, the matter is referred to the RCMP External Review Committee ("ERC"), an independent statutory body. The ERC provides findings and recommendations to the Commissioner about whether the Commissioner should uphold or deny the appeal of the adjudication board's decision. The Commissioner is not required to agree with the ERC, however, where the Commissioner disagrees, he or she must provide reasons.

The Commissioner's decision on a formal disciplinary appeal is final and binding and is not subject to appeal or review by any court, except on a judicial review by the Federal Court of Canada.

Figure 1: Discipline Process under Part IV of the RCMP Act¹²



¹² Please see Appendix D for the detailed steps of the RCMP Act Part IV.

Components of the Formal Disciplinary Regime

2.1 The Office of Professional Integrity

While this report deals primarily with the formal discipline process, there are a number of components that comprise that process. Indeed, public and internal trust is paramount to the organizational success of the RCMP. This requires that RCMP employees undertake and perform their duties and responsibilities with the highest level of integrity. This will engender ethically-based decisions in all areas of responsibility. The resulting level of confidence will enable the RCMP and its partners to deliver a level of service that is not only expected but deserved.

Professional Integrity in a Policing Context

Professional integrity is the integrated collection of virtues that brings about the goals of a profession. In the policing context, maintaining professional integrity is one of the most significant contributors to successful and effective service delivery. Because of specific rights, privileges and authorities granted to those working in the policing realm, the public, government and partners must have the confidence and trust in policing organizations that professionalism prevails. Reporting directly to the Commissioner, the Office of Professional Integrity was created in 2010 as a comprehensive approach to address professional integrity by:

- ensuring the rights and privileges of the occupation are not exceeded;

- treating others in a fair and respectful manner;
- doing what is right even when nobody is looking; and
- decision-making founded on sound, values-based reasoning.

Led by the Professional Integrity Officer, its mission is to promote the high standards of ethics and integrity expected of the organization by employees and the public. This new structure operates to guide employee behaviour, mitigate employee misconduct, as well as support an ethical culture. Key programs within the Office of Professional Integrity include:

- Adjudicative Services Branch;
- Employee Management Relations Branch;
- Honours and Recognition; and
- Professional Ethics Office.

Furthermore, the Professional Integrity Officer provides direction in the development of the framework of strategies, plans, policies and processes that govern the design and implementation of the RCMP’s conduct regime.

Strong Ethics, Strong Organization

Originally released in July 2013, the Professional Ethics Strategic Plan (PESP) aligns and coordinates RCMP initiatives in support of a professional organizational culture. The PESP is founded on the strategic objective of “*Strong Ethics, Strong organization*” supported by three priorities: Ethical Leadership, Governance, and Culture.

Ethical leadership is understanding, committing to and exemplifying the RCMP core values and having the ability to influence others to do the same.

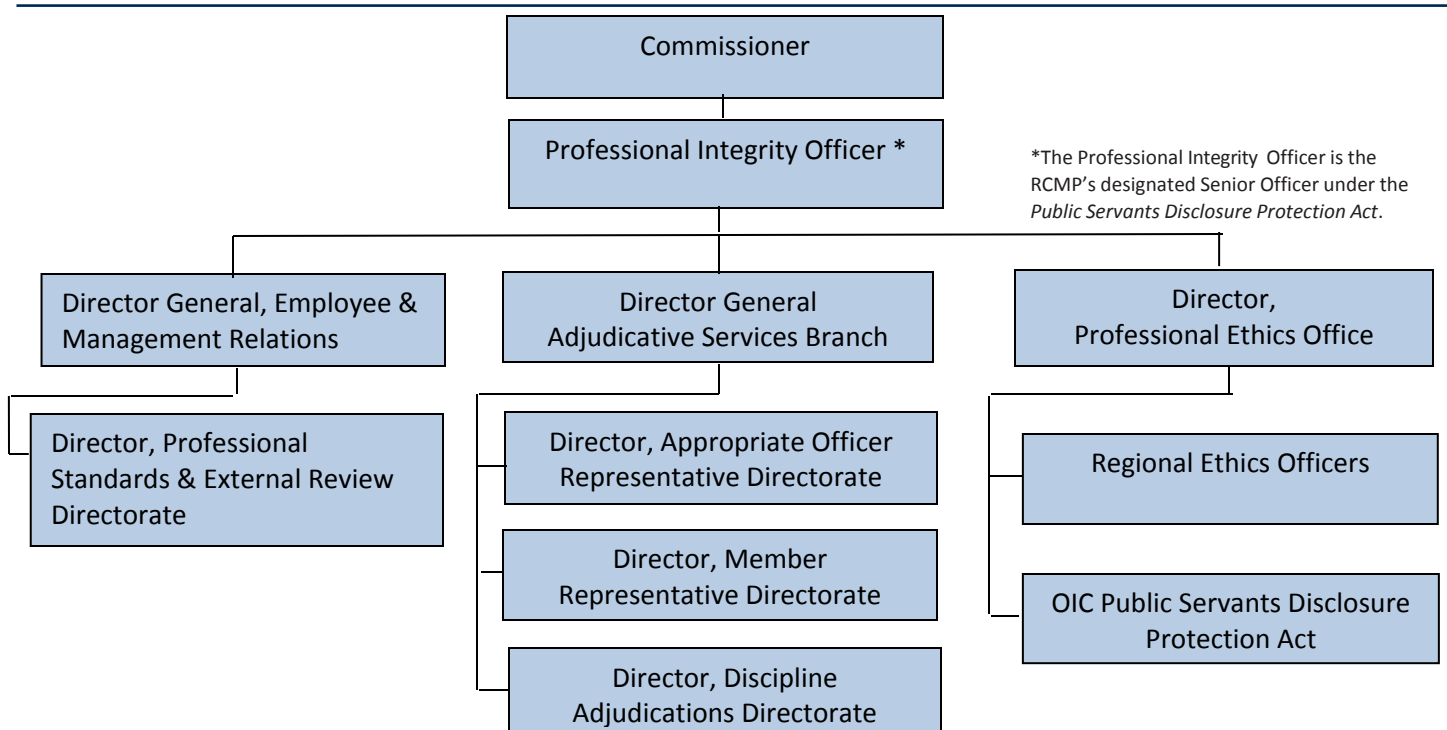
Ethical Governance is having RCMP ethical frameworks and mechanisms which support decision making and provide accountability, integrity and transparency in the development of RCMP policies. Ethical culture is having behaviours, norms and protocols which are characterized and reflective of our professional responsibilities and ethical values. Each strategic priority is supported by a national initiative. In March of 2014, the Senior Executive Committee (SEC) approved the following three PESP 2014-2015 national initiatives:

Ethical Leadership: Senior management will identify, action and communicate initiatives taken in response to the Professional Climate Survey (PCS). The PCS results were reviewed and reported on by the divisions. Employees highlighted many of the strengths and some areas of concerns that the RCMP will work to maintain and build on. These results will help continue to gauge what we have been doing and where we need to go to strengthen the professional and ethical culture of the RCMP.

Ethical Governance: Develop and implement RCMP's new Code of Conduct (RMs) and Organizational Code of Conduct (PSEs). The RCMP Code of Conduct and the Public Service Employee Code of Conduct came into effect on November 28, 2014. The new Code of Conduct for regular and civilian members was developed to support the processes derived from the Accountability Act. The RCMP also updated its Organizational Code of Conduct, now known as the Public Service Employee Code of Conduct to ensure that all RCMP employees, regardless of category, are all held to similar expectations relative to behavior.

Ethical Culture: Develop and promote formal recognition for professional ethics and integrity. Meeting this national initiative, the commendation award now allows the RCMP to formally recognize the actions of our employees that are reflective of our professional responsibility and our values. It is important that we take the time to formally recognize employees who go above and beyond in their commitment and service to Canadians, and all categories of employees are eligible for this award.

Figure 2: Office of Professional Integrity Organizational Chart



The PESP and ongoing objective of “*Strong Ethics, Strong Organization*” has ensured that the national strategic priorities are being accomplished and that divisions are also developing activities or initiatives which support Ethical Leadership, Governance and Culture. Divisions are required to report activities being led in their area in support of each of the strategic priorities to the Professional Ethics Office, through their Commanding Officer. A collaborative approach with Divisions will ensure the transformational success of the PESP.

Conflict of Interest Directive (COI Directive)

On November 28, 2014, the COI Directive was also amended. It outlines the expectations governing conflict of interest obligations of employees. The COI Directive was developed to meet the expectations and requirements of the *Values and Ethics Code for the Public Sector* and to complement the Treasury Board Policy on the *Conflict of Interest and Post-Employment*, and both the RCMP Codes of Conduct – for members and Public Service Employees.

The COI Directive helps guide employees to avoid, manage, report, and resolve actual, apparent or potential conflicts of interest. The Interpersonal Workplace Relationship Policy is found within the COI Directive and clarifies when and how employees should report romantic or sexual relationships involving supervisors or subordinates. The objective of the policy is not to limit such relationships, but rather to mitigate conflicts of interest, as well as to provide employees with a safe and respectful workplace free of the abuse of authority or harassment.

2.2 Context

As of April 1, 2014, there were 29,827 permanent employees in the RCMP:

- 18,518 regular members holding peace officer status;
- 3,926 civilian members; and
- 6,173 Public Service employees.

The RCMP's Code of Conduct regulates the conduct of 22,444 regular and civilian members operating from coast-to-coast at all levels of policing.

Through agreements between the federal government and other bodies, the RCMP provides national, provincial/territorial, Aboriginal and municipal police services across Canada. The RCMP has also been dispatched by the Government of Canada to provide personnel in support of the United Nations or other international missions. In practice, the management and function of the disciplinary process is shared between various components of the organization. The following provides information on the mandate and

function of these components.

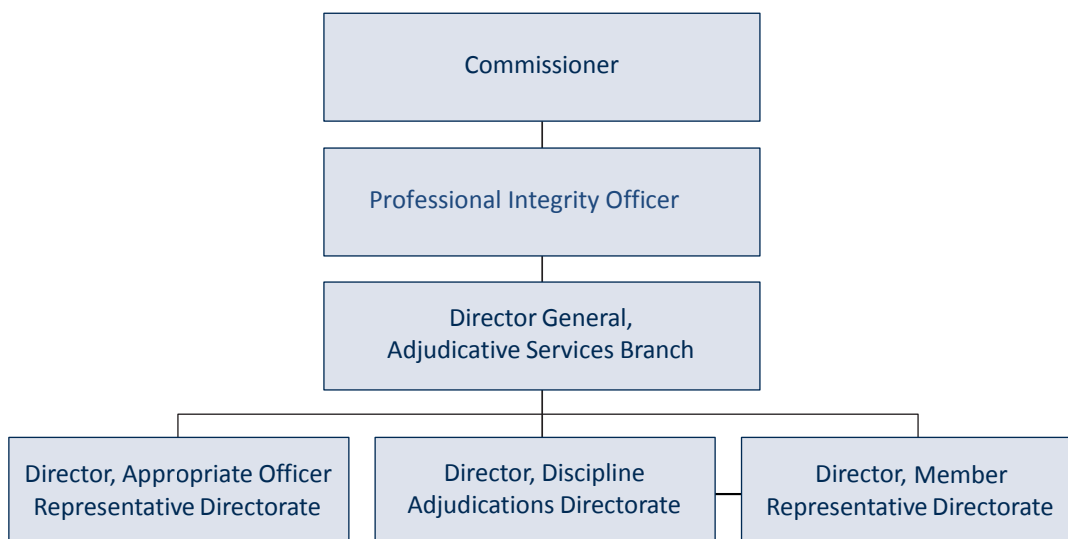
2.3 Adjudicative Services Branch

The Adjudicative Services Branch was created in March 2008. The Branch is headed by a Director General and is composed of four directorates, three of which directly relate to the RCMP's formal disciplinary system.¹³ The three directorates playing a significant role in formal discipline are the:

- 1) Discipline Adjudications Directorate,
- 2) Appropriate Officer Representative Directorate, and
- 3) Member Representative Directorate.

In addition to its role as the central disciplinary authority for formal discipline, Adjudicative Services Branch seeks to engage and support other key components of the disciplinary process, such as the Professional Standards and External Review Directorate in the Employee and Management Relations Branch, Commanding Officers in their role as appropriate officers, divisional managers and units, and discipline reviewers.

Figure 3: Adjudicative Services Branch Organizational Chart



¹³ Not shown on the organizational chart as part of Adjudicative Services Branch are Level I Grievance Adjudications Directorate and three Level II grievance adjudicators. They are not directly related to the disciplinary system, but are part of the larger adjudicative role.

2.4 Directorates

(i) Discipline Adjudications Directorate

The Discipline Adjudications Directorate administers formal disciplinary hearings under Part IV of the RCMP Act as well as discharge and demotion board hearings for unsuitability under Part V of the RCMP Act. The role of the Discipline Adjudications Directorate is vital in maintaining public trust and in the pursuit of the mission and strategic goals of the RCMP. The overarching responsibility of the discipline adjudicators is to balance public, organizational and member interests, while also ensuring the fairness, integrity and credibility of the process over which they preside. Discipline Adjudications Directorate also facilitates pre-hearing conferences, the objectives of which are:

- to narrow the issues for the hearing;
- focus the hearing on the matters in issue;
- establish the ground rules; and
- make the most efficient use of hearing time.

As part of its efforts towards the fair and equitable treatment of members, the Discipline Adjudications Directorate maintains an intranet site accessible to members and other employees of the RCMP. Along with hearing schedules and statistical data, the site publishes adjudication board decisions. This assists in maintaining transparency, accountability and confidence within the organization. Giving internal stakeholders access to decisions and other information allows, for instance, those facing disciplinary measures to consult previously decided cases. It also serves as a learning tool in dissuading conduct similar to that identified in decisions where Code of Conduct violations were established. Given the substantial number of personnel involved in the administration of the disciplinary process, this intranet site has taken on added significance. Though the site is not accessible to the public, adjudication

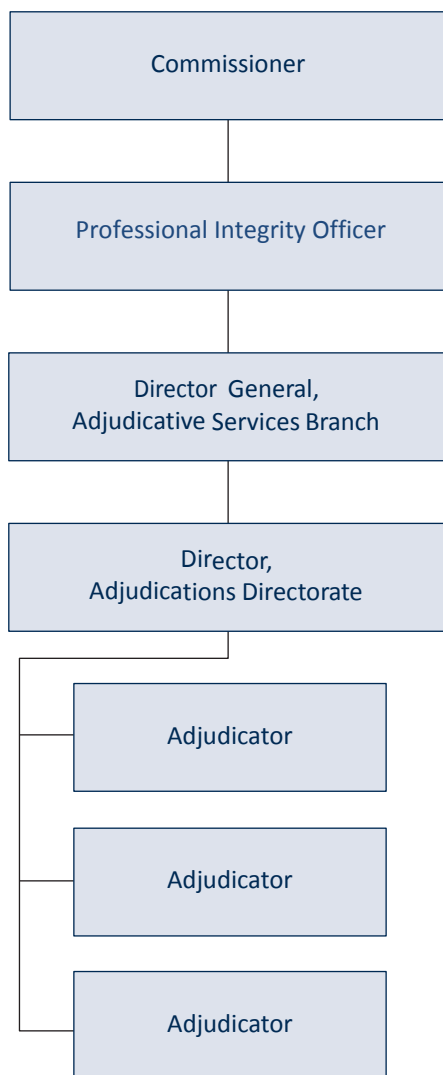
board decisions are available to all persons upon request, subject to any board order limiting publication, a hearing being held in camera or other factors requiring protection of personal information. As will be seen in Chapter 3, the RCMP protocol concerning public access to decisions has been evolving to meet changing circumstances.

