

RCMP



ROYAL CANADIAN MOUNTED POLICE

2012 - 2013

Annual Report Management of the RCMP Disciplinary Process

Adjudicative Services Branch



Royal Canadian Mounted Police
Gendarmerie royale du Canada

Canada

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It's crucial for the RCMP to have a discipline process that holds our members to account for unacceptable behaviour. Our focus needs to be on ensuring members understand their responsibilities, and correcting matters of misconduct quickly and fairly.

Bob Paulson, RCMP Commissioner

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Message from the Professional Integrity Officer

The period covered by this report, April 1, 2012 to March 31, 2013, has seen both stability and change for Adjudicative Services Branch. In the Preface to last year's report I wrote as the Director General of Adjudicative Services Branch. This year it is my pleasure to say a few words as the Professional Integrity Officer, responsible for both the Adjudicative Services Branch and Employee Management Relations Branch. The efforts of both these branches figure prominently in the work described herein. I am also pleased to introduce the new Director General, Stephen Thatcher, who served in various roles within Adjudicative Services Branch prior to his appointment. We share the common objective of ensuring the RCMP formal discipline regime is professional, fair, consistent and timely.

The Commissioner has set the above goal and been very supportive of it, evidenced in his strong messaging to Appropriate [Commanding] Officers specifically, and all members of the Force generally, about the importance of conduct and in providing additional resources in times of severe fiscal restraint. As this report will detail, progress is being made, but there remain significant challenges for Adjudicative Services Branch and the Force to overcome. The commitment to do so, however, remains strong. In fact, the trends identified in this report indicate that, although the absolute number of members facing formal discipline allegations is on the rise, which

in turn has increased the volume of work for those involved in the investigation, prosecution, defense and adjudication of formal discipline matters, the overall proportion of members subject to the discipline process, already low, continues, albeit modestly, to decline. That is unqualified good news.

The year ahead will be an exciting and demanding one for the RCMP in general, and the Office of Professional Integrity in particular, with the anticipated enactment of Bill C-42, the *Enhancing Royal Canadian Mounted Police Accountability Act*, a piece of legislation that will bring fundamental change to the RCMP discipline system.

For now, however, here is a look at the results of last year's hard work.

Craig S. MacMillan

Professional Integrity Officer,
Royal Canadian Mounted Police.

Message from the Director General

As the new Director General of Adjudicative Services Branch, one of my first important tasks was to prepare this report in accordance with the Ministerial Directive.¹ The process of researching and drafting this report put me in contact with stakeholders in various roles connected with the formal discipline process across the country. From the information they provided it is clear there is commitment nationwide to giving the formal discipline regime the priority and attention it deserves, and simultaneously, recognition that despite this goodwill the process does not always function as efficaciously as one would wish. I am, however, encouraged by the dialogue that demonstrates sincere interest in identifying and resolving the challenges that limit the system's efficiency.

The Professional Integrity Officer has already noted the Commissioner's support for Adjudicative Services Branch, particularly in the form of additional funding and human resources. On the basis of a simple comparison, it would not seem that these additional resources contributed to the resolution of more formal discipline cases in 2012-2013 (88) than 2011-2012 (89). However, this total of 88 remains higher than in many previous years. Furthermore, these figures are not the full story. As this report will identify there are "under the radar" tasks undertaken by Adjudicative Services Branch personnel and others that impact significantly on the formal discipline process but are not easily counted or otherwise quantified. For example, one specific case, unprecedented in its scope and complexity as far as I am aware, involved multiple subject

members and consequently consumed the services of many representatives for an extended time. That case is not yet resolved. It must also be noted that Adjudicative Services Branch staff have functions they undertake pursuant to other provisions of the *Royal Canadian Mounted Police Act* that are time and resource intensive, but not part of the formal discipline process. In short, a considerable volume of difficult work is being done even if the positive consequence of that work is not directly reflected in the tables contained in this report. I have, however, sought to provide context for the data that appears in the tables that I trust will assist the reader in gaining insight into the management of the RCMP disciplinary regime this past year.

Stephen N.S. Thatcher

Director General, Adjudicative Services Branch
Royal Canadian Mounted Police

¹ The Ministerial Directive appears in Appendix A.

The RCMP Formal Disciplinary Regime

1.1 Report Overview

This year's annual report builds largely on the framework of that produced for the 2011-2012 fiscal year. It provides an update to some of the major changes that were initiated in 2011-2012 as well as identifying and commenting on the successes and continuing challenges faced by the RCMP in the management and functioning of the disciplinary process throughout 2012-2013.

It will be evident to the reader that a considerable amount of work was accomplished in the past year, however, resourcing and timely disposition of formal discipline cases continue to pose challenges that have yet to be fully solved. It will also be evident the volume of work has gone up during this reporting period, but despite this fact, the single measure of number of cases resolved was consistent with the total for the previous year. Indeed, although only in the early stages, one particularly complex case involving four subject members consumed unprecedented resources and time, and adversely impacted the ability of representatives to resolve other formal matters.

This report also initiates two new analyses: the first is a look at the rank or level of members facing formal discipline during the year, and the second is an examination of the years of service of members subject to formal discipline during the year.

1.2 Ministerial Directive

In 2008, the Minister of Public Safety issued direction to the Commissioner of the RCMP regarding the Force'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.²

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*;³
- 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;

² The Ministerial Directive appears in Appendix A.

³ *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10 (as amended) ("*RCMP Act*").

- 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.

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).⁴ 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

⁴ Canada, 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.

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.

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 *Pay Council 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 Report* 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*).⁵ 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.

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.

(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”.⁶ The informal disciplinary actions provided are generally of a corrective nature.⁷

5 *Royal Canadian Mounted Police Regulations, 1988, SOR/88-361 (as amended) (“Regulations”).*

6 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.

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

All informal disciplinary actions are considered personal information as defined in section 3 of the *Privacy Act*. As such, disclosure is governed by the *Privacy 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:

- counseling;
- 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. Other forms of informal discipline may be neither grieved nor appealed. 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)*.

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 Force'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 4, 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 with other employees who are direct 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 will come into effect in April 2013.

(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 Members⁸

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.

⁸ 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.