Besides conducting hearings, the Discipline Adjudications Directorate serves an important administrative role in managing processes that keep the RCMP's formal disciplinary system functioning. For example, Discipline Adjudications Directorate registrars are responsible for:

- scheduling hearings;
- booking hearing and meeting rooms;
- coordinating adjudication board appointments and issuing summonses; and
- managing the database through which the Discipline Adjudications Directorate tracks formal disciplinary statistics.

The Directorate's writer/editor administers the process of editing and posting decisions to the intranet site, writes summaries of decisions, and creates digests and indexes. Discipline Adjudications Directorate also manages requests by media and the general public for access to discipline decisions as well as information about the formal discipline process.

Figure 4: Discipline Adjudications Directorate
Organizational Chart



(ii) Appropriate Officer Representative Directorate

Appropriate officer representatives assist and represent appropriate officers (generally commanding officers of a division) who are parties to adjudication hearings under Part IV (Discipline) and Part V (Discharge and Demotion) of the RCMP Act. In carrying out their mandate, appropriate officer representatives provide research, analysis and representation services to appropriate officers.

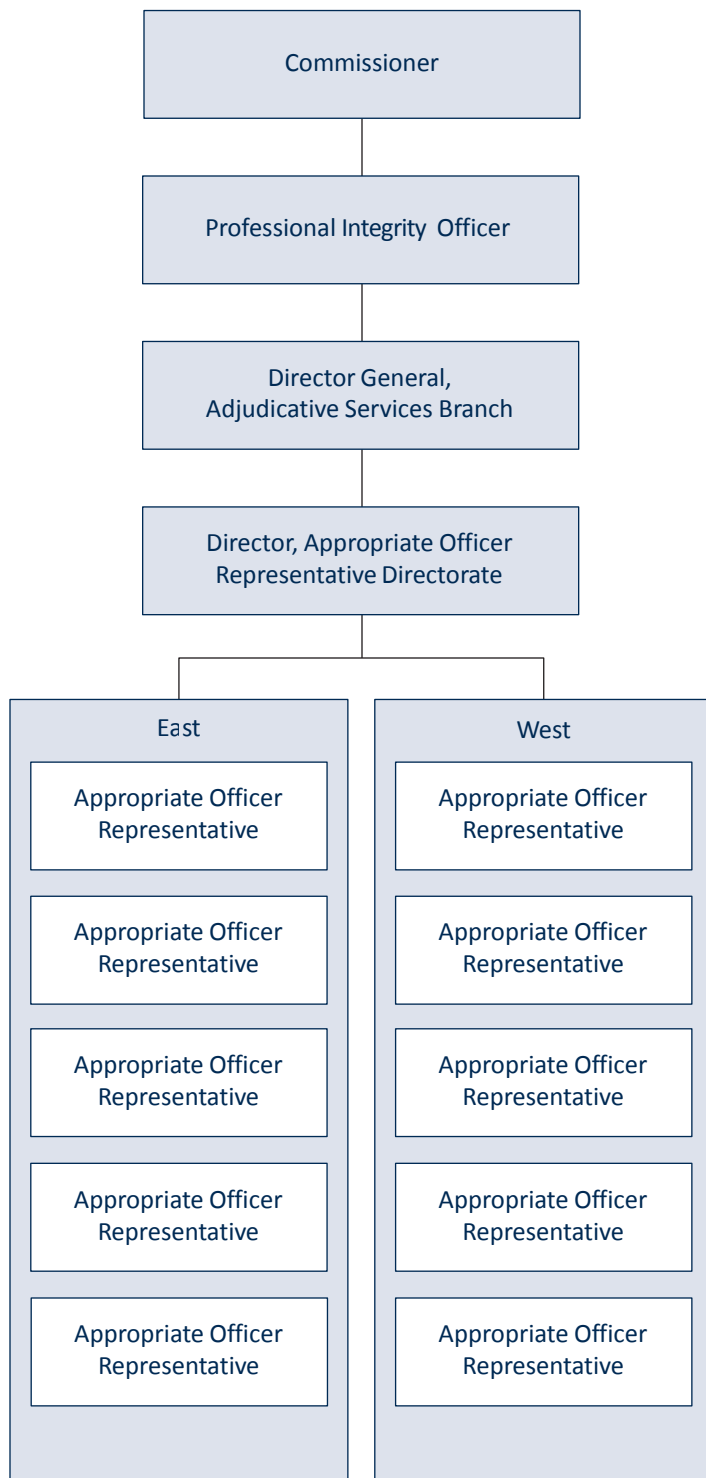
Specific activities include:

- providing advice, policy analysis, opinions and interpretations to appropriate officers and senior divisional management with respect to RCMP disciplinary and discharge/demotion proceedings, including appeals of such proceedings;
- preparing submissions for suspension without pay applications;
- representing appropriate officers in RCMP formal disciplinary hearings and discharge/demotion hearings;
- providing advice and opinions on the RCMP Act and Regulations, Commissioner's Standing Orders, and RCMP policies; and
- preparing appeals from decisions of discipline boards and discharge and demotion boards.

An appropriate officer representative must review evidence and interview witnesses that will be presented to the adjudication board in contested formal disciplinary hearings in order to advance the case of the appropriate officer. The appropriate officer representative does not primarily seek to obtain a finding of a contravention of the Code of Conduct. Rather, the appropriate officer representative fairly presents the appropriate officer's case for the adjudication board's consideration. In proceedings that may be settled to the satisfaction of the appropriate

officer, the appropriate officer representative and member representative will attempt to resolve any outstanding issues.

Figure 5: Appropriate Officer Representatives Directorate Organizational Chart



(iii) Member Representative Directorate

The Member Representative Directorate's function is to provide representation and assistance in accordance with the RCMP Act and the Commissioners Standing Orders (Representation) to any member who:

- is subject to formal disciplinary action under Part IV of the RCMP Act;
- is subject to discharge and demotion proceedings under Part V of the RCMP Act; or
- is presenting a grievance relating to their administrative discharge for grounds specified in paragraph 19(a), (f) or (i) of the *Regulations*.

In 2014-2015, the mandate for member representatives also included supporting members who were:

- subject to suspension from duty without pay under section 12.1 of the RCMP Act and the *Royal Canadian Mounted Police Stoppage of Pay and Allowances Regulations*;
- subject to the process for temporary loss of pay under the *Commissioners Standing Orders (Loss of Basic Requirements)*;
- subject to a security clearance revocation (only when approved by the Director);
- subject to a Code of Conduct investigation under section 40 of the RCMP Act in relation to a serious allegation that could result in formal discipline (only when approved by the Director); or,
- appealing informal disciplinary action under section 42 of the RCMP Act (only when representation and assistance is approved by the Director).

Consistent with the *Representative's Code of Ethics*, member representatives must:

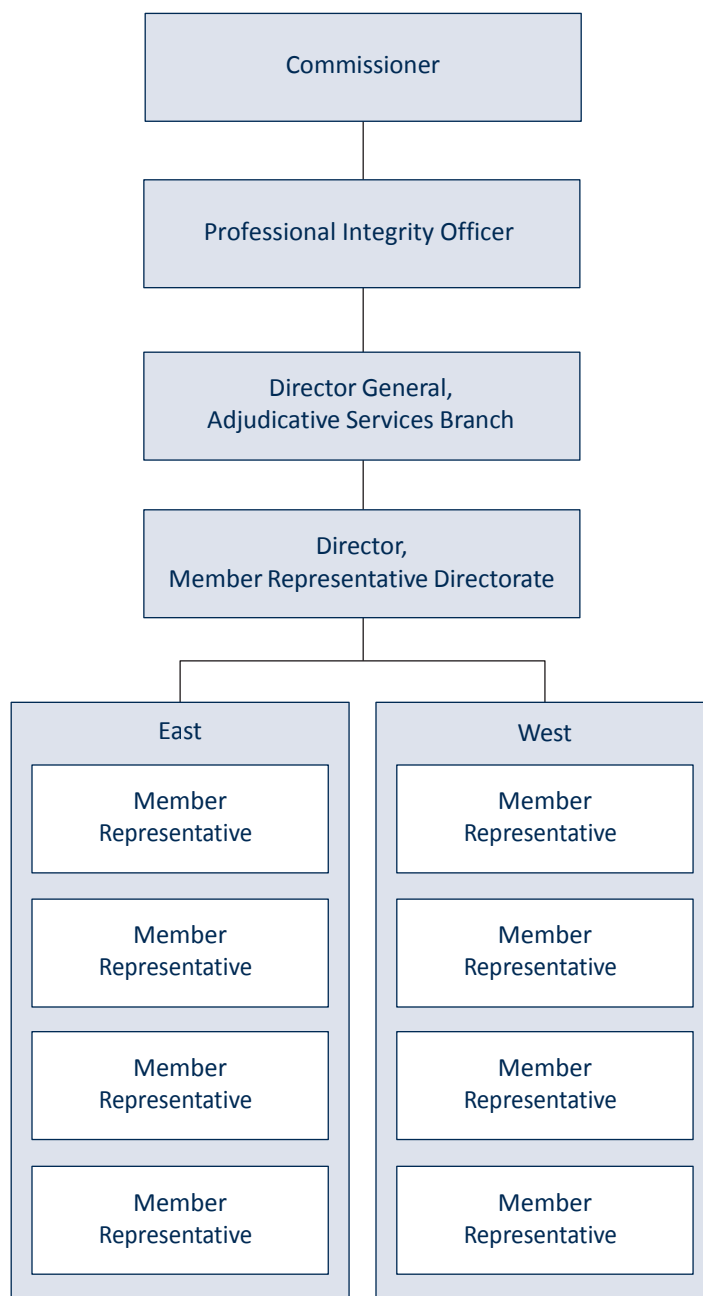
- maintain the confidentiality of information provided by the members they assist;
- obtain necessary information from them and from other sources in order to fully assess their situation;
- provide preliminary and ongoing professional advice; and
- where applicable, communicate and discuss with the appropriate officer representative ways to resolve issues relating to a given file.

The confidentiality of communications between subject members and their representatives is protected not merely by the *Representative's Code of Ethics*, but also by the privilege established by the RCMP Act, and by the fact that the representatives are lawyers obligated to protect solicitor-client privilege.

The Member Representatives Directorate serves an important role in fostering more effective formal discipline and administrative discharge proceedings. Member representatives are able to assist members involved in these processes in making informed decisions. On most occasions, the involvement of member representatives helps facilitate the negotiation of outcomes without the need for a formal discipline hearing. When appropriate, this service can result in negotiated resignations.

On other occasions, member representatives are able to bring issues to light through negotiations, hearings or written submissions which enable decision-makers to consider information which might not have been previously known. Member representatives play a key role in helping the RCMP effectively hold members accountable in a manner which reflects the values of our organization.

Figure 6: Member Representatives Directorate Organizational Chart



2.5 Employee and Management Relations Branch

The Accountability Act has brought many changes to the structure of the Employee Management and Relations Branch. These changes include a complete reorganization and renaming of the branch to the Workplace Responsibility Branch and expansion of several units to help the branch carry out its new mandate. Changes to the structure and operation of the Employee Management and Relations Branch, while comprehensive, will be detailed in next year's annual report. The present report will focus on activities occurring prior to November 28, 2014, and as such was structured under the RCMP Act.

Prior to being restructured on November 28, 2014, the Employee Management and Relations Branch was composed of multiple directorate, including the Professional Standards and External Review Directorate, which itself consisted of four units, all of which had roles related to the RCMP's disciplinary system: the Professional Standards Unit, the Special Advisory Unit, the External Review Unit, and the Public Complaints unit.

The Professional Standards and External Review Directorate was the national policy centre for grievances, discipline, Code of Conduct investigations, public complaints, suspension (with or without pay) and legal assistance at public expense to RCMP employees. In addition, the Professional Standards and External Review Directorate advised and assisted the Commissioner with respect to public complaints, grievances adjudicated by the Commissioner, and appeals of decisions reached by RCMP adjudication boards in discipline and demotion/discharge matters.

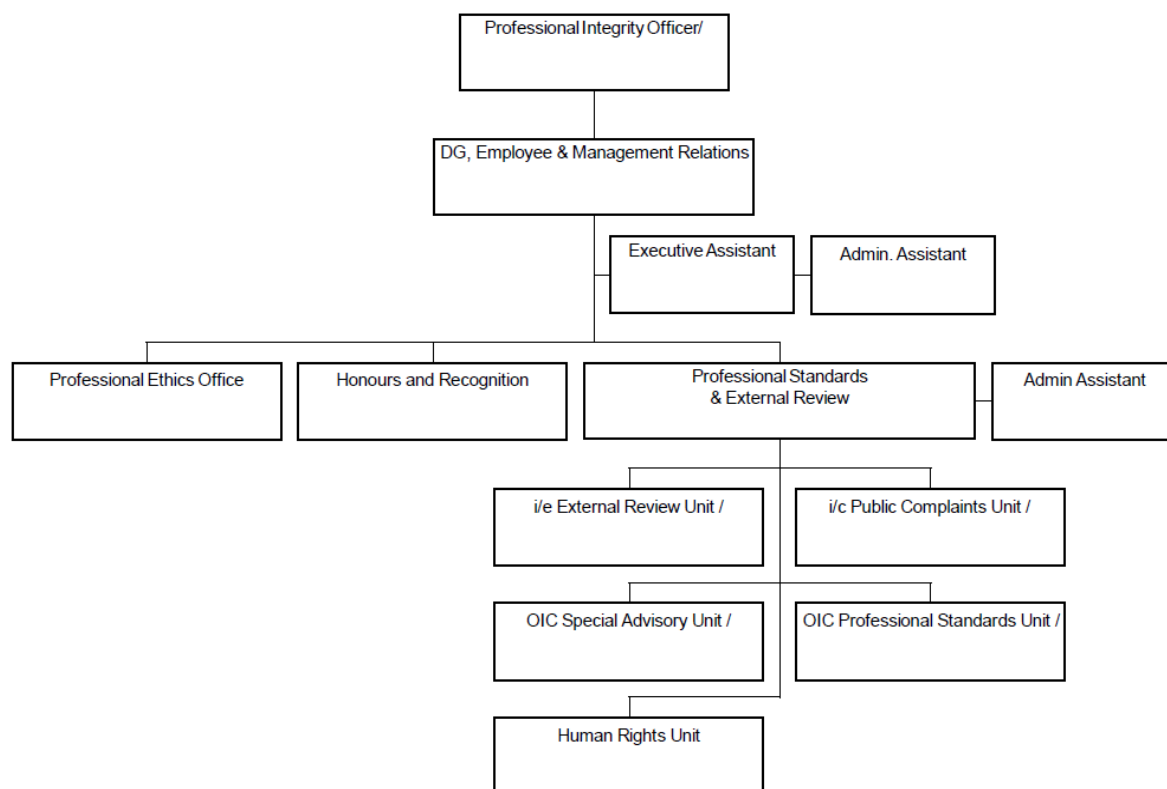
Within the Professional Standards and External Review Directorate, the Professional Standards Unit oversaw policies including grievances and discipline. The unit was mandated to develop policies and monitor their application and implementation to ensure RCMP members received fair treatment and maintained the high standards of conduct the public expects.

The Special Advisory Unit provided advice and assistance to decision-makers in relation to recommendations for stoppage of pay and allowances, informal disciplinary appeals, and appeals of discharge for unsuitability by probationary members. The unit was also responsible for providing policy advice to stakeholders in divisions on processes such as discipline, suspensions, administrative discharges and internal investigations. The member in charge of the Special Advisory Unit acted as the registrar for appeals of informal discipline. He or she was also the coordinator for RCMP input into any proposed amendments to the Commissioner's Standing Orders and policies.

The External Review Unit provided advice to the Commissioner in relation to his or her adjudicative function in disciplinary appeals, discharge and demotion appeals, Level II grievances (the final level of grievance adjudication in the RCMP), and certain administrative discharges. The unit provided the Commissioner's instructions to the Department of Justice in its representation of the RCMP in judicial review applications of discipline decisions before the Federal Court.

The Public Complaints Unit was tasked with providing integrated management of all aspects of public complaints pursuant to Part VII of the RCMP Act. The public complaints regime was a separate process from discipline and grievances under the RCMP Act. Although the public complaints process is legislatively distinct from the disciplinary process, a public complaint may result in a separate Code of Conduct investigation, and potentially, the imposition of discipline.

Figure 7: Professional Standards and External Review Directorate Organizational Chart prior to 2014-11-28



2.6 Divisional Role

(i) Professional Standards Units

Professional Standards Units are in place across the country and operate at the divisional level as part of the human resource function of the RCMP. These units remain a decentralized component within the disciplinary system and while the unit names, job titles and roles have changed in alignment with the Accountability Act, their organizational structures remain the same. Since the units report through the divisional hierarchy, policy from the Professional Standards and External Review Directorate is the primary means of ensuring consistency in their operations. As with the previous section, the following description is specific to the organizational

structure and process as it was prior to November 28, 2014. Divisional Professional Standards Units are integral to the RCMP discipline regime, and generally speaking, serve two functions.

The first is the ongoing management of policy for all matters with respect to public complaints and Code of Conduct investigations for their respective divisions.

The second is the provision of investigative services for both internal and public complaints, as well as ensuring consistency, quality and timeliness of investigations. Investigations may also be undertaken by a detachment commander, his or her designate, or any other designated person. Capacity, seriousness of the matter, skills, experience and other practical considerations are all factors in the decision as to which component of the organization investigates a Code of Conduct or public complaint matter. As set out in RCMP discipline policy, a Code of Conduct investigation should not take more than six months to complete unless exceptional circumstances exist.

The Professional Standards Units in the divisions play a vital role in providing advice and guidance to all employees, managers and members of the public on matters relating to internal investigations, discipline, harassment, human rights issues, and performance management. The availability of such advice in the divisions is important in helping managers address conduct and performance issues, thereby meeting the objective of administering discipline at the most appropriate supervisory level.

(ii) Discipline Reviewers

Another important component of divisional Professional Standards Units within the disciplinary system is the role of the discipline reviewers.¹⁴ Discipline reviewers provide advice on alleged Code of Conduct contraventions including whether they are likely to be proven, possible disciplinary measures, and how matters might appropriately be resolved. Where decisions are made to recommend formal discipline, discipline reviewers will turn the matter over to an appropriate officer representative, but may provide assistance in preparing cases to be heard by the adjudication board.

The key role of discipline reviewers is to bring greater consistency to disciplinary matters and, as such, supervisors are encouraged to consult them on the use of informal discipline or the need to recommend formal discipline. RCMP policy stipulates supervisors must consult with discipline reviewers for incidents involving serious statutory offences where formal discipline is not being considered. Supervisors are also encouraged to consult discipline reviewers in cases where “there is no contravention of the Code of Conduct or there is a contravention of the Code of Conduct but it does not warrant disciplinary action.”¹⁵

Discipline reviewers may assist in the preparation of allegations of misconduct, and also review, draft and process reports and correspondence on disciplinary matters, as well as documentation relating to suspensions. In addition, they are responsible for monitoring the quality and timeliness of Code of Conduct investigations. Within the RCMP, access to disciplinary records is carefully monitored and controlled. Discipline reviewers assist in ensuring access to such information is appropriate.

¹⁴ Across the RCMP, the terms “discipline reviewer”, “discipline advisor” and “discipline NCO” are used interchangeably. For the sake of consistency, “discipline reviewer” is used here.

¹⁵ RCMP *Administration Manual*, see note 18 at XII.6.F.2.d.2.

The Disciplinary Regime in Practice

3.1 Formal Discipline

This chapter commences with an overview of activities that occurred in Adjudicative Services Branch directorates in 2014-2015. This overview provides a foundational context for considering the data relating to the formal disciplinary process. The chapter then takes a brief look at informal discipline, member suspensions, and initiatives of interest.

(i) Overview of Directorates' Activity

(1) Discipline Adjudications Directorate

The productivity of Discipline Adjudications Directorate decreased substantially from the historical high of the previous year. This was due primarily to the Branch-wide focus on preparing for the implementation of the new RCMP conduct management process arising from the Accountability Act and the resulting decrease in the availability of representatives to handle matters.

The Directorate adjudicated 42 formal discipline matters over the course of the year, two-thirds of the previous year's 61 matters. An additional 29 formal discipline files were concluded without a hearing during the year, 22 of which involved the subject member resigning from the RCMP. In the other 7 cases, the allegations against the subject member were withdrawn by the appropriate officer.

The decrease in productivity, as well as the unusually high number of new files initiated just prior to the implementation of the new discipline process on November 28, 2014, resulted in the inventory of Discipline Adjudications Directorate files increasing from 127 at the beginning of the year, to 135 on March 31, 2015.

The 42 formal discipline matters adjudicated over the course of the year included 14 contested hearings that require the coordination of hearing logistics and the preparation and publication of a decision in addition to pre-hearing conferences and/or pre-hearing motions. Several very lengthy matters were heard that involved continuations and multiple sittings due to the inability to hear all the evidence in the time available.

This year saw the continued use by appropriate officers of discharge and demotion boards pursuant to Part V of the RCMP Act, a process which for several years before 2011-2012 had only been used infrequently, if at all. Although these are not related to discipline, Discipline Adjudications Directorate also manages and adjudicates these matters. One Part V matter was concluded during the year after a formal hearing.

As judged by the number and scope of media requests received by Discipline Adjudications Directorate, this year also showed continued interest by the media and public in formal discipline matters. For example, there were several media requests for copies of all decisions covering multiple years. These large-scale requests take significant time and effort to process.

Coincidentally, the RCMP has been revising its protocol concerning the release of formal discipline decisions and related materials, seeking to balance the competing interests of the "open courts" principle and recognized public interest in police discipline matters on the one hand, and the privacy interests of subject members and witnesses in discipline hearings on the other. These revisions are undertaken in recognition of the far-reaching and long-lasting impact of the Internet and to bring the RCMP's practice into closer alignment with recommendations of the Canadian Judicial Council concerning publication of judicial and quasi-judicial decisions. Those same concerns have led to a modest change in the way in which discipline decisions are drafted by adjudicators as the protocol continues to evolve.

(2) Appropriate Officer Representative Directorate

The Appropriate Officer Representative Directorate continued to manage a significant case load during the reporting period. Despite experiencing some capacity issues due to the loss of Appropriate Officer Representatives due to promotion, long-term sick leave and the reassignment of files, the number of formal discipline cases initiated for adjudication remained stable. Over the reporting period, 79 discipline cases were initiated compared to 83 cases for the 2013-2014 period. Of note, the ability to initiate discipline cases ceased on November 28, 2014 with the coming into force and the implementation of the new conduct management process.

During the first 8 months of the last reporting period, the Appropriate Officer Representative Directorate continued to provide assistance with performance discharge matters and the administration of suspension with pay and allowances.

This work is not reflected in the statistics maintained in relation to the formal discipline hearings; however, it represents a significant pressure on the Appropriate Officer Representative Directorate's capacity.

After November 28, 2014, the Appropriate Officer Representative Directorate's operations continued as part of the Conduct Authority Representative Directorate. The transition from the former discipline system to the new conduct management process saw two Appropriate Officer Representatives transferred to the Member Representative Directorate and some 70 files reassigned. This, along with the previously mentioned capacity issues, contributed to a decline in the total number of discipline hearings held during the reporting period.

There were 42 discipline hearings in 2014-2015 compared to 61 discipline hearings in 2013-2014; a decline of 19 hearings.

As the Conduct Authority Representative Directorate orients itself to meet the challenges expected in 2015-2016 under the new conduct management process, it will also be responsible for concluding 135 outstanding cases under the discipline regime.

(3) Member Representative Directorate

This was a challenging year for the Member Representative Directorate ("MRD") due to a heavy workload and a mandate to serve members pursuant to processes defined by both the "legacy" discipline regime and the new conduct management process.

While it is too early to identify trends under the current legislative regime, there was an increase in workload under the previous legislative regime in 2014-2015 compared with previous years. The MRD opened 201 files compared with the average of 141 per year since 2000-2001. This is high, especially as these were opened over eight, rather than a full twelve months.

The files included 21 stoppages of pay, 2 administrative discharges, and 2 medical discharge processes – all labour intensive matters. The total number of hearings declined from 61 matters in 2013-2014 to 42 in 2014-2015. There were 14 contested hearings completed both last year and the year before. The main difference between the two years was a decline in the use of the Expedited Resolution Process ("ERP") hearings. ERP's reflect a streamlined hearing process which, when both parties consent, can result in a more cost efficient and timely alternative to a contested hearing. Only 28 matters were resolved by ERP hearings for 2014-2015 compared with 47 during the previous fiscal year.

In 2014-2015, the productivity of the MRD was also impacted by organizational restructuring and transfers involving lawyers and staff within the branch which caused a significant number of files to be reassigned from one lawyer to another. This diminished the capacity for lawyers to resolve formal discipline matters in a timely fashion due to the duplication in work arising from a new lawyer having to review a file assigned to him/her.

2014-2015 reflected a period of transition for the MRD and the members it serves. While the legislative processes and our functions are different under the formal discipline regime and conduct management process, the purpose of the MRD remains the same. Lawyers and support staff from the MRD continue to facilitate and advocate for fair outcomes and processes on behalf of the members it represents.

Figure 8: Member Representative Directorate Incoming Files 2014-2015

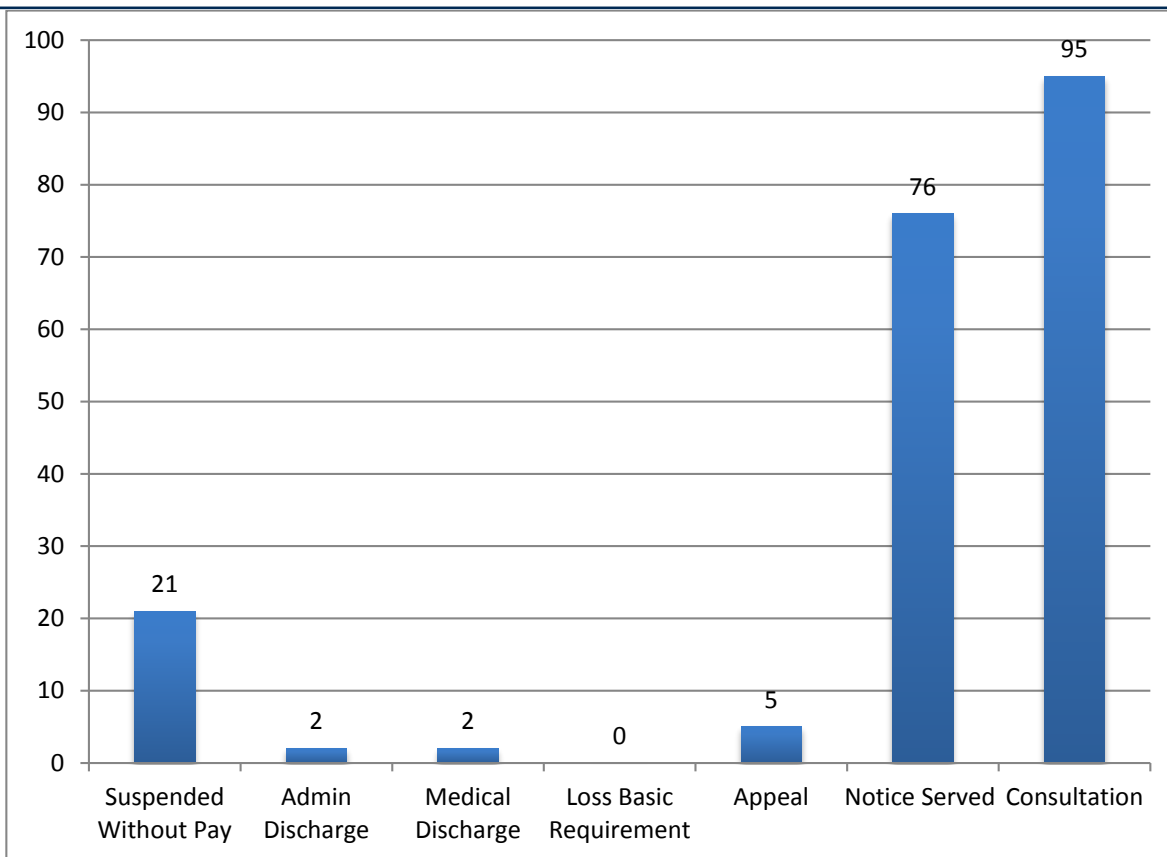
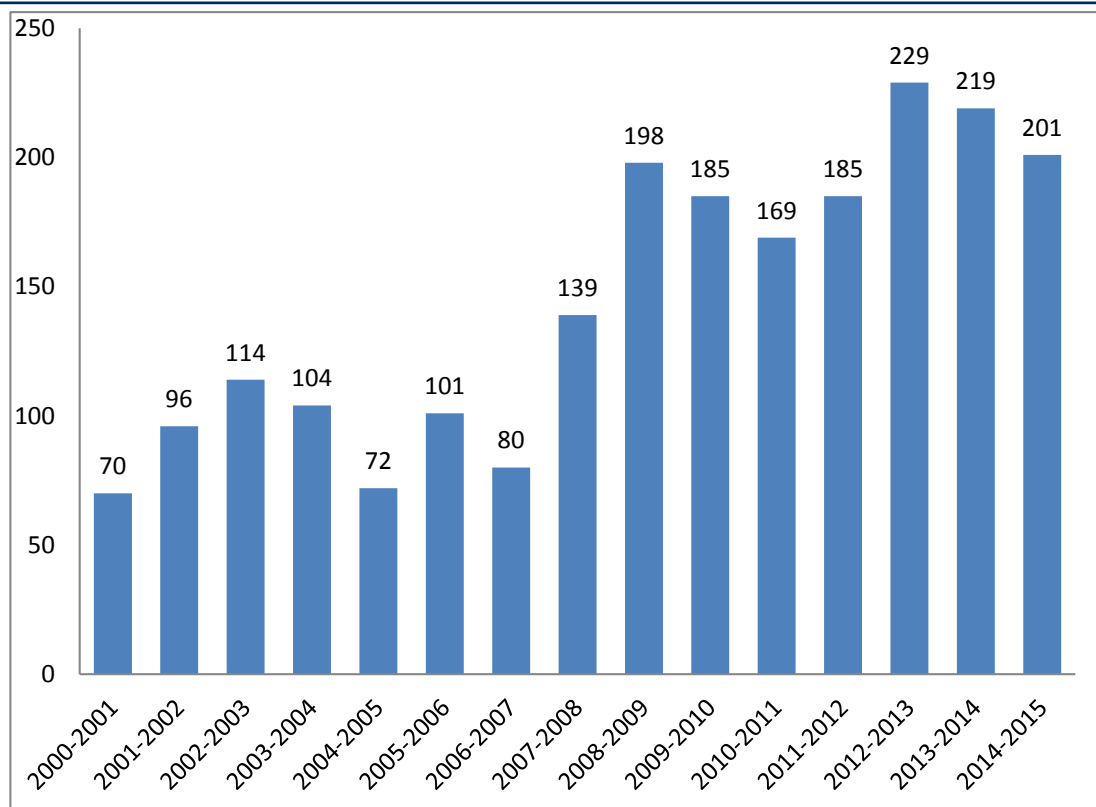