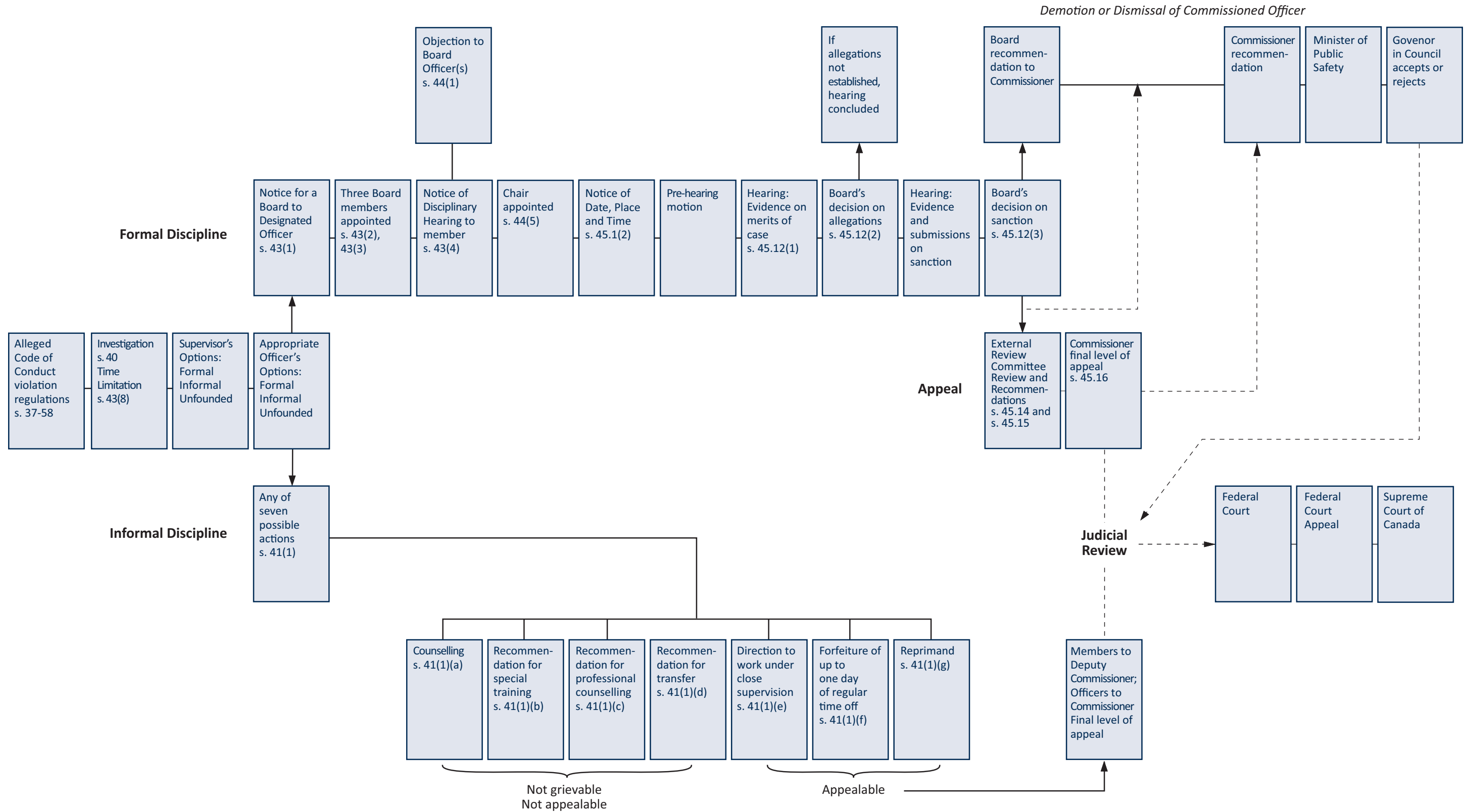
(vii) Appeals of Adjudication Board Decisions and the RCMP External Review Committee

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. 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.

Figure 1: Discipline Process under Part IV of the RCMP Act⁹



⁹ 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 formulate 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 through a conduct continuum 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 includes the:

- Adjudicative Services Branch;
- Employee Management Relations Branch;
- Honours and Recognition; and
- Values and 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

The goal of the Office of Professional Integrity is to ensure that ethical principles are an integral part of all aspects of the RCMP's service delivery to Canadians. This can be done by:

- working collaboratively with the Senior Executive Committee to strengthen our organizational conscience;

- providing impartial advice on matters that affect the organization and the public we serve;
- incorporating ethical decision-making in all our operational and administrative functions;
- ensuring a continuum of ethics education for all employees throughout their career;
- fostering an environment where ethical considerations are routinely embraced; and
- providing employees with the means to promote and sustain an ethical climate.

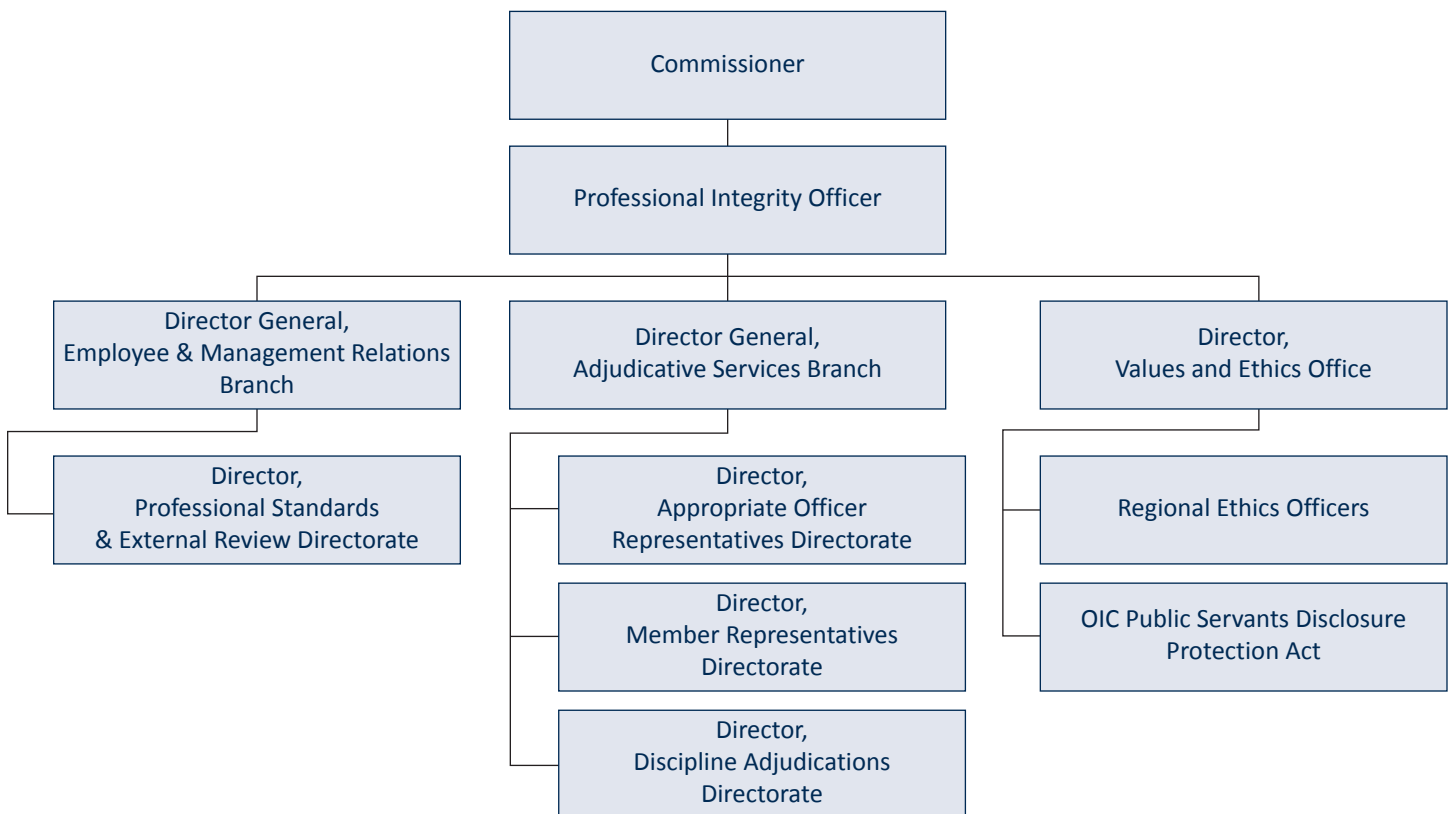
Vision: The RCMP is a trusted organization grounded in values and ethics.

Priorities: In line with the RCMP’s goals, three key priorities have been established by the Office of Professional Integrity in order to advance its mission and promote an ethical workplace climate throughout the organization:

- 1) Ethics in Practice;
- 2) Ethics Education; and
- 3) the PSDPA.¹⁰

Mission: To enable a solid operating foundation of values and ethics to maintain and strengthen the trust of our communities and employees.

Figure 2: Office of Professional Integrity Organizational Chart



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The Professional Integrity Officer is the RCMP’s designated Senior Officer under the *Public Servants Disclosure Protection Act*.

2.2 Context

As of April 1, 2012, there were 31,584 permanent employees in the RCMP:

- 19,401 regular members holding peace officer status;
- 5,266 civilian members; and
- 6,917 Public Service employees.

The RCMP's Code of Conduct regulates the conduct of 24,667 regular and civilian members operating from coast-to-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.

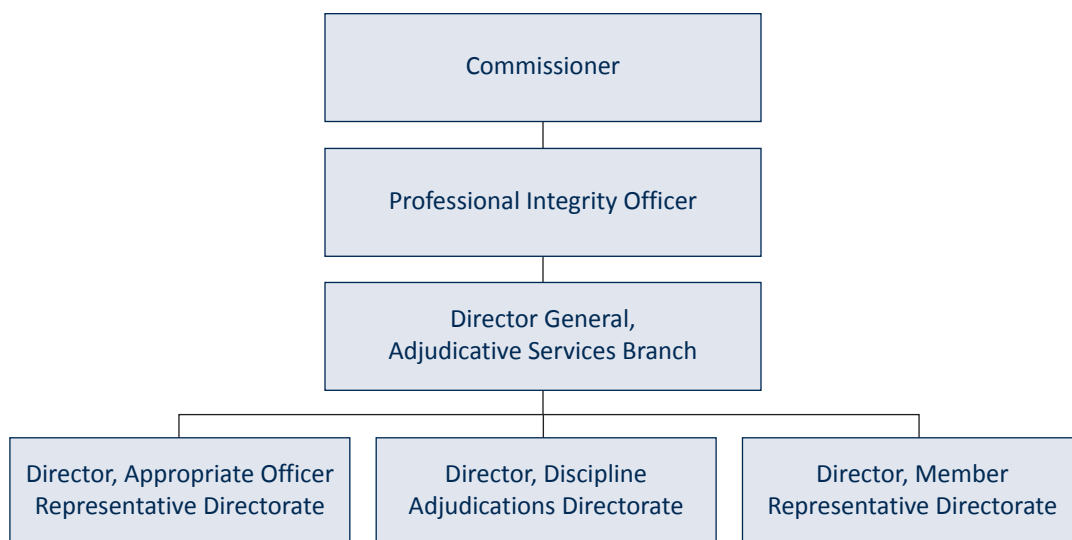
2.3 Adjudicative Services Branch

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.¹¹ 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, regional/divisional managers and units, and discipline reviewers.

Figure 3: Adjudicative Services Branch Organizational Chart



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

2.4 Branch 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 ensure the integrity of the process over which they preside by ensuring fair and equitable treatment for the subject member. 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 increased number of regional and divisional members involved in the administration of the disciplinary process, this intranet

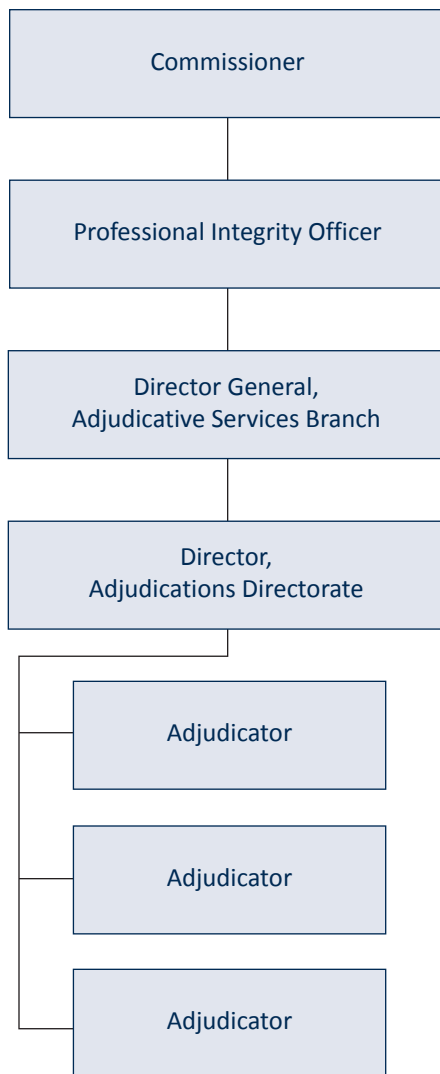
site has taken on added significance. Though the site is not accessible to the public, adjudication board decisions are available to all persons upon request, subject to any board order limiting publication, a hearing being held in camera or other factors requiring protection of personal information. As will be seen later, a protocol concerning public access to decisions is being developed to reflect recent developments in approaches by the courts and quasi-judicial bodies in balancing the public interest in “open courts” and the privacy interests of individuals in the Internet age.

Besides conducting hearings, the Discipline Adjudications Directorate serves an important administrative role in managing processes that keep the Force’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.

Its 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

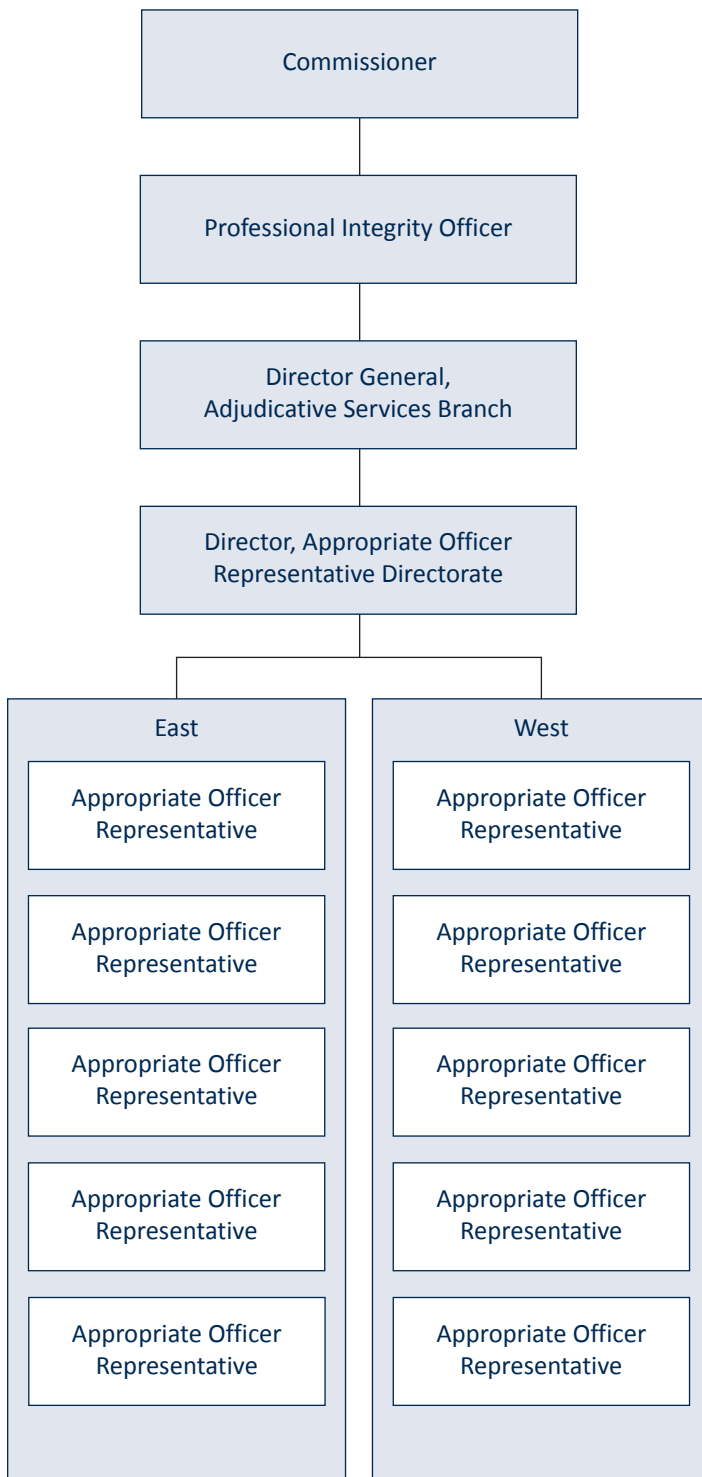
Appropriate officer representatives assist and represent appropriate officers (generally commanding officers of a division) who are parties to adjudication hearings under Part IV (Discipline) and Part V (Discharge and Demotion) of the *RCMP Act*. In carrying out their mandate, appropriate officer representatives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