Figure 9: Member Representative Directorate Incoming Files - 2000 to 2015



(ii) Branch Initiatives

While work on certain previously reported initiatives continued, the demands of legislative reform, and the changes it will bring, were the subject of considerable focus by some Adjudicative Services Branch personnel in addition to their regular duties. In this context significant progress was made both on Branch initiatives and day-to-day case loads.

(1) Restructuring of the Professional Integrity Sector

Bringing the Accountability Act into force was a monumental undertaking. Three branches were created to carry out the expanded mandate of the Professional Responsibility Sector, replacing the Professional Integrity Sector:

- The **Recourse Appeals and Review Branch** which is responsible to adjudicate certain appeals such as conduct, pursuant to Part IV of the Act, the Regulations, the *Commissioner's Standing Orders (Grievances and Appeals)* and other Standing Orders such as Conduct, Investigation and Resolution of Harassment Complaints, and Employment Requirements;
- The **Recourse Services Branch** which manages, among other things, the prosecution, defence and adjudication of formal conduct matters; and
- The **Workplace Responsibility Branch** which provides policy and service delivery support to promote and maintain responsible, accountable and ethically grounded conduct that meets and exceeds the high levels of behavior expected of RCMP members and employees

(2) Expedited Resolution Process

As reported in previous years, Adjudicative Services Branch continues to place emphasis on the Expedited Resolution Process. Where possible and appropriate, parties are being encouraged to settle formal discipline cases with minimal delay. The Expedited Resolution Process allows for more timely resolution of formal disciplinary hearings where allegations are of a nature that would not reasonably result in an adjudication board considering dismissal from the RCMP as a sanction (normally because the appropriate officer has not sought dismissal). The underlying philosophy of the Expedited Resolution Process continues to be flexibility and the expeditious resolution of appropriate cases with a modern problem-solving approach rather than through adversarial means. The types of cases that can be resolved using the process include instances in which although the underlying facts are agreed upon, the appropriate sanction is not. Following recommendations of the RCMP External Review Committee and direction from the Commissioner, aspects of the Expedited Resolution Process have been formalized in policy by way of an administrative policy bulletin and in communications with members subject to formal discipline to ensure they understand the benefits as well as the limitations of participating in the Expedited Resolution Process.

The Expedited Resolution Process clearly continues to be an effective and efficient means of disposing of the greatest percentage of cases requiring a hearing. As Figure 10 shows, this reporting period saw 28 of 42 cases resolved through the expedited process, which brings the seven year total to 253 of 342 cases. Since 2005, the Expedited Resolution Process has become a mainstay of the adjudicative process.

Figure 10: Expedited Resolution Process: Concluded Formal Discipline Cases 2008 to 2015

Fiscal Year	Number of ERPs	Total Number of Discipline Hearings	Percentage
2008-2009	37	56	66.07
2009-2010	32	43	74.42
2010-2011	41	46	89.13
2011-2012	37	51	72.55
2012-2013	31	43	72.09
2013-2014	47	61	77.05
2014-2015	28	42	66.67
Total	253	342	73.99

(3) Maintenance and Monitoring of Records

The 2011-2012 report made reference to the creation of a new electronic database to replace two older databases used by Discipline Adjudications Directorate. Work on the creation and implementation of that database, the National Code of Conduct Database, was largely completed by the end of the 2012-2013 fiscal year. In 2013-2014, the database was fully implemented and it linked both the Professional Standards and External Review Directorate and the Appropriate Officer Representatives Directorate which improves file management and tracking. The database is more intuitive to use, reduces the need to enter the same data into multiple systems, improves data-entry consistency and offers a wider range of reports. The discipline registrars can now access the database to input and retrieve real-time information on discipline cases organization-wide. With the reporting function complete and sufficient historical data having been entered, the database enables case load management and trend identification.

(4) Training

Outreach and training programs remain a focus for the Office of Professional Integrity. This is particularly true with the recent legislative changes. Formal as well as informal information and/or training sessions focusing

on values, ethics and discipline were delivered throughout the year to employees in various categories. The focus of these sessions varied according to the audience. In addition to numerous sessions to familiarize managers with changes related to 2013's RCMP Act amendments, other training sessions generally included the Code of Conduct, the *Public Servants Disclosure Protection Act*, the Values and Ethics Code for the Public Sector, the Organizational Code of Conduct and Administrative Law Principles. Specific target audiences included the:

- Cadet Training Program;
- Field Coaching Program;
- Management Development Program;
- Supervisor Development Program; and,
- Executive Officer Development Course.

(5) Other Initiatives

As always, Adjudicative Services Branch continues to evaluate the disciplinary process in order to improve the timeliness of resolving cases and to increase the overall effectiveness of the management of the RCMP formal disciplinary regime. Processes adopted in 2011-2012 to enhance and expedite the formal disciplinary process have been effective and thus continued. These included:

- pre-setting hearing dates when there are no parallel proceedings (e.g., criminal charges pending in the courts) against the subject member in order to encourage a more timely resolution of the case;
- renewing the emphasis on dealing with discipline at the lowest level possible, when appropriate, and continued, even expanded, use of the Expedited Resolution Process;
- reminding the appropriate [commanding] officers to review their inventory of cases on an ongoing basis to determine whether any can be resolved without being contested;
- developing and delivering training for line officers and others who make decisions on informal and formal disciplinary matters thus supporting them in their roles and responsibilities;
- using legally-trained members to assist with the inventory of cases and to create potential future resources for Adjudicative Services Branch; and,
- staffing more positions and securing additional temporary funding to address the inventory of cases.

In addition to the foregoing, Adjudicative Services Branch has also been employing experienced former members on a temporary basis to assist with the inventory of cases.

(6) Formal Discipline Activities

Figures 11 to 25 provide a more detailed overview of Adjudicative Services Branch activities as well as other statistical information relating to formal and informal discipline.

During 2014-2015, 71 formal discipline cases were concluded. This represents a significant decrease over the previous two reporting periods. 100 cases were concluded last year (2013-2014) and 88 the year before that (2012-2013).¹⁶

Of the 71 formal discipline cases concluded, 42 were adjudicated compared to 61 adjudicated in 2013-2014 and 43 adjudicated in 2012-2013.

As previously mentioned, in addition to 28 Expedited Resolution Process matters, adjudication boards heard 14 contested cases in 2014-2015. The number of contested cases was also 14 in 2013-2014, and 12 in 2012-2013. The Digest of Cases provides summary information for each of the 42 adjudicated cases. In addition to the 42 matters which proceeded by way of hearing, there were 7 formal discipline cases withdrawn and 22 cases resolved by way of the resignation of 22 members. It should be noted that the withdrawal of allegations or the resignation of members usually only follows diligent work by investigators, appropriate officer representatives as well as member representatives.

¹⁶Refer to the 2012-2013 Annual Report on The Management of the RCMP Disciplinary Regime.

Figure 11: Formal Discipline Cases Disposed of by Division 2014-2015

Division	VIA Contested Hearing	VIA Expedited Resolution Process	Discipline Cases Withdrawn	Discipline Cases Resolved by Way of Resignations	Number of Concluded Discipline Cases 2014-2015
A/National		1			1
B		1			1
C	1	3		2	6
D		1			1
Depot				1	1
E	6	4	1	7	18
F	2	2	1	3	8
G				1	1
H	2	3		1	6
HQ		5			5
J					
K	3	2	4	5	14
L					
M		1			1
O		5	1	2	8
V					
Total	14	28	7	22	71

Sanctioning a member by way of a reprimand alone occurred in only one instance during this reporting period. This low number is consistent with there being only one instance in the previous year and none the year before that. A total of 291 days of pay were forfeited by 30 members this reporting period.¹⁷

¹⁷ For senior regular members one day of pay ranges from \$314.73 for a constable to \$536.32 for a superintendent.

- In 2013-2014, a total of 357.5 days of pay were forfeited by 55 members.
- In 2012-2013, a total of 249 days of pay were forfeited by 42 members.
- In 2011-2012, a total of 311 days of pay were forfeited by 49 members.
- In 2010-2011, a total of 287 days of pay were forfeited by 46 members.
- In 2009-2010, a total of 280 days of pay were forfeited by 43 members.
- In 2008-2009, a total of 378 days of pay were forfeited by 56 members.

Over the last five years the average number of days of pay forfeited by members has ranged from a low of 5.9 to a high of 6.75 days. At 6.5 days per member, this year's average is up from last year's lowest average of 5.9 days, but only slightly higher than the 6 year average of 6.4 days. These pay forfeitures represent real penalties. This year the average cost to a disciplined member was more than \$2000 in forfeited pay.

Although, as the upcoming Digest of Cases shows, there is a wide range of sanction on a case-by-case basis that reflects the severity of the underlying misconduct or factors that go to aggravation or mitigation, the average financial penalty has remained consistent. These results are consistent with a primarily remedial and corrective, rather than a punitive, approach to formal discipline matters.

Over the past five years there has been a general trend towards an increase in the number of days it takes for a formal discipline matter proceeding to reach its conclusion after a notice of hearing has been issued. The discipline regime has become increasingly complex with lengthier processes and hearings. The five-year average time to conclude a formal discipline matter is about 443 days. At the end of 2014-2015, matters were waiting about 482 days, down from 514 days a year earlier. That this is still greater than the five-year average can be attributed to several factors: there is a large number of cases that are not advancing because of parallel criminal proceedings; an unusually high number of matters that were carried over from the previous year; a high number of new cases introduced into the formal discipline process this year; and, a simultaneous increase in other work within Adjudicative Services Branch that must be addressed in addition to discipline matters. Lengthy procedures are a drain on resources and prevent the RCMP and the member from addressing the situation and moving on. The increased time to conclude formal discipline matters is a troubling trend which clearly

illustrates that the current disciplinary regime had outlived its usefulness.

Figure 12: Formal Discipline – Average Days to Conclusion

Fiscal Year	Average Number of Days to the Conclusion of Formal Discipline Cases
2010-2011	332.9
2011-2012	384.65
2012-2013	499.55
2013-2014	513.63
2014-2015	482
Average	442.55

It was observed in the 2011-2012 report that increased scrutiny and the stated expectations of the new Commissioner might lead to an increase in both the number of formal discipline cases and suspensions. This may well have been an accurate forecast. For this, and the previous reporting period, some evidence to support this proposition is found in the increased workload experienced by the Member Representatives directorate, the significant increase in the number of suspension without pay applications, and the high number of new formal discipline cases initiated in each of the past two reporting periods.

Adjudicative Services Branch, continued to face a heavy workload, as represented by the 127 cases carried over from the previous fiscal year. The number of cases carried over into this reporting period was less than the previous year's 144 cases. The 15 year average of cases carried over now sits at 93.40, up from 91. However, 135 cases will be carried over into the next reporting period, which can be explain by fewer new cases in 2014-2015 (79) than in 2013-2014 (83), despite fewer cases having been disposed of by hearing (42) or being withdrawn/dealt with by way of resignation (29).