Specific activities include:

- providing advice, policy analysis, opinions and interpretations to appropriate officers and senior regional and 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 Representative 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 2012-2013, 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 representation and assistance is 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 representation and assistance is approved by the Director);
- appealing informal disciplinary action under section 42 of the *RCMP Act* (only when representation and assistance is approved by the Director); or
- parties to a hearing before the Commission for Public Complaints Against the RCMP under section 45.45 of the *RCMP Act*.

Consistent with the *Representatives' 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.

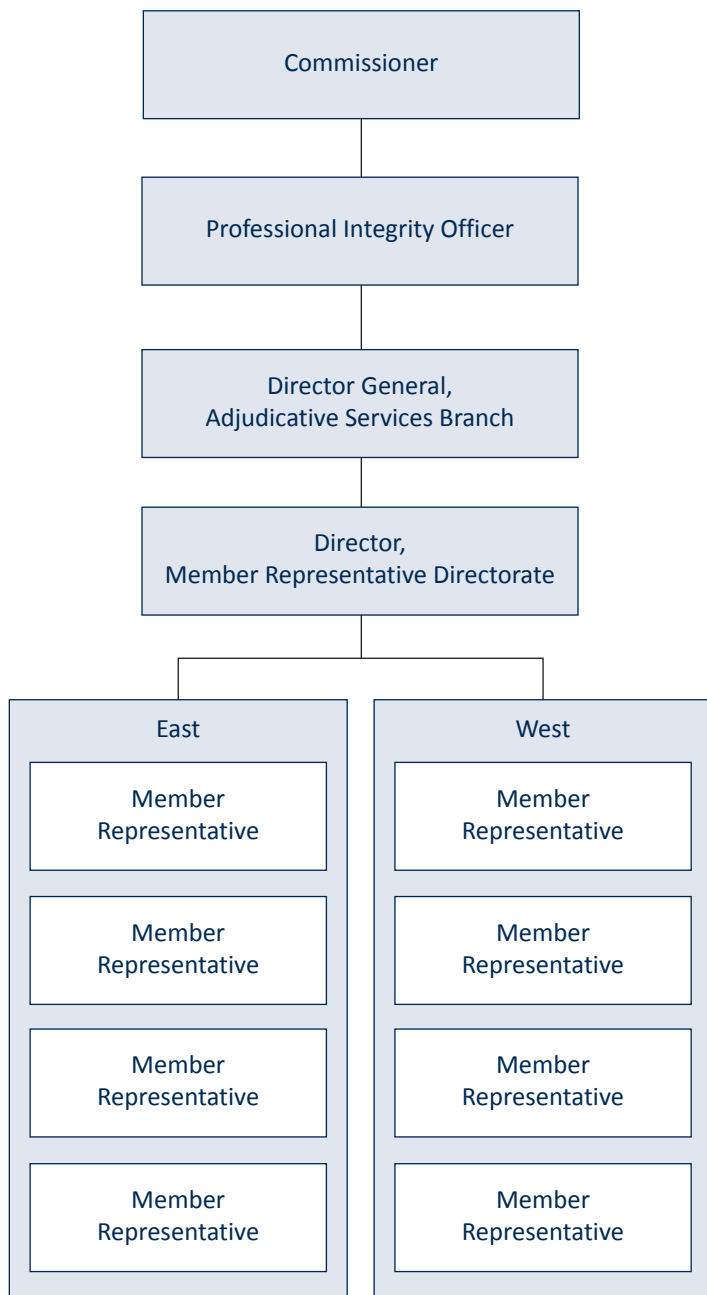
The confidentiality of communications between subject members and their representatives is protected not merely by the *Representatives' Code of Ethics*, but also by the privilege established by the *RCMP Act*, and by the fact that the representatives are lawyers obligated to protect solicitor-client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

The Member Representative 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 which are fair for all parties involved, without the need for a formal discipline hearing. When appropriate, this service often results in negotiated resignations – frequently before formal discipline proceedings are even commenced.

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. When formal hearings are held, the active participation of member representatives can help streamline and focus the

hearings on relevant issues – making the process more efficient. In all instances, 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 Representative Directorate Organizational Chart



2.5 Employee and Management Relations Branch

Employee Management and Relations Branch is headed by a Director General and is composed of the Professional Standards and External Review Directorate, which consists of four units, all of which have 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 is 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 advises and assists 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 oversees policies including grievances and discipline. The unit is mandated to develop policies and monitor their application and implementation to ensure RCMP members receive fair treatment and maintain the high standards of conduct the public expects.

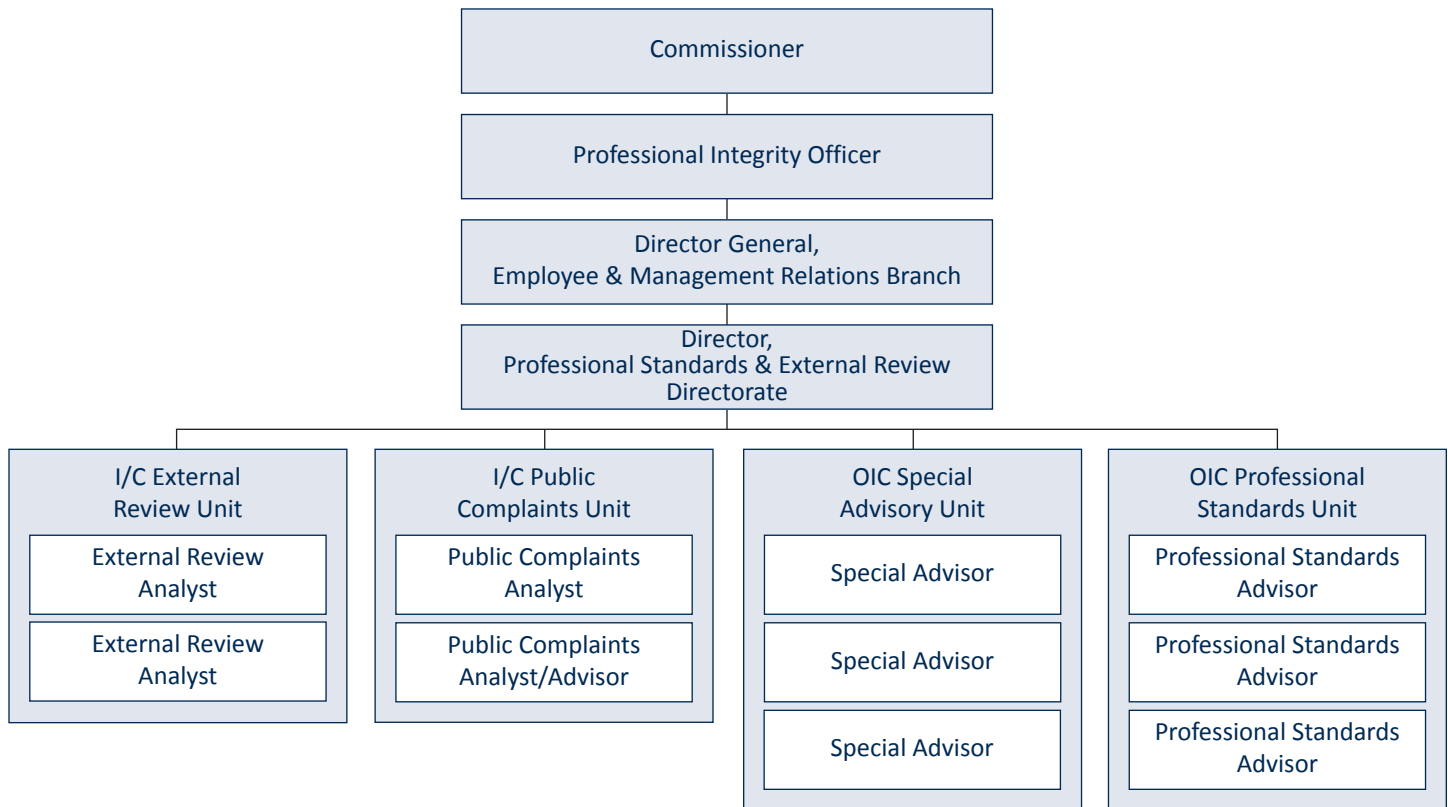
The Special Advisory Unit provides advice and assistance to decision-makers in relation to recommendations for stoppage of pay and allowances, informal disciplinary appeals, and appeals of discharge for unsuitability by probationary members. The unit is also responsible for

providing policy advice to stakeholders in divisions and regions on processes such as discipline, suspensions, administrative discharges and internal investigations. The member in charge of the Special Advisory Unit acts as the registrar for appeals of informal discipline. He or she is also the coordinator for RCMP input into any proposed amendments to the Commissioner's Standing Orders and policies.

The External Review Unit provides 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 provides 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 is tasked with providing integrated management of all aspects of public complaints pursuant to Part VII of the *RCMP Act*. The public complaints regime is 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



2.6 Regional/Divisional Role

(i) Professional Standards Units

Professional Standards Units are in place across the country and operate at the regional/divisional level as part of the human resource function of the RCMP. These units remain a decentralized component within the disciplinary system. Since the units report through the regional/divisional hierarchy, policy from the Professional Standards and External Review Directorate is the primary means of ensuring consistency in their operations.

Regional/divisional Professional Standards Units are integral to the RCMP discipline regime, and generally speaking, serve two functions.

The first is the implementation of policy for all matters

with respect to public complaints and Code of Conduct investigations for their respective regions/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,¹² a Code of Conduct investigation should not take more than six months to complete unless exceptional circumstances exist.

12

Royal Canadian Mounted Police Administration Manual at XII.4.4.1.7. ("Admin. Manual").

The Professional Standards Units in the regions/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 regions/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 regional/divisional Professional Standards Units within the disciplinary system is the role of the discipline reviewers.¹³ 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.”¹⁴

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.

¹³ 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.

¹⁴ RCMP Administration Manual, see note 18 at XII.6.F.2.D.2.

The Disciplinary Regime in Practice

3.1 Formal Discipline

This chapter will commence with a brief overview of activities that occurred in Adjudicative Services Branch in 2012-2013 in order to provide a better context for examining the data relating to the formal disciplinary process.

(i) Overview of Directorates' Activity

(1) Discipline Adjudications Directorate

As noted in last year's report, resourcing posed a definite challenge for the Discipline Adjudications Directorate at the commencement of 2011-2012. While the measures taken to resolve vacancies were executed successfully in 2012-2013, including much-needed additional capacity to conduct hearings in both official languages, a combination of subsequent retirements and promotions within Discipline Adjudications Directorate, diminished the impact of these measures. Although Discipline Adjudications Directorate was back to full strength by year's end, much experience and some momentum had been lost.

Nonetheless, Discipline Adjudications Directorate chaired 43 concluded discipline hearings during the year, a function which not only requires the coordination of hearing logistics, but may also require one or more pre-hearing conferences,

and naturally always requires the preparation of a decision. It is worth noting that there were a number of unusually lengthy and complex matters that came before adjudication boards this year. Adjudicators also chaired hearings that continued into the new fiscal year (and thus may be reflected in next year's report), dealt with numerous pre-hearing matters and, at the end of the reporting period, had scheduled 24 formal hearings, an almost unprecedented number and much higher than in many previous years.

Furthermore, this year saw the revival of the use by appropriate officers of discharge and demotion boards pursuant to Part V of the *RCMP Act*. Although these are not related to discipline, Discipline Adjudications Directorate also manages and adjudicates these matters. Four Part V matters were originated and one concluded during this reporting period.

Finally, as previously noted, in addition to discipline and discharge and demotion boards, Discipline Adjudications Directorate also processes and decides certain types of grievance appeals. These too represent a not inconsequential volume of work not otherwise represented in this report.

As judged by the number and scope of media requests received by Discipline Adjudications Directorate, this year also showed renewed interest by the media and public in formal discipline matters. For example, there were several media requests for copies of all decisions referred to in the 2011-2012 Annual Report, large-scale requests which took some time and effort to process and constituted in essence a level of work that was not previously required.

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 Force’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 the way in which discipline decisions are drafted by adjudicators. The revised protocol is not yet finalized.

(2) Appropriate Officer Representative Directorate

The last fiscal year has been challenging for the Appropriate Officer Directorate due to an increase in both the volume and the complexity of issues it had to address.

The Appropriate Officer Representative Directorate has been impacted by a movement within the RCMP to increase levels of accountability through formal discipline processes, especially for integrity issues. This shift has been reflected in more contested hearings as more significant sanctions have been sought. Another consequence of this approach has been a substantial increase in stoppage of pay applications - some of which have been both time consuming and complex. The impact of the increased use of stoppage of pay applications has been magnified by the fact that the time spent dealing with these applications has reduced the capacity to deal with hearings both on the part of appropriate officer representatives (who are drafting the applications) and member representatives (who are responding to the applications).

The last reporting period also revealed a significant increase in performance discharge matters being pursued. This work is not reflected in statistics maintained in relation to formal discipline hearings, however performance discharge hearings have a significant impact on the overall capacity of appropriate officer representatives as they too are both complex and time consuming.