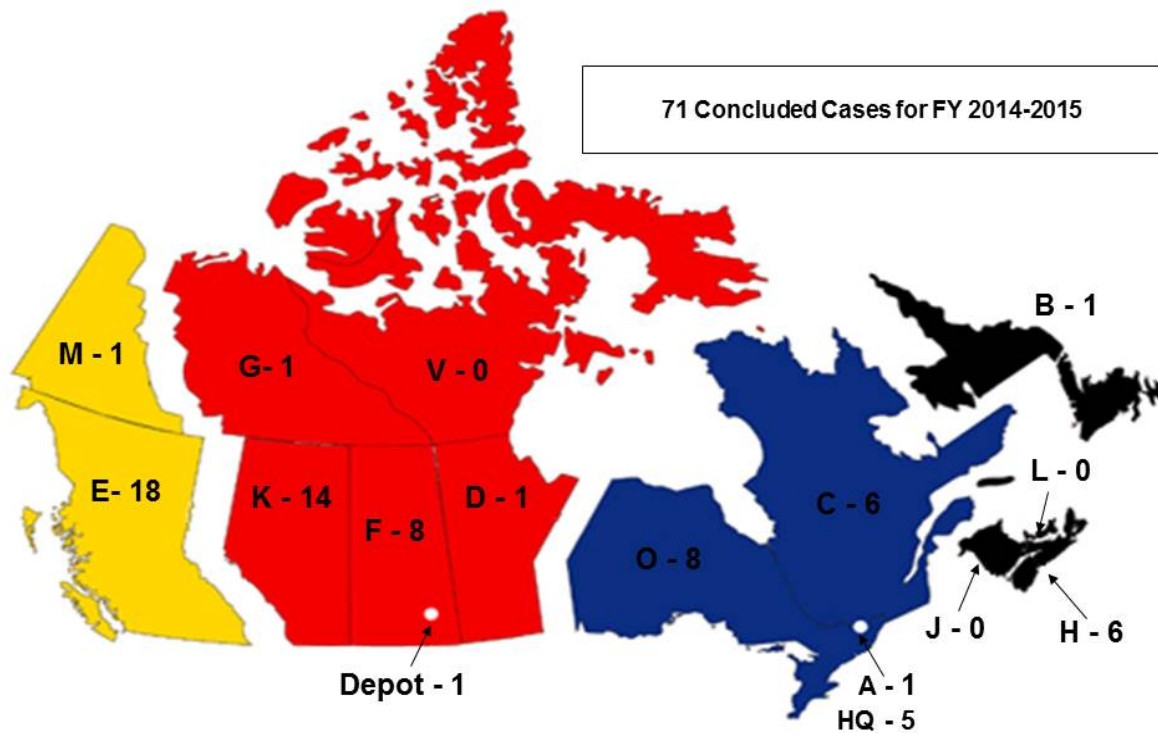
Figure 13: Formal Discipline Caseload Activity Year-to-Year Comparison 2000 to 2015

Fiscal year (FY)	Carried over from Previous FY	New Cases	Cases Adjudicated	Cases Withdrawn	Cases by Way of Resignations	Year-End Balance
2000-2001	21	61	23	6	10	43
2001-2002	43	78	39	8	7	67
2002-2003	67	87	54	8	17	75
2003-2004	75	96	49	17	6	99
2004-2005	99	106	63	15	23	104
2005-2006	104	81	70	18	20	77
2006-2007	77	99	47	14	12	103
2007-2008	103	83	52	24	13	97
2008-2009	97	69	56	12	13	85
2009-2010	85	89	43	16	13	102
2010-2011	102	100	46	7	20	129
2011-2012	129	88	51	14	24	128
2012-2013	128	104	43	18	27	144
2013-2014	144	83	61	13	26	127
2014-2015	127	79	42	7	22	135
15 Year Average	93.40	86.87	49.27	13.13	16.87	101
Variance	21/144	61/106	23/70	6/24	6/27	43/144

Not surprisingly, given it has the largest number of members (7,113), “E” Division had the most concluded disciplinary cases (18). “K” Division, the next largest with 3,160 members, had 14 concluded cases. Most of the smaller divisions recorded no formal discipline

concluded this fiscal year. In broad terms, as one might reasonably expect, there is some correlation between the size of a division and the number of formal discipline matters arising in it.

Figure 14: Concluded Disciplinary Cases by Division



This figure includes formal discipline cases adjudicated, cases withdrawn by the Appropriate Officer and cases disposed of by way of resignation.

Over the last five years, the average number of new adjudication boards being empaneled was 90.8. This is higher than the 15-year average of 86.87. The 2014- 2015 reporting period, however saw only 79 new boards empaneled, this is down from 83 the year before and is the lowest number of new boards

empaneled in the past five years. The number of cases adjudicated this past year was 42, which is fewer than the historical average of 49.27. The number of carry-over cases increased from 127 to 135.

Figure 15: Formal Discipline Statistics 2000 to 2015

Fiscal year	New Cases	Cases Adjudicated	Cases Withdrawn	Cases by Way of Resignations
2000-2001	61	23	6	10
2001-2002	78	39	8	7
2002-2003	87	54	8	17
2003-2004	96	49	17	6
2004-2005	106	63	15	23
2005-2006	81	70	18	20
2006-2007	99	47	14	12
2007-2008	83	52	24	13
2008-2009	69	56	12	13
2009-2010	89	43	16	13
2010-2011	100	46	7	20
2011-2012	88	51	14	24
2012-2013	104	43	18	27
2013-2014	83	61	13	26
2014-2015	79	42	7	22
Totals	1303	739	197	253
15- year average	86.87	49.27	13.13	16.87
Variance	61 to 106	23 to 70	6 to 24	6 to 27

Another trend seen over the last five years has been the increased number of members resigning before the completion of the formal process. Consequently there is

also an increased number of cases that are disposed of without the need for adjudication.

Figure 16: Member Resignations that Disposed of Cases 2010 to 2015

Fiscal Year	Cases by Way of Resignations	Member Resignations
2010-2011	20	13
2011-2012	24	15
2012-2013	27	17
2013-2014	26	22
2014-2015	22	21
Totals	119	88
5- year average	23.80	17.60

Compared to the 2002-2003 to 2005-2006 time frame, the past four years have seen relatively low discipline rates. This year the percentage of the member population who received formal discipline was 0.16. This is comparable to the 13-year average of 0.25 percent. For the purposes of Figure 17, the percentage of members disciplined is also provided as a “Discipline Rate” expressed as the number of formal disciplinary actions per 1000 members. For example, 0.16 percent of members receiving formal discipline, means that 1.6

out of each 1000 were subject to formal discipline.

Misconduct , in terms of serious acts of misbehavior requiring formal discipline, is not satisfactory from an organizational and public perspective. Figure 17 shows that over the past eleven years the rate of formal discipline has been generally declining, with the Discipline Rate in recent years being about 0.05 percent less than the rates seen a decade ago. Organizationally this trend and the low Discipline Rates are certainly encouraging and help put even high-profile discipline problems into perspective.

Figure 17: Percentage of Members Who Have Received Formal Discipline Compared to the Total Established Number of Members on Strength 2002 to 2015

Fiscal Year	Total Number of Members	Number of Members who Have Received Formal Discipline	Percentage of Members Who have Received Formal Discipline Compared to the Total Established Number of Members on Strength for the Noted Fiscal Year
2002-2003	17,698	54	.30%
2003-2004	18,028	49	.27%
2004-2005	18,445	63	.34%
2005-2006	18,744	70	.37%
2006-2007	19,238	47	.24%
2007-2008	20,165	52	.25%
2008-2009	20,948	56	.26%
2009-2010	22,016	43	.19%
2010-2011	23,016	46	.19%
2011-2012	23,362	49	.20%
2012-2013	23,156	42	.18%
2013-2014	22,697	56	.25%
2014-2015	22,444	37	.16%

The Digest of Cases provides detail on the formal discipline matters adjudicated during the 2013–2014 fiscal year.

Data from the last two years shows that in general terms, the proportion of constables (63) corporals (14),

sergeants (10), staff sergeants (3) and civilian members (7) who received formal discipline is generally in proportion to their representation in the RCMP. Further research will be conducted to develop more historical data.

Digest of Cases – Fiscal Year 2014-2015

	Date and Citation	Rank of Member	Years of Service	Div	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Yes/No)
1	2014-04-08 15 A.D. (4th) 220	Constable	18	H	Section 39	Inappropriate and harassing behaviour.	Reprimand and forfeiture of 10 days' pay	Off duty	No
2	2014-04-09 14 A.D. (4th) 389	Corporal	16	E	Section 39 x 3	Unauthorized or inappropriate use of government property – credit card	Order to resign from the Force within 14 days, in default of which the member to be dismissed from the Force	On duty	No
3	2014-04-10 14 A.D. (4th) 409	Constable	5	O	Section 39	Public Intoxication - uncooperative	Reprimand, recommendation for professional counselling and forfeiture of 6 days' pay	Off duty	Yes
4	2014-05-08 15 A.D. (4th) 103	Constable	10	K	Section 48	Poor performance	Dismissal	On duty	No
5	2014-05-13 14 A.D. (4th) 431	Constable	3	F	Section 39	False or misleading statements	Reprimand and forfeiture of 8 days' pay	On duty	No
6	2014-05-26 15 A.D. (4th) 9	Constable	20	V	Section 39	Inappropriate or offensive behaviour causing a disturbance	Reprimand and forfeiture of 5 days' pay	Off duty	No

7	2014-05-26 15 A.D. (4th) 34	Civilian Member	24	NH Q	Section 39	Unauthorized or inappropriate use of government property - credit card	Reprimand and forfeiture of 2 days' pay	Off duty	No
8	2014-05-26 15 A.D. (4th) 1	Constable	9	O	Section 39	Neglect of duty	Reprimand and forfeiture of 2 days' pay	On duty	No
9	2014-05-28 15 A.D. (4th) 138	Constable	5	C	Section 39 x 3 Section 47 Section 45 Section 39 x 2 Section 47 x 2	Neglect of duty x 2; False or misleading statements x 3 Neglect of duty x 1; False or misleading statements x 1 Neglect of duty-out of zone of duty without permission x 2	Order to resign from the Force within 14 days, in default of which the member to be dismissed from the Force Not Established Not Established Not Established	On duty	No
10	2014-06-09 15 A.D. (4th) 25	Constable	6	H	Section 39 x 2	Unsafe storage of Force issued sidearm; Uttering threatening comments	Reprimand and forfeiture of 4 days' pay; Reprimand and forfeiture of 2 days' pay	Off duty	Yes
11	2014-06-23 15 A.D. (4th) 17	Constable	6	E	Section 39	Impaired driving	Reprimand and forfeiture of 8 days' pay	Off duty	No
12	2014-06-24 15 A.D. (4th) 70	Constable	10	E	Section 39	Abuse of police officer status	Reprimand and forfeiture of 5 days' pay	Off duty	No
13	2014-07-14 15 A.D. (4th) 62	Constable	9	NH Q	Section 39	Allow a sex-trade worker who was actively soliciting to enter his vehicle for a drive.	Reprimand and forfeiture of 5 days' pay	Off-duty	No

14	2014-07-17 15 A.D. (4th) 95	Civilian Member	25	NH Q	Section 39	Unauthorized or inappropriate use of government property - IT equipment	Reprimand and forfeiture of 4 days' pay	On Duty	No
15	2014-07-24 15 A.D. (4th) 87	Constable	25	M	Section 39 x 2	Having caused damage to a parked vehicle by flying an aircraft at low altitude and failing to report the accident	Reprimand and forfeiture of 3 days' pay	Off duty	Yes
16	2014-08-22 15 A.D. (4th) 292	Corporal	24	E	Section 39	False or misleading statements	Not Established.	Off duty	No
17	2014-09-19 15 A.D. (4th) 194	Civilian Member	5	K	Section 39	Breach of trust.	Reprimand and forfeiture of 5 days' pay	On duty	No
18	2014-09-22 15 A.D. (4th) 185	Corporal	12	E	Section 39	Assault Causing Bodily Harm	Reprimand and forfeiture of 7 days' pay	Off duty	Yes
19	2014-09-22 15 A.D. (4th) 176	Constable	3	E	Section 39	Excessive force and causing personal injury	Reprimand and forfeiture of 1 days' pay	On duty	Yes
20	2014-09-29 15 A.D. (4th) 203	Constable	6	K	Section 39	Abuse of police officer status	Reprimand and forfeiture of 10 days' pay	On duty	No
21	2014-10-14 15 A.D. (4th) 236	Corporal	23	C	Section 39 Section 47	Disgraceful Conduct Neglect of duty	Reprimand and forfeiture of 8 days' pay Stayed	On-Duty	No
22	2014-10-20 15 A.D. (4th) 211	Constable	18	O	Section 39	Impaired driving	Reprimand and forfeiture of 8 days' pay	Off-Duty	Yes
23	2014-10-23 15 A.D. (4th) 459	Corporal (Constable)	13	E	Section 39 x 2	Inappropriate use of database information False or misleading statements	Demotion to Constable Not established.	On-Duty	Yes

24	2014-10-29 15 A.D. (4th)-247	Corporal	19	F	Section 39 x 3 Section 45	Breach of Court Order x 3 False or misleading statements	Not established x 3 Not established	Off-Duty	Yes
25	2014-11-05 15 A.D. (4th)-331	Constable	20	H	Section 39 x 4 Section 45 x 2	Operated a motor vehicle without authorization x2 Made False or misleading statements x 2 Made False or misleading statements x 2	Reprimand and the forfeiture of 2 days' pay x 2. Reprimand and the forfeiture of 10 days' pay. Reprimand and the forfeiture of 1 day of regular time off Reprimand and the forfeiture of 10 days' pay x 2	On-Duty	No
26	2014-11- 2015 A.D. (4th) 276	Constable	3	E	Section 39 x 2	Inappropriate or offensive behaviour – sexual x 2	Reprimand and the forfeiture of 5 days' pay Not established	Off-duty	No
27	2014-11-26 15 A.D. (4th) 267	Sergeant	16	NH Q	Section 39	Impaired driving	Reprimand and the forfeiture of 9 days' pay	Off-duty	Yes
28	2014-12-03 15 A.D. (4th) 308	Constable	7	C	Section 45 x 2 Section 39 x 2	False or misleading statements x2 False or misleading statements x2	Reprimand and the forfeiture of 10 days' pay Stayed Reprimand and the forfeiture of 10 days' pay x 2	On-duty	No
29	2014-12-11 15 A.D. (4th) 322	Civilian Member	6	NH Q	Section 39 x 2	Nudity in the workplace Picture of nude buttocks sent via force issued cellular phone	Reprimand and the forfeiture of 5 days' pay	On-duty	No

30	2014-12-17 15 A.D. (4th) 421	Civilian Member	2	F	Section 39	Unauthorized or inappropriate use of government property - IT equipment	Reprimand and a recommendation for special training	On-duty	No
31	2014-12-19 15 A.D. (4th) 413	Constable	8	H	Section 39	Impaired driving	Reprimand and the forfeiture of 10 days' pay	Off-duty	Yes
32	2014-12-19 15 A.D. (4th) 406	Sergeant	25	NH Q	Section 39	Nudity in the workplace	Reprimand and the forfeiture of 7 days' pay	On-duty	No
33	2015-01-16 15 A.D. (4th) 475	Constable	4	K	Section 39 x 2	Neglect of duty Inappropriate or offensive behaviour - sexual	Order to resign from the Force within 14 days, in default of which the member to be dismissed from the Force	On-duty	No
34	2015-01-21 15 A.D. (4th) 491	Corporal	20	C	Section 39	Inappropriate, harassing and threatening comments	Reprimand and the forfeiture of 7 days' pay	Off-duty	Yes
35	2015-01-28 15 A.D. (4th) 443	Sergeant	19	E	Section 39 x 3 Section 47	Inappropriate invitations-sexual Inappropriate sexual conversation in the workplace Unwanted advances Neglect of Duty	Reprimand and the forfeiture of 10 days' pay, and a recommendation for professional counselling and a transfer. Not established Not established	On-duty	No
36	2015-01-28 15 A.D. (4th) 504	Constable	6	O	Section 39	Public Intoxication - uncooperative	Reprimand and the forfeiture of 4 days' pay	Off-duty	Yes
37	2015-01-28 15 A.D. (4th) 504	Constable	6	O	Section 39	Assault causing bodily harm	Reprimand and the forfeiture of 10 days' pay	Off-duty	Yes