The volume of discipline hearings conducted in this reporting period was similar to last year, however many of the files which were addressed were more difficult and time and resource intensive compared with last year. Appropriate officer representatives continue to work with member representatives to deal with cases which are awaiting disposition. As of the end of March 2013, 24 matters were already scheduled for hearing in 2013-2014.

Moving towards a more intelligence-led approach to discipline and file management, the Appropriate Officer Directorate began using the National Code of Conduct Database in January 2013. Although still under development, this database is sufficiently stable and functional for daily use and represents a shift towards a more well-informed and proactive approach to discipline. Information entered at the very start of a conduct investigation - by units from across the country - will be shared in real time with the appropriate officer representatives. Appropriate officer representatives, in turn, will add information to their portion of the database (information to which they alone will have access) which will improve their capacity to track and manage their files and share information (as appropriate) with investigators and adjudicators. At this early stage, the Appropriate Officer Representative Directorate is investing a significant amount of time and effort in establishing their portion of this database. Employees from the Appropriate Officer Directorate are currently entering historical data and fine

tuning features of the database in order to maximize the utility of this new tool.

The Appropriate Officer Representative Directorate will continue to improve its effectiveness by leveraging new technology, increasing the volume of work it performs and adapting to new challenges as they arise.

(3) Member Representative Directorate

The Member Representative Directorate has been challenged by an increasing demand for service from members of the RCMP. During the 2012-2013 fiscal year, member representatives initiated 251 files – a spike from 176 last year and significantly higher than the annual number of requests for service received since 2000-2001. In addition to formal discipline hearings, this work included 19 files relating to stoppage of pay applications, four files relating to administrative discharge proceedings and one file relating to a non-consensual medical discharge.

While they do show an increase in work, the statistics over the last fiscal year do not reflect the magnitude of the increase in work which the Member Representative Directorate has experienced over the last year. While the number of formal discipline matters addressed has remained stable over the last two years, many of the hearings which were dealt with this year were more complex and challenging than the ones which were held last year. Moreover, the disclosure packages for some of the stoppage of pay applications which were addressed were significantly larger – thousands of pages larger – than applications from previous years. Furthermore, one case -- with multiple subject members and the time lines imposed on the member representatives to provide a response to related suspension without pay applications -- placed a significant and sustained demand on member

representatives. Taken together, these factors limited the availability of member representatives to conduct hearings, even those in the Expedited Resolution Process.

In the context of increasing demands for their time, member representatives have continued to pursue outcomes which reflect the values of the RCMP. Despite other challenges, the member representative program continues to provide meaningful advice to members at the earliest possible stage in order to facilitate informal resolutions whenever possible. By proactively getting involved in files as early consultations (i.e., prior to formal discipline being initiated), member representatives have helped to streamline formal processes whenever possible and improved the capacity for the RCMP to achieve the best possible outcomes in matters relating to formal discipline and/or administrative discharge proceedings.

For example, in many cases, consultations with members have resulted in negotiated resignations or consensual medical discharges before formal discipline proceedings have even been initiated. In other cases, member representatives have effectively advocated for members to ensure that decision makers – in some cases commanding officers, in other cases adjudication boards – have been able to make well-informed decisions which reflect issues and/or information which had not previously been brought to light. In all cases, member representatives have played a critical role in facilitating a process in which members have been held accountable in a manner which continues to reflect the values of respect, compassion and professionalism.

In summary, member representatives have remained productive despite the increasing workload in both discipline and non-discipline matters.

Figure 8: Member Representative Directorate Incoming Files 2012-2013

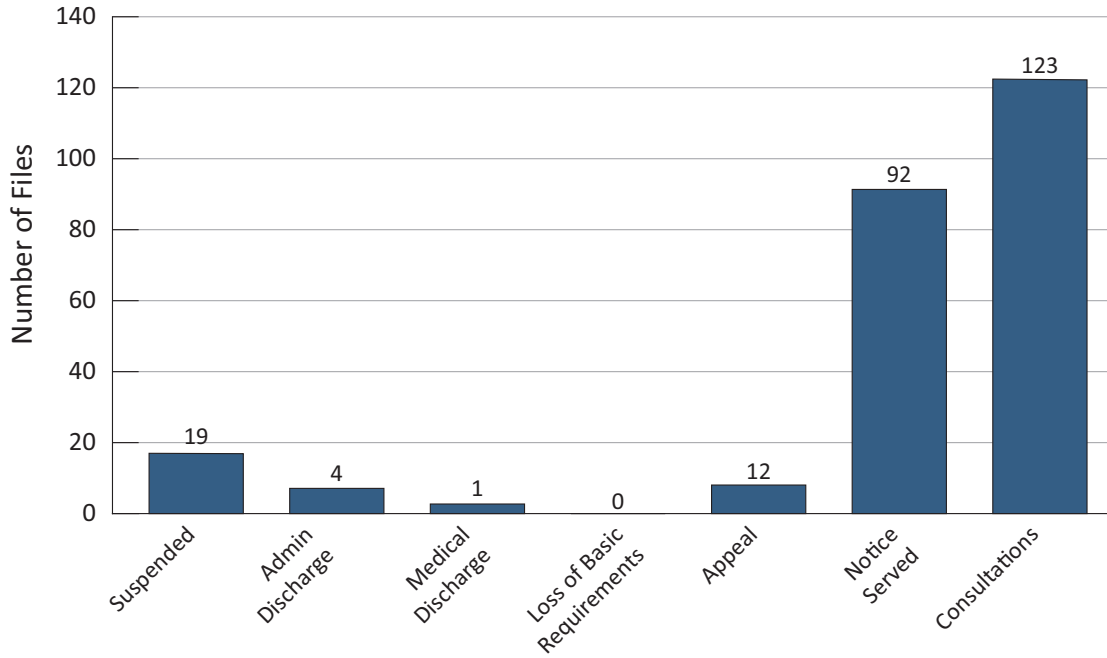
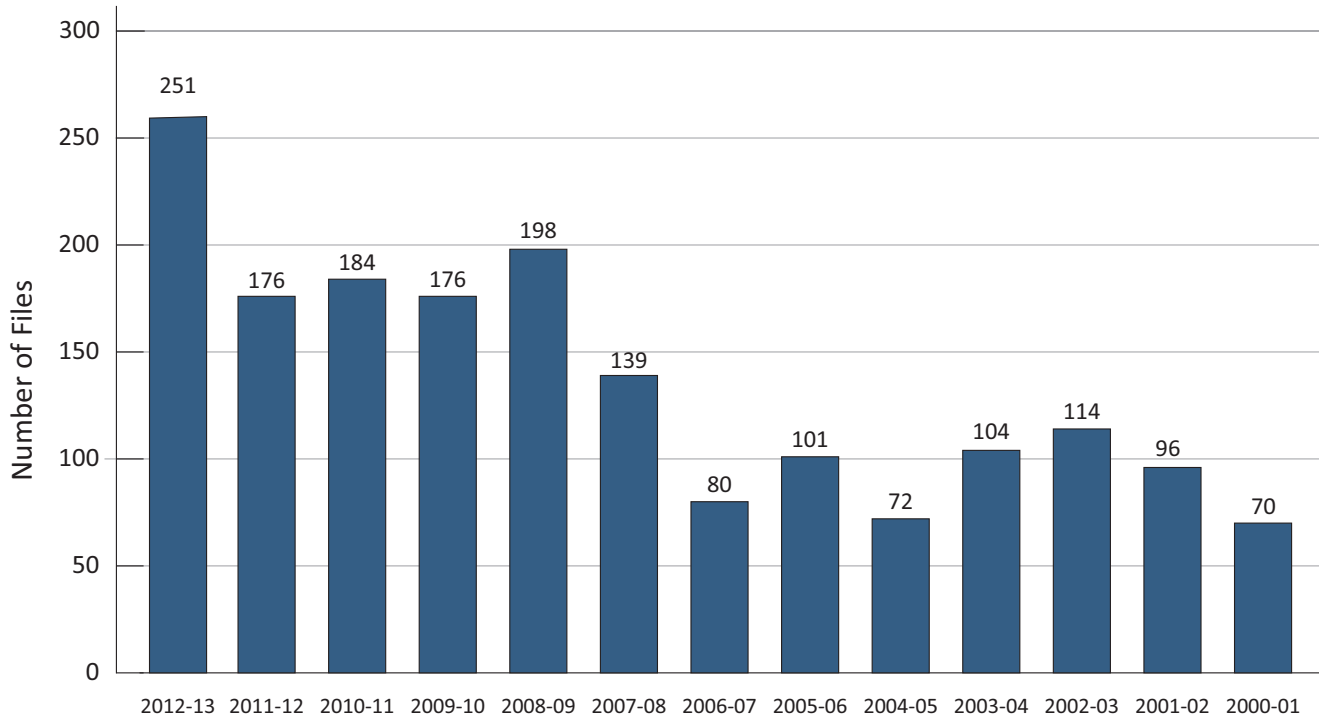