38	2015-02-04 15 A.D. (4th) 433	Constable	7	E	Section 39	Engaged in consensual intimate relations in a marked police vehicle.	Reprimand and the forfeiture of 5 days' pay	On duty	No
39	2015-02-19 TBD	Constable	13	H	Section 39 x 2	Impaired operation of a motor vehicle x 2	Order to resign from the Force within 14 days, in default of which the member to be dismissed from the Force	Off duty	Yes
40	2015-03-12 15 A.D. (4th) 525	Constable	4	K	Section 39	Assault with a Weapon and to Careless Use of a Firearm	Reprimand and the forfeiture of 10 days' pay	On duty	Yes
41	2015-03-12 15 A.D. (4th) 532	Constable	4	D	Section 47 Section 45 x 10	Neglect of duty Misleading statements or report to a member who is superior in rank x 10	Reprimand and the forfeiture of 3 days' pay Reprimand and the forfeiture of 5 days' pay Reprimand and the forfeiture of 3 days' pay x 8 Reprimand and the forfeiture of 5 days' pay	On-duty	No
42	2015-03-13 15 A.D. (4th) 516	Constable	4	F	Section 39 x 2	Inappropriate or offensive behaviour – language Inappropriate or offensive behaviour - drawing	Reprimand and the forfeiture of 3 days' pay Reprimand and the forfeiture of 2 days' pay	On-duty	No

In past years this report has indicated the rank of the member, or the fact that he or she is a civilian member, in the Digest of Cases but there has been no particular focus on what correlation may exist between rank and formal discipline. The results from this year are consistent with those of recent previous years and not surprising. In general terms, it appears that members with lower rank were more likely to find themselves subject to formal discipline. Since the RCMP is essentially a pyramid organizationally with a broad

base of constables (11,491 constables out of a total of 22,130 regular and civilian members) and narrowing tiers of higher ranks, all other factors being equal, one would anticipate seeing more members of lower ranks facing discipline. Last year this report contemplated looking at the number of members at each rank who have been subject to formal discipline in proportion to their representation of the membership as a whole.

Figure 18: Members Receiving Formal Discipline in 2014-2015 by Rank or Classification

Rank or Category	Number of Disciplined Members	Percentage of Disciplined Members
Constable	24	64.86%
Corporal	5	13.51%
Sergeant	3	8.12%
Staff Sergeant	0	0%
Inspector	0	0%
Superintendent	0	0%
Civilian Member	5	13.51%
Totals:	37	100%

Figure 19: Members Receiving Formal Discipline by Rank or Classification – 2008 to 2015

Rank or Category	Number of Disciplined Members	Percentage of Disciplined Members
Constable	194	67.60%
Corporal	38	13.24%
Sergeant	19	6.62%
Staff Sergeant	10	3.48%
Inspector	4	1.39%
Superintendent	1	0.35%
Civilian Member	21	7.32%
Totals:	287	100%

The addition last year of information relating to the service level (that is to say years of service) of members who have received discipline reflects interest in determining whether or not there is a correlation between service level and discipline that might warrant further investigation. While no conclusive inferences could be drawn from the first year's worth of data, the data did seem to indicate, in general terms, that members with less than five years of service were more likely to find themselves subject to formal discipline. While one might consider it obvious that members with

less service would be more at risk of misconduct, having an additional year of data provides somewhat greater perspective. The current year's data show that, unlike last year, members with five to nine years of service were more likely to be subject to formal discipline. One possible explanation for this result is that the culture of the organization is changing. Other possibilities are changes in recruiting or recruit training that occur over time. Adjudicative Services Branch plans to continue to examine this dimension of discipline over time.

Figure 20: Members Receiving Formal Discipline in 2014-2015 by Service Level

Years of Service	Number by Rank or Category	Number of Disciplined Members	Percentage of Disciplined Members
0-4	Constable (6), CM(1)	7	18.92%
5-9	Constable (10), CM (2)	12	32.43%
10-14	Constable (4), Corporal (2)	6	16.22%
15-19	Constable (1), Corporal (1), Sergeant (2)	4	10.81%
20-24	Constable (2)/Corporal (2), CM (1)	5	13.51%
25-29	Constable (1), Sergeant (1), CM (1)	3	8.11%
30-34		0	0%
	Totals:	37	100%

Figure 21: Members Receiving Formal Discipline by Service Level for 2012 to 2015

Years of Service	Number by Rank or Category	Number of Disciplined Members	Percentage of Disciplined Members
0-4	Constable (23), CM(3)	26	19.26%
5-9	Constable (37), Sergeant (1), CM (4)	42	31.11%
10-14	Constable (15), Corporal (7), CM (1)	23	17.04%
15-19	Constable (4), Corporal (6), Sergeant (4), CM (1)	15	11.11%
20-24	Constable (4), Corporal (6), Sergeant (4) CM (1)	15	11.11%
25-29	Constable (3), Corporal (1) Sergeant (3), Staff Sergeant (2), CM (1)	10	7.41%
30-34	Constable (1), Sergeant (1), Staff Sergeant (1), Superintendent (1)	4	2.96%
Totals:		135	100%

(iii) Professional Standards and External Review Directorate

(1) Amendments to the RCMP Act

The Accountability Act brought with it several changes to both the structure of the Professional Standards and External Review Directorate, and the legislative and policy instruments related to conduct.

These changes, while extensive, will not be the focus of this year's review. For information detailing the changes brought forth to the RCMP Act and the resulting changes in policy, process, unit responsibilities and unit structure, please refer to the Commissioner's Broadcast on November 28, 2014 titled *Coming into force of the Enhancing RCMP Accountability Act*.

(2) National Code of Conduct Database

The National Code of Conduct Database became operational in the Professional Standards and External Review Directorate at National RCMP Headquarters in Ottawa in February 2012. It was designed to track and analyze all Code of Conduct matters in the RCMP. Code of Conduct matters are defined under Part IV of the RCMP Act.

The main goals in creating this database are to develop a system that facilitates the accurate record keeping of Code of Conduct allegations, provides baseline data to enable RCMP executives to produce timely reports and allows them to monitor trends, patterns and changes in the discipline process. In addition, this database enables RCMP executives to maintain an ongoing picture of the 'real time' discipline process, enabling them to quickly evaluate whether or not any changes are occurring and to act accordingly.

The database is designed to capture information on members alleged to have breached the Code of Conduct and the details of the allegation(s) itself. The system records the steps from investigation through to a member being sanctioned or being absolved of wrongdoing.

All divisions are required to provide the information that is to be uploaded to the database which is accessible by the Professional Standards and External Review Directorate and Adjudicative Services Branch.

The database was transferred to a web based platform in January 2014 which brought with it several user interface changes and enhancements. In response to the upcoming changes to legislation, the National Code of Conduct database has been replaced by an enterprise solution developed by the Application Development Branch. This new database, named the Administrative Case Management Tool (ACMT) leverages an existing database (NARMS) and is a much more comprehensive and robust system which incorporates case management and tasking system, allowing case timelines and service standards to be monitored in real time. The National Code of Conduct Database will slowly be phased out and eventually be archived for statistical purposes.

(3) Discipline Appeals

In 2014-2015, the Commissioner did not render any decisions on formal disciplinary appeals. While two reports for disciplinary appeals were received during this period from the RCMP External Review Committee, one dealt with a member who had already resigned, and the other was received at the end of the reporting period and remains under analysis.

Figure 22: Discipline Appeals Decided by Commissioner 2008 to 2015

Decisions Rendered in 2008-2009	Decisions Rendered in 2009-2010	Decisions Rendered in 2010-2011	Decisions Rendered in 2011-2012	Decisions Rendered in 2012-2013	Decisions Rendered in 2013-2014	Decisions Rendered in 2014-2015
4	1	5	3	9	3	0

3.2 Informal Discipline¹⁸

According to data provided by the divisions, there were 118 instances of informal disciplinary action recorded during 2014-2015. This is a decrease of 40 from last year's total of 187.

It is important to note, that as a result of the changes brought forth by the Accountability Act, informal discipline statistics are limited to those cases where discipline was imposed prior to November 28, 2014.

¹⁸ Adjudicative Services Branch does not administer any part of the informal discipline process

Informal disciplinary cases that did not have measures imposed by that date were transitioned to the new process and are thus not reported here. Also not reported are cases that began on or after November 28, 2014. It is thus expected that the number of cases resulting in informal discipline would be considerably lower for this fiscal year than in previous years.

Several divisions experienced substantial decreases in excess of what would have been expected in consideration of the above. "K" Division, for example, dropped from 20 to 6, "G" Division from 6 to 1, and "F" Division from 18 to 10. Most divisions however, experienced minimal change as compared to 2013-2014 and historical averages.

Figure 23 illustrates the number of cases resulting in informal disciplinary actions by division, during the past 13 fiscal years, as reported by the divisions.

The statistics found in Figure 23 continue to be considered a low ratio of informal disciplinary actions relative to the size of the organization, and the number of interactions with the public in any given year.

Figure 23: Informal Discipline by Divisions 2000 to 2015¹⁹

Division	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12	12-13	13-14	14-15	Total
National	6	3		2		1	2		1	2	3	5	3	2	2	32
B	1	2		1		1		1		3	6	3	5	4	7	34
C	9	8	5	15	10	11	14	7	7	4	5	5	4	7	7	118
D	3	9	19		3	18	7	20	16	10	10	6	15	10	10	156
E	60	80	90	58	40	34	100	112	90	125	49	79	55	61	47	1080
F	9	10	15	10	4	10	13	11	19	37	12	13	21	18	10	212
G	2	3		3	2	3	2				1	3	4	6	1	29
H	2		2	3	1	10	9	10	21	17	43	14	14	11	13	170
HQ	13	20	22	4	5	14	11	25	11	7		12	5	6	3	158
J	11	5	8	11	7	23	22	25	14	7	6	24	10	4	4	181
K	31	42	69	27	30	17	26	26	22	25	15	20	35	20	6	411
L							2		1			4	6		3	16
M		2				3	2	1	4		3	3	1		0	19
O	2	24	3	11	6	11	14	12	15	10	1	13	6	6	3	137
T		8				3	1	5		2		2	1		1	23
V	1		1	3	1	8	1	1	10	5	3		2	3	1	40
Total	150	216	234	148	109	167	226	256	231	254	156	206	187	158	118	2816

¹⁹ Number of cases resulting in informal disciplinary actions by division, during the past 15 years, as reported by the divisions.

3.3 Suspension of Members

During this reporting period, there has been a significant decrease in suspensions from duty, with pay and without pay, across the country. The number of members suspended decreased from 118 in 2013-2014 to 94 in 2014-2015. This decrease may partially be explained by a focused review effort to account for suspended members and reinstate those who no longer required to be suspended. Despite this year's decrease of 24 suspensions, the number of suspensions remains higher than the long-term average, which continues the trend of a gradual increase developing over the last few years.

The break down of those 118 members suspended is as follow: 104 suspended from duty with pay and allowances and 14 suspended without pay and allowances.

There is no discernible pattern evident in the division-by-division data, though two divisions did experience significant changes this year. Headquarters saw a marked decrease from 10 suspensions to only 1, while "E" Division saw a reduction of 9, down from 37 to 28.

Further analysis of the data reveals that the remaining divisions saw little to no change this year with a variation of 3 cases seen by 4 divisions (D, J, L, B) and a variation of 1 or less for the remainder.

Suspensions without pay and allowance have also returned to a level that would be expected judging by the gradual increase over the last 6 years, with the exception of a spike in 2014.

Although interesting in terms of general trends, since these suspension statistics are as of a given day, they are not necessarily reflective of the overall number of members who may have been suspended during all or part of each of the fiscal years reported on.

Figure 24: Members Suspended from Duty With Pay and Without Pay and Allowances
April 1, 2010 to March 31, 2015

DATE	A*	HQ	C	O	E	M	G	K	F**	D	V	J	L	H	B	Total
April 1, 2010	1	1	6	3	12	2	2	10	6	1	1	3	0	2	2	52
March 31, 2011	1	1	6	2	18	0	0	18	3	1	0	2	0	3	2	57
March 31, 2012	1	2	5	4	31	0	0	17	1	4	1	0	2	2	1	71
March 31, 2013	5	5	2	3	18	0	1	11	7	5	1	5	3	6	3	75
March 31, 2014	2	10	6	6	37	0	3	21	8	5	0	5	3	6	6	118
March 31, 2015	1	1	7	7	28	0	2	22	7	8	1	2	0	3	5	94***
Force-wide April 1, 2010	52 (49 suspended from duty with pay and allowances & 3 suspended from duty without pay and allowances)															
Force-wide March 31, 2011	57 (52 suspended from duty with pay and allowances & 5 suspended from duty without pay and allowances)															
Force-wide March 31, 2012	71 (64 suspended from duty with pay and allowances & 7 suspended from duty without pay and allowances)															
Force-wide March 31, 2013	75 (68 suspended from duty with pay and allowances & 7 suspended from duty without pay and allowances)															
Force-wide March 31, 2014	118 (104 suspended from duty with pay and allowances & 14 suspended from duty without pay and allowances)															
Force-wide March 31, 2015	94 (86 suspended from duty with pay and allowances/suspended & 8 suspended from duty without pay and allowances/stoppage of pay and allowances) ***															

*"A" Division was reorganized and renamed National Division on [June 3, 2013](#)