Figure 9: Member Representative Directorate Incoming Files 2000 to 2013



(ii) Branch Initiatives

(1) Centralization of Adjudicative Services Branch

Last year's report made reference to the decision to initiate the re-location of remaining directors' positions to the National Headquarters as part of the continued centralization of Adjudicative Services Branch. This re-location was successfully completed this year.

Last year's report also noted that since having offices of the Appropriate Officer Representative Directorate and the Member Representative Directorate situated across the country results in budgetary, accountability and resourcing pressures, a review was underway to evaluate the benefits of consolidating these offices into two centres (Vancouver and Ottawa), or some other combination, depending on the results of consultation and, potentially, legislative reform. The evaluation of the program involved consultation with key stakeholders and employees within the various programs. While benefits and challenges of different service delivery were identified, it quickly became clear that - given the impact of anticipated legislative change - an informed decision could not be made until the future direction of the programs was known. Cumulatively, it was felt that in the short term, organizational changes would negatively impact productivity rather than enhance it. Following this analysis, a decision was made to maintain the status quo in the short term until the future direction of the program is clarified pursuant to changes coming under *Bill C-42, the Enhancing Royal Canadian Mounted Police Accountability Act*.

(2) Expedited Resolution Process

Adjudicative Services Branch continues to place emphasis on what was originally called the Early Resolution Process and now known as the Expedited Resolution Process. Where possible and appropriate, parties are being

encouraged to settle formal discipline cases with the shortest delay necessary. 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 Force 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 name change reflects increased flexibility in what types of cases can be resolved using the process, including 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, work is underway to formalize aspects of the Expedited Resolution Process in policy by way of a 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.

In 2012-2013 there were 31 formal discipline cases resolved by way of the Expedited Resolution Process, six fewer than in 2011-2012. Despite this decrease, however, this initiative must still be considered a success as it represents over 72% of the cases resolved by hearing during this fiscal period. This is particularly true given that – as previously observed – there were several protracted and complex hearings this year.

The total number of discipline cases concluded using the Expedited Resolution Process is represented in Figure 10. Over the past five years, 178 formal discipline cases have been disposed of using this process. This represents an average of over 74% over this period. The Expedited Resolution Process clearly continues to represent the primary means of disposing of the greatest percentage of cases requiring a hearing.

Figure 10: Expedited Resolution Process: Concluded Formal Discipline Hearings 2008-2009 to 2012-2013

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
Total	178	239	74.48

(3) Maintenance and Monitoring of Records

Last year's 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. The new database is linked with both the Professional Standards and External Review Directorate and the Appropriate Officer Representative 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. Once the reporting function is complete and sufficient historical data is entered, the database will have the capability to assist in managing case load, tracking costs and identifying trends.

(4) Training

Outreach and training programs remain a focus for the Office of Professional Integrity. 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 varied, but generally included, the Code of Conduct, the *Public Servants Disclosure Protection Act*, the Values and Ethics Code for the Public Sector and the Organizational Code of Conduct. As last year, specific target audiences included the:

- Cadet Training Program;
- Field Coaching Program;
- Management Development Program;
- Supervisor Development Program; and
- Officer Orientation 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. Measures adopted last year 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, on a part-time basis, 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.

During 2012-2013, 88 formal discipline cases were concluded, one fewer than the previous year. The totals for each of these years, however, represent a significant increase over the 2010-2011 total of 73.¹⁵ Of the 88 concluded cases, a total of 43 formal discipline cases were adjudicated compared to 51 in 2011-2012.¹⁶ In addition to 31 Expedited Resolution Process matters, adjudication boards heard 12 contested cases in 2012-2013, which, although down from 14 in 2011-2012, is still well above the 5 in 2010-2011. In the upcoming Digest of Cases table, these 43 cases are reflected as 42 written decisions because in case 37, the adjudication board rendered one decision for two separate notices of allegations. There were 18 formal discipline cases withdrawn, and 27 cases were resolved by way of the resignation of 17 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.

(6) Formal Discipline Activities

Figures 11 to 22 provide a more detailed overview of Adjudicative Services Branch activities relating to formal discipline in 2012-2013.

Figure 11: 2012-2013 Formal Discipline Cases Disposed Of

Via Contested Hearing	Via Expedited Resolution Process	Discipline Cases Withdrawn	Discipline Cases Resolved by Way of Resignations	Number of Concluded Discipline Cases 2012-2013
12	31	18	27 ¹⁷	88

¹⁵ Refer to the 2010-2011 Annual Report on The Management of the RCMP Disciplinary Regime.

¹⁶ Refer to the 2011-2012 Annual Report on The Management of the RCMP Disciplinary Regime.

¹⁷ Resignations: 27 formal discipline cases were concluded subsequent to 17 regular and civilian members resigning.

The following figure represents the monthly breakdown of the total number of cases disposed of as indicated.

Figure 12: 2012-2013 Cases Disposed of by Month

Month	Via Contested Hearing	Via Expedited Resolution Process	Via Withdrawn Allegations	Via Resignation	Total Cases Disposed of
APRIL 2012	2			3	5
MAY 2012	1	9	2	3	15
JUNE 2012	2	3	2	3	10
JULY 2012			3		3
AUGUST 2012		2		2	4
SEPTEMBER 2012	2	8	1	2	13
OCTOBER 2012	2		2		4
NOVEMBER 2012	1	3	1	1	6
DECEMBER 2012		1	2	1	4
JANUARY 2013	1	2	2	9	14
FEBRUARY 2013	1	3	2	1	7
MARCH 2013			1	2	3
Total	12	31	18	27	88

Sanctioning a member by way of a reprimand only was not seen this reporting period, and this is consistent with last year. A total of 249 days of pay were forfeited by 42 members this reporting period.

- 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.