**Includes "Depot"

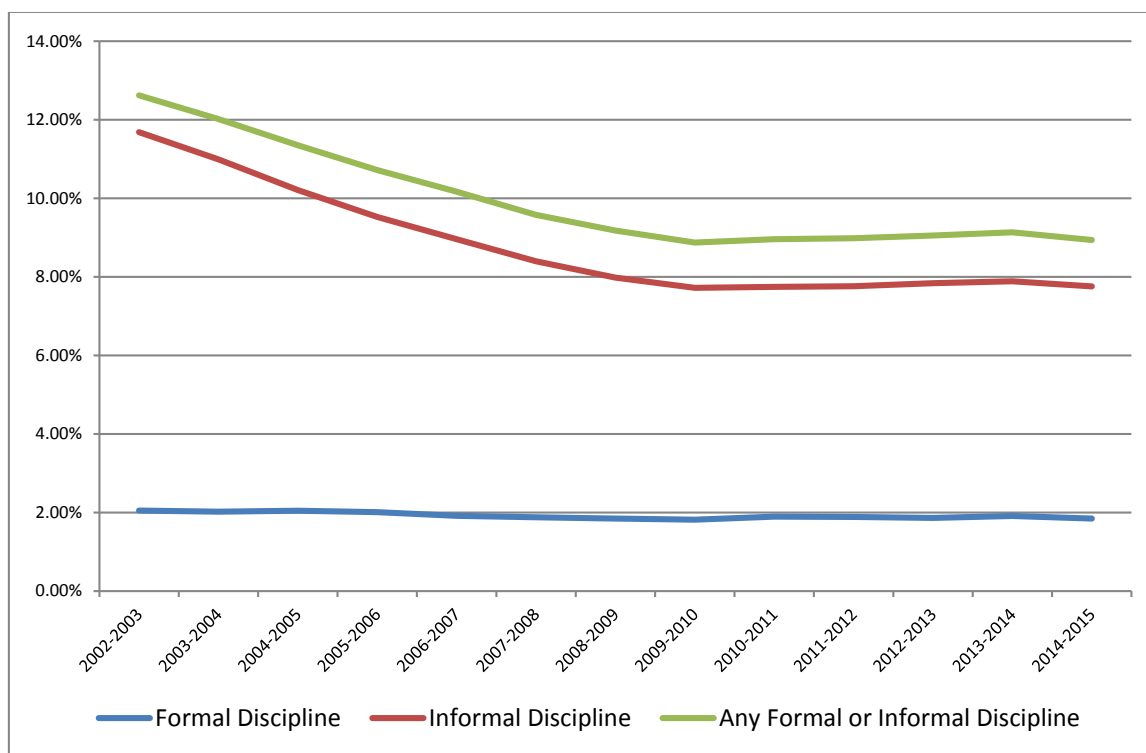
***Figures for March 31, 2015 include suspensions which began under the RCMP Act prior to the Accountability Act coming into effect, as well as those that began after.

3.4 Member population formal and informal discipline

In this year's report Figure 25 depicts member discipline from a slightly different perspective. Figure 25 considers cumulative data. It looks at the member population which has been subject of formal or informal discipline at any time during their service. For the period 2002-2003 to 2014-2015, Figure 25 graphs disciplined members as a percentage of the total member population. Percentages are shown for "formal discipline" (serious misconduct), "informal discipline" (less serious misconduct), and "any discipline". Figure 25, which for each year considers all member discipline, no matter when it occurred in a member's service, is quite different from Figure 17, which for each year only considers the discipline actions which occurred within the year. The

nature of the data on which Figure 25 is based is such that it changes from day-to-day as members join the RCMP, or are subject of disciplinary action, or as they leave the RCMP. Accordingly, the yearly data graphed in Figure 25 is based on a snapshot of the member population at the beginning of each fiscal year. "Formal discipline" added to "informal discipline" won't total to "any discipline" as there are instances where members have been subject to both formal and informal disciplinary action. Figure 25 shows that over the past decade the percentage of disciplined members has been trending downward, but has been relatively stable for the past five years.

Figure 25: Percentage of member population who have been subject of formal and informal discipline in their service 2002 to 2015



Conclusion – Way Forward

In June 2013, the Accountability Act received Royal Assent, setting in motion the reform of the RCMP Act. The goal of the Accountability Act is to enhance RCMP accountability to the Canadian public and modernize and strengthen the RCMP's human resources policies and processes to help ensure a safe, healthy, and respectful workplace for employees.

There are two main components of the Accountability Act:

- The reform of human resource and management processes in the RCMP; and
- The creation of the Civilian Review and Complaints Commission, which replaces the Commission for Public Complaints.

The RCMP has worked diligently to advance the reforms outlined in the Accountability Act and on November 28, 2014 the provisions to amend the RCMP Act, and the supporting Regulations, Commissioner's Standing Orders, policies, processes and procedures came into force.

The modernization of the RCMP Act resulted in changes to the conduct management, harassment investigation and resolution, employment requirements, grievances and appeals and public complaints.

The **new conduct management process** allows misconduct to be addressed in a more responsive, timely and effective manner, while balancing fairness. The majority of conduct matters will be dealt with through a meeting process, giving managers and employees greater

flexibility when dealing with conduct issues. There is a greater focus on remedial, corrective and educative solutions to conduct issues rather than punishment.

A new employment requirements process has been developed for taking administrative actions and decisions in respect of the stoppage of pay and allowances due to member absenteeism, revocation of appointment, discharge and demotion, the authority to direct a member to undergo a medical examination or assessment to determine fitness for duty, and probationary discharge. The new Code of Conduct for RCMP Members uses plain language, and adopts a more proactive, positive and ethics-based approach consistent with other professions – emphasizing the manner in which members are expected to conduct themselves at all times, on or off-duty, in or outside of Canada.

Changes to the management of the RCMP disciplinary process resulting from the legislation will be closely monitored and reported on moving forward.

2014-2015

Appendix A: Ministerial Directive

Appendix B: Glossary of Terms

Appendix C: RCMP Act Part IV

Appendix D: RCMP Divisions and Divisional Headquarters

2014-2015

Ministerial Directive

MINISTERIAL DIRECTIVE ON THE RCMP DISCIPLINARY PROCESS

A. This Directive provides ministerial direction to the Commissioner of the Royal Canadian Mounted Police (RCMP) with respect to standardizing the application and enhancing the transparency of the disciplinary process set out in the *RCMP Act*.

Responsibilities and Accountabilities

B. As per subsection 5(1) of the *RCMP Act*, the control and management of the RCMP, and all matters connected therewith, is the responsibility of the Commissioner of the RCMP, under the direction of the Minister of Public Safety.

C. To promote compliance and accountability, the Commissioner will ensure that comprehensive records of all disciplinary files are maintained and that these files are monitored on an ongoing basis.

D. To enhance accountability, the Commissioner will ensure there is effective coordination and efficient administration of the RCMP disciplinary system.

DIRECTIVE MINISTÉRIELLE SUR LE PROCESSUS DISCIPLINAIRE DE LA GRC

A. La présente directive vise à fournir l'orientation ministérielle au commissaire de la Gendarmerie royale du Canada (GRC) en ce qui a trait à la normalisation et à l'amélioration de la transparence du processus disciplinaire défini dans la *Loi sur la Gendarmerie royale du Canada*.

Responsabilités

B. En vertu du paragraphe 5(1) de la *Loi sur la Gendarmerie royale du Canada*, le commissaire de la GRC, sous la direction du ministre de la Sécurité publique a pleine autorité sur la GRC et tout ce qui s'y rapporte.

C. Afin de favoriser la conformité et la responsabilisation, le commissaire doit veiller à ce que des dossiers complets de tous les cas disciplinaires soient tenus, et à ce que ces dossiers soient suivis de près.

D. Afin d'accroître la responsabilisation, le commissaire doit veiller à la coordination efficace et à l'administration efficiente du régime disciplinaire de la GRC.

E. The Commissioner will ensure that an annual report on the management of the disciplinary process is provided to the Minister. The report is to be in a format that is Suitable for public release in its Entirety. The release of the report is At the discretion of the Minister.

F. The Commissioner will ensure that nationally consistent policies and protocols are in place and updated when necessary to inform members of the requirements and procedures associated with the disciplinary process. The Commissioner will also ensure that regular training is provided to appropriate RCMP staff to promote awareness of and compliance with such requirements and procedures.

G. In addition to the annual report, as part of the accountability process, a designated representative of the Commissioner will, having given due regard to legal and operational considerations, inform the Minister in a timely manner of matters of a significant nature pertaining to the disciplinary process.

E. Le Commissaire doit s'assurer qu'un rapport annuel sur la gestion du processus disciplinaire est présenté au Ministre. Le rapport entier doit être présenté dans une forme convenable à la diffusion publique. La publication du rapport est à la discrétion du Ministre.

F. Le Commissaire doit s'assurer que des politiques et des protocoles conformes à l'échelle nationale sont en place, et mis à jour au besoin, pour informer les membres su sujet des exigences et des procédures liées au processus disciplinaire. Le Commissaire doit également s'assurer que des membres compétetents de la GRC reçoivent de la formation afin de faire connaître ces exigences et procédures et de favoriser les respect de celles-ci.

G. En plus du rapport annuel et dans le cadre du processus de responsabilisation, un représentant désigné du Commissaire, ayant dûment tenu compte des considérations juridiques et opérationnelles, informera le Ministre en temps opportun des problèmes de nature importante ayant trait au processus disciplinaire.



Minister of Public Safety/Ministre de la Sécurité publique

JAN 24 2008

Date

Glossary of Terms

Appropriate Officer – An officer designated by the Commissioner as the appropriate officer in respect of a member for the purposes of the RCMP Act. In practical terms, the appropriate officer is normally the commanding officer of a division of the RCMP.

Code of Conduct – The Regulations governing the conduct of RCMP members created by the Governor in Council pursuant to Section 38 of the RCMP Act.

Commissioner's Standing Order – A rule from the Commissioner made according to subsection 21(2) of the RCMP Act. That part of the Act states how, subject to the RCMP Act and its Regulations, the Commissioner may make rules dealing with administrative discharge of members, as well as for the organization, training, conduct, performance of duties, discipline, efficiency, administration or good government of the RCMP, and generally for carrying out the purposes and provisions of the RCMP Act.

Detachment – For the purposes of Sections 40 (Investigation) and 41 (Informal Disciplinary Action) of the RCMP Act, includes any organizational component within the RCMP commanded by a member, other than an officer, who reports directly to an officer.

Discipline Reviewers – Discipline reviewers review, analyze and process reports and correspondence related to disciplinary matters. They make recommendations on disciplinary actions, appeals and discharges.

Division – As part of its structure, the RCMP organizes itself into 15 divisions roughly equivalent geographically to Canada's 10 provinces, 3 territories, the National Capital Region and the RCMP's training academy, known as Depot, in Regina. Each division with the exception of Depot is assigned a letter name, e.g. the RCMP's "O Division" comprises the province of Ontario.

External Review Committee – An independent, arm's-length committee established under Section 25 of the RCMP Act to make recommendations on discipline, discharge and demotion matters and certain types of grievances brought before it. The External Review Committee reports once a year to the Minister of Public Safety in accordance with Section 30 of the RCMP Act.

Officer – A member appointed by the Governor in Council to the rank of inspector, superintendent, chief superintendent, assistant commissioner, deputy commissioner or commissioner. For the purposes of Section 41 of the RCMP Act (informal disciplinary action), officer includes those civilian members, special constables and special constable members who are classified at the senior management or executive level.

Pay Council – A council of five people established in May 1996 as an alternative to collective bargaining for resolving issues of pay, benefits and other working conditions. The council consists of an independent chairperson appointed by the Commissioner in consultation with, and with the approval of the Caucus of Staff Relations Representatives (SRRs); two management representatives appointed by the Commissioner; and two member representatives appointed by the SRR Caucus.

Unit Commander – The commander of a unit. A unit is an organized body within the RCMP. Detachments, sections, branches, directorates, subdivisions and divisions are examples of units.

Service Court – The forerunners of today's Adjudication Boards. Service Courts were quasi-judicial proceedings presided over by a single commissioned officer who heard and determined formal disciplinary matters. Service Courts were adversarial in nature and generally used the same rules of evidence as criminal trials. They were discontinued as a result of revisions to the RCMP Act in 1988.

Staff Relations Representatives (SRRs) – Members elected by the members within a particular division to represent them in dealings with RCMP management on issues impacting their welfare, dignity and operational effectiveness. SRRs also deal with issues of wider concern as members of divisional and regional caucuses and through their Regional National Executive Committee and National Executive. The program was established in 1974 to provide members of the RCMP with a formal system of representation.

APPENDIX C

2014-2015

RCMP Act Part IV

The discipline system as set out in the RCMP Act aims to correct the behaviour of those few personnel whose actions fall below the standards set out in the Code of Conduct. The RCMP is accountable for the actions of all of its members. Please refer to Figure 1: Discipline Process under Part IV of the RCMP Act at the end of chapter 1.

Step 1: Alleged Code of Conduct Contravention

Where it appears to an officer or to a member in command of a detachment that a member of the RCMP under the command of the officer or member in command of a detachment has contravened the Code of Conduct, the officer or member in command of a detachment shall make or cause to be made such investigation as the officer or member in command of a detachment considers necessary to enable the officer or member in command of a detachment to determine whether that member of the RCMP has contravened or is contravening the Code of Conduct.

Step 2: Investigation s. 40 Time and Limitation Periods.43(8)

Sub-section 40 (1) of the RCMP Act, outlines the authority of an officer or member in command to initiate a Code of Conduct investigation.

No hearing may be initiated by an appropriate officer under this section in respect of an alleged contravention of the Code of Conduct by a member of the RCMP after the expiration of one year from the time the contravention and the identity of that member of the RCMP became known to the appropriate officer.

Step 3: Supervisor's Options: Informal/Formal/Unfounded

If the supervisor believes that the allegation against the RCMP member is unsubstantiated, the supervisor is to inform the member of the RCMP and the file is then concluded.

Step 4: Informal Discipline

Step 4(a): Informal Discipline s. 41.(1)

Once it is established to the satisfaction of the supervisor that a violation of the Code of Conduct has occurred, the supervisor can initiate the informal disciplinary process. This can only be done if he or she is of the opinion that, having regard to the gravity of the contravention and to the surrounding circumstances, the action is sufficient.

Informal disciplinary actions specify a corrective or remedial approach to an RCMP member's conduct. The particular actions that may be taken are:

- (a) counseling;
- (b) a recommendation for special training;
- (c) a recommendation for professional counseling;
- (d) a recommendation for a transfer;
- (e) a direction to work under close supervision;
- (f) subject to such conditions as the Commissioner may prescribe by rule, a forfeiture of regular time off for a period not exceeding one day; and/or
- (g) a reprimand (it is to be noted that only a Commissioned Officer or an appropriate officer may impose a reprimand).

Step 4(b): Post-Disciplinary Action RCMP Administration
Manual XII.6.F.4

After the commander takes informal disciplinary action he/she must submit a report to the appropriate officer for review. The report must include: 1) the investigator's report and material relevant to the RCMP member's alleged misconduct must be presented to the commander as a complete package in chronological order; 2) details of the Code of Conduct contravention and a copy of the disciplinary action, e.g. reprimand, if applicable; 3) confirmation whether the RCMP member was given the benefit of presenting a submission; and, 4) representations submitted by the RCMP member to the commander.

Step 4(c): Action by Appropriate Officer – Contravention of the Code of Conduct s. 41(5)

Where it is established to the satisfaction of an appropriate officer that a member of the RCMP has contravened the Code of Conduct, the appropriate officer may, if no action

has been taken in respect of the contravention, take any one or more of the actions referred to in paragraphs (a) to (g) of step 4(a) above against the member of the RCMP who has contravened the Code of Conduct.

Step 4(d): Appropriate Officer May Rescind Informal Disciplinary Action s. 41(6)

Where it is not established to the satisfaction of an appropriate officer that a member against whom informal disciplinary action was taken that has not contravened the Code of Conduct, the appropriate officer may rescind that action.

Step 4(e): Appropriate Officer May Vary The Action s. 41(7)

Where it is established to the satisfaction of an appropriate officer that an RCMP member against whom informal disciplinary action was taken has contravened the Code of Conduct, but the appropriate officer is of the opinion that the action so taken was inappropriate in the circumstances, the appropriate officer may vary that action by taking any one or more of the actions referred to in paragraphs (a) to (g) of step 4(a) above, in addition to or in substitution for that action.

Step 4(f): Informal Disciplinary Action Timeline 1 Year

It is RCMP policy that informal disciplinary action under subsection 41(1) of the RCMP Act must be taken against RCMP members within a year from the time the alleged contravention and identity of the RCMP member became known to his or her supervisor.

Step 4(g): Informal Discipline - Not Grievable / Appealable s. 41(9)

Informal disciplinary actions: a, b, c and d are not grievable nor appealable.

Step 4(h): Informal Discipline – Appeal s. 42(1)

Any RCMP member against whom informal disciplinary action referred to in any of paragraphs 41(1)(e) to (g) is taken may appeal that action at each of the levels, up to and including the final level, in the appeal process provided.

Step 4(i): Final Level of Appeal s.42(4)

The Deputy Commissioner designated by the Commissioner for the purposes of this section constitutes the final level in the appeal process with respect to appeals taken by members of the RCMP, other than commissioned officers, from informal disciplinary actions referred to in paragraphs (e) and (f) above and the Deputy Commissioner's decision on any such appeal is final and binding and, except for judicial review under the *Federal Courts Act*, is not subject to appeal to or review by any court.

Step 4(j): Final Level of Appeal for Commissioned Officers s. 42(6)

The Commissioner constitutes the final level in the appeal process with respect to appeals taken by commissioned officers from informal disciplinary action referred to in any of paragraphs (e) to (g) above. The Commissioner's decision on any appeal is final and binding and, except for judicial review under the *Federal Courts Act*, is not subject to appeal to or review by any court.

Step 4(k): Formal Discipline

If the supervisor believes that the allegation is substantiated but, considering the gravity of the allegation, the supervisor determines that informal measures are insufficient, the file is forwarded with a covering memorandum to the appropriate officer for consideration of formal disciplinary action. If the appropriate officer decides to go by way of formal discipline the steps detailed in the next section are followed.

Step 5: Formal Discipline

Step 5(a): Notice for a Board to Designated Officer s. 43 (1)

Where it appears to an appropriate officer that a member has contravened the Code of Conduct and the appropriate officer is of the opinion that, having regard to the gravity of the contravention and to the surrounding circumstances, informal disciplinary action under section 41 would not be sufficient if the contravention were established, the appropriate officer shall initiate a hearing into the alleged contravention and notify the officer designated by the Commissioner for the purposes of this section of that decision.

Step 5(b): Three Board Members Appointed s.43.2, 43(3)

On being notified pursuant to Section 43 (1), the designated officer shall appoint three officers as members of an Adjudication Board to conduct the hearing and shall notify the appropriate officer of the appointments.

Step 5(c): Notice of Disciplinary Hearing to Member s. 43(4)

Forthwith after being notified pursuant to subsection (2), the appropriate officer shall serve the RCMP member alleged to have contravened the Code of Conduct with a notice in writing of the hearing, together with: (a) a copy of any written or documentary evidence that is intended to be produced at the hearing; (b) a copy of any statement obtained from any person who is intended to be called as a witness at the hearing; and, (c) a list of exhibits that are intended to be entered at the hearing.

Step 5(d): Objection to Board Officer(s) s. 44(1)

Within seven days after the day a member is served with a notice of hearing [under subsection 43(4)], the member may object in writing to the designated officer [referred to in subsection 43(1)] to the appointment of any member of the Adjudication Board, and the designated officer shall on receiving the objection decide whether to reject the objection or to allow the objection and appoint a new member of the board.

Step 5(e): Chair Appointed s. 44(6)

The designated officer shall designate one of the members of the Adjudication Board as chairman.

Step 5(f): Notice of Date, Place and Time of Hearing s.45.1(2)

An Adjudication Board shall set the place, date and time for a hearing and serve the parties thereto with a notice in writing of that place, date and time. The date and time for a hearing set pursuant to section 45.1(2) shall not be less than seven days after the day the member whose conduct is the subject of the hearing is served with the notice under that subsection.

Step 5(g): Pre-Hearing Motions

If either party has pre-hearing motions, these will be submitted to the Adjudication Board and a decision will be rendered by the Adjudication Board on these motions.

Step 5(h): Hearing: Evidence on Merits of Case s. 45.12(1)

A hearing will take place before an Adjudication Board. After considering the evidence submitted at the hearing, the Adjudication Board shall decide whether or not each allegation of contravention of the Code of Conduct contained in the notice of the hearing is established on a balance of probabilities.

Step 5(i): Board's Decision on Allegations s. 45.12(2)

A decision of an Adjudication Board shall be recorded in writing and shall include a statement of the findings of the board on questions of fact material to the decision, reasons for the decision and a statement of the sanction, if any, imposed or the informal disciplinary action, if any, taken.

Step 5(j): If Allegations Not Established Hearing is Concluded

If the allegations are not established, the hearing is concluded.

Step 5(k): Hearing: Evidence and Submissions on Sanction

If the allegations are established in the hearing, the Adjudication Board will hear evidence and submissions on possible sanctions to be administered.

Step 5(l): Board's decision on Sanction s. 45.12(3)

Where an Adjudication Board decides that an allegation or contravention of the Code of Conduct by an RCMP member is established, the board shall impose any one or more of the following sanctions on the member, namely, (a) recommendation for dismissal from the RCMP, if the member is a commissioned officer, or dismissal from the RCMP, if the member is not a commissioned officer; (b) direction to resign from the RCMP and, in default of resigning within fourteen days after being directed to do so, recommendation for dismissal from the RCMP, if the member is a commissioned officer, or dismissal from the RCMP, if the member is not a commissioned officer; (c) recommendation for demotion, if the member is a commissioned officer, or demotion, if the member is not a commissioned officer; or, (d) forfeiture of pay for a period

Step 6: Demotion or Dismissal of Commissioned Officer / Non-Commissioned Officer / Civilian Member

Step 6(a): Commissioned Officer Demotion or Dismissal

If the Adjudication Board decides to recommend dismissal or demotion of a Commissioned Officer, the recommendation is sent to the Commissioner.

Step 6(b): Commissioned Officer - Appeal to the Commissioner s. 45.25(1)

The Commissioned Officer may appeal the recommendation to the Commissioner from the Adjudication Board. The Commissioner must first refer the matter to the External Review Committee, unless the sanction involved only informal disciplinary actions set out in s. 41(1) of the RCMP Act, or unless the member requests that the matter not be

referred to the Committee and the Commissioner agrees with that request. The Commissioner's recommendation to demote or dismiss a Commissioned Officer is reviewed by the Minister of Public Safety and the Governor in Council. The Governor in Council can accept or reject the Commissioner's recommendation on demotion or dismissal of the Commissioned Officer.

Step 6(c): Non-Commissioned Members - Demotion or Dismissal

A non-commissioned officer or civilian member can be demoted or dismissed by the Adjudication Board.

Step 6(d): Review of Demotion or Dismissal by the External Review Committee

A member may appeal the decision of an adjudication board to the Commissioner. Pursuant to section 45.15 of the RCMP Act, the Commissioner must first refer the matter to the External Review Committee, unless the sanction involved only informal disciplinary actions set out in section 41(1) of the RCMP Act, or unless the member requests that the matter not be referred to the Committee and the Commissioner agrees with that request.

Step 6(e): External Review Committee Provides Recommendations

Once the External Review Committee conducts a review of the file, it provides its findings and recommendations to the Commissioner.

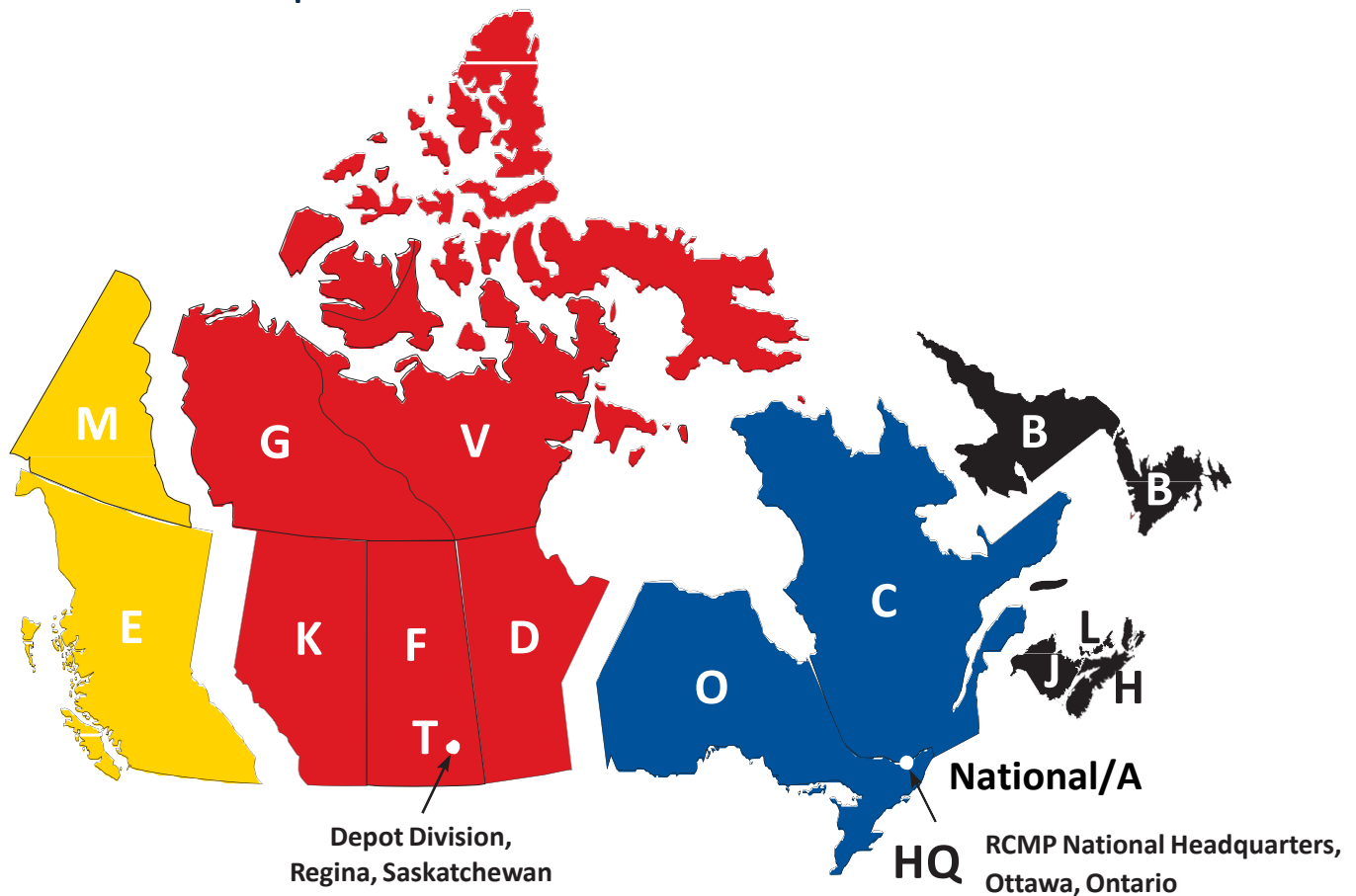
**Step 6(f): Commissioner Not Bound By External Review
Committee Findings and Recommendations**

The Commissioner is not bound to act on the Committee's findings or recommendations, but if the Commissioner does not, then he shall provide his reasons. As the Commissioner is the final level of appeal in matters of formal discipline under the RCMP Act, a member may not appeal the Commissioner's decision.

Step 6(g): Judicial Review by Federal Court

A member of the RCMP may seek judicial review of the Commissioner's decision in the Federal Court. The demotion or dismissal of a commissioned officer, a non-commissioned officer, and a civilian member can be appealed to the Federal Court, then to the Federal Court of Appeal through to the Supreme Court of Canada.

RCMP Divisions and Divisional Headquarters



HQ – Headquarters, Ottawa, Ontario

National / A – Ottawa, Ontario

B – St. John's, Newfoundland

C – Montreal, Quebec

D – Winnipeg, Manitoba

E – Vancouver, British-Columbia

F – Regina, Saskatchewan

G – Yellowknife, Northwest

Territories

H – Halifax, Nova Scotia

J – Fredericton, New Brunswick

K – Edmonton, Alberta

L – Charlottetown, Prince Edward Island

M – Whitehorse, Yukon

O – London, Ontario

T – Depot Division, Regina, Saskatchewan

V – Iqaluit, Nunavut



QUICK FACTS

- The RCMP logs more than 2.7 million occurrences per year.
- The RCMP has approximately 28,461 employees, including almost 18,292 regular and 3,838 civilian members, and 6,331 Public Service employees.
- The total RCMP population includes 61% men and 39% women, 10% who self-identify as a visible minority, 6.8% as Aboriginals, and 3% as persons with disabilities.
- The RCMP focuses on maintaining a respectful workplace where all employees feel valued, supported and trusted. We have three goals: to create an inclusive environment; to develop a culture of values-based leadership with clear expectations and accountabilities; to create an environment where employees can be brave, are able to confront bad behaviours and put forth innovative ideas without fear of repercussions.
- Subject Behaviour/Officer Response (SB/OR) reporting is a standard use of force reporting tool for all RCMP peace officers. RCMP officers must complete an SB/OR report when they are involved in an incident with a member of the public that used physical force or an intervention option such as pepper spray, police service dog, 'Taser', firearm, etc. An 'SB/OR report' provides context around an incident that includes the officer's perceptions, the subject's behaviour and details on what occurred before, during and after the incident.

[illegible]