At 5.9 days per member, this year had the lowest average sanction in terms of days of pay forfeited over the last four years, down from a high of 6.75 in 2008-2009, and slightly below the four year average 6.3. 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.

Figure 13: 2012-2013 Formal Discipline Cases by Division

Division	Adjudicated Discipline Hearings	Dismissal	Total Pay Forfeitures (1 to 10 days pay)	Allegations Not Established	Reprimand Only
A	1		7		
B	1		10		
C	3		15	1	
D	4		20	6	
Depot					
E	14		83	2	
F	6	1	29	2	
G					
H	1		10	4	
HQ	3		8		
J	1	1			
K	6		40		
L					
M					
O	3		27		
V					
Total	43	2	249	15	0

Over the last four years there has been a general trend towards an increase in the number of days it takes for a formal discipline matter to reach its conclusion. The four-year average is 396 days. At the end of 2012-2013, matters were waiting 499 days, up from 384 days a year earlier. This increase can be attributed to several factors. These include the fact that there are a growing number of cases that are not advancing because of parallel criminal proceedings (and

some of those awaiting results not merely of criminal trials but also of appeals), by an unusually high number of matters that were carried over from the previous year, a similarly unusually high increase in the number of new cases introduced to the formal discipline process this year and by a simultaneous increase in other work within Adjudicative Services Branch that must be addressed in addition to discipline matters.

Figure 14: Formal Discipline - Average Days to Conclusion

Fiscal Year	Average Number of Days to the Conclusion of Formal Discipline Cases
2009-2010	369
2010-2011	332.9
2011-2012	384.65
2012-2013	499.55
Average	396.53

It was observed in last year's 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. Evidence to support this proposition may be found in the increase in the workload experienced by the Member Representative Directorate, the significant increase in the number of suspension without pay applications, and the high number of new formal discipline cases initiated during this year.

Adjudication Services Branch carried over 128 cases from the previous fiscal year, well above the 13-year average of 86. This, coupled with the addition of 104 new cases (itself above the 13-year average of 87), has resulted in a significantly heavier workload. While the impact was moderated somewhat by an increase in cases withdrawn (18) and cases disposed of by way of resignation (27), both higher than their 13-year averages of 13 and 15 respectively, the net result was a year-end balance of 144 cases. This represents a 13-year high and a notable increase over the average for that time period of 96.

Figure 15: Formal Discipline Caseload Activity Year-to-Year Comparison 2000-2013

Fiscal Year (FY)	Carried over from Previous FY	New Cases	Cases Disposed Of	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 ¹⁸	129
2011-2012	129	88	51	14	24 ¹⁹	128
2012-2013	128	104	43	18	27 ²⁰	144
13 Year Average	86.92	87.77	48.92	13.62	15.77	96.38
Variance	21/129	61/106	23/70	6/24	6/27	43/144

¹⁸ Twenty cases were disposed of by way of 13 members resigning.

¹⁹ Twenty-four cases were disposed of by way of 15 members resigning.

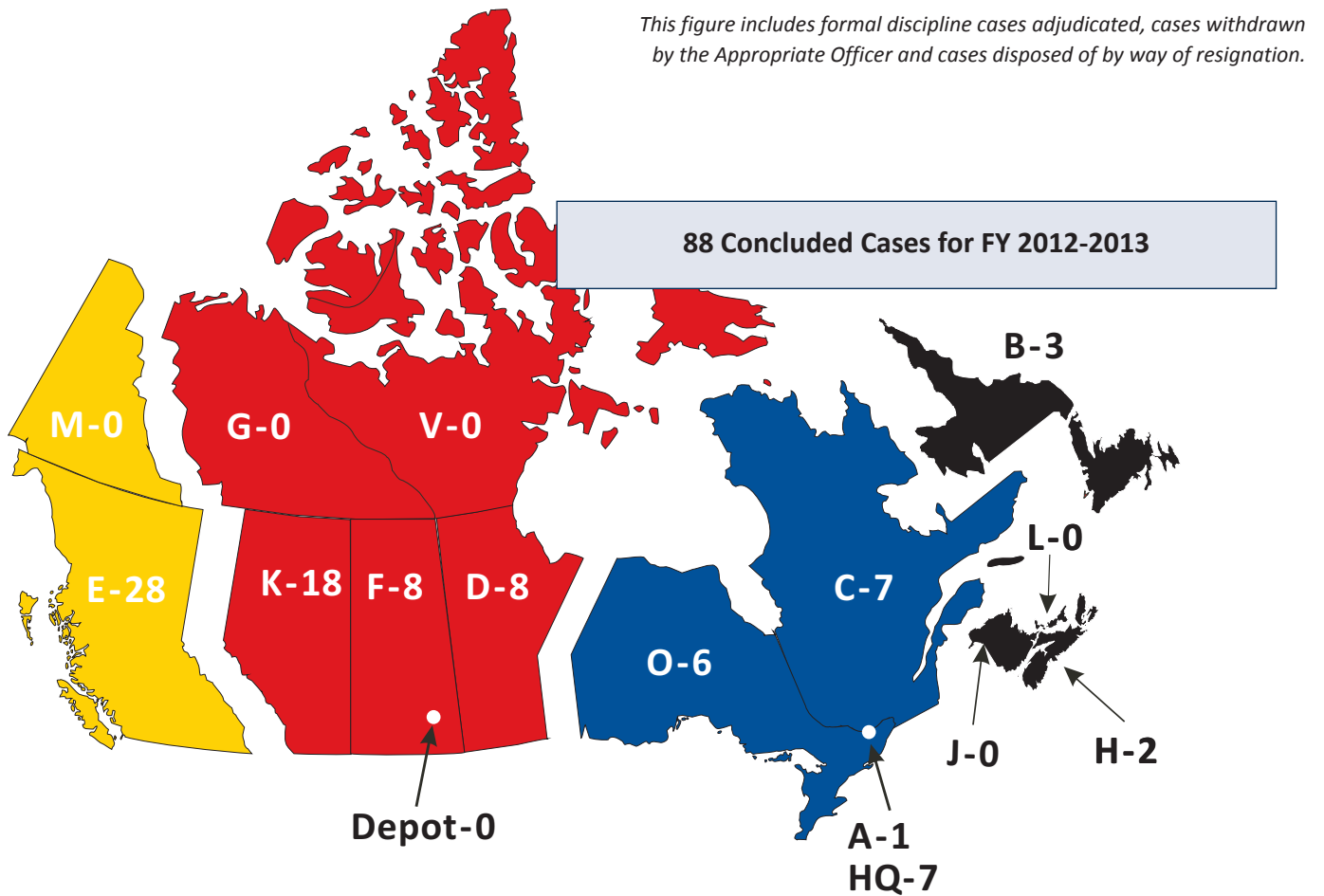
²⁰

Twenty-seven cases were disposed of by way of 17 members resigning.

Looking at cases disposed of by Divisions, it is not surprising that given it has the largest number of members (7,492), “E” Division has the most concluded disciplinary cases (28).

“K” Division, the next largest with 3,216 members, had 18 concluded cases. Some of the smaller divisions recorded no formal discipline matters concluded during this fiscal year. In broad terms, there is some correlation between the size of a division and the number of formal discipline matters arising in it.

Figure 16: Concluded Disciplinary Cases by Division



Over the last three years, there has been a marked increase in the number of new adjudication boards being impaneled compared to the 13-year average of 87.77, whereas the number of cases adjudicated has remained consistent within the historical average of 48.92, thereby resulting in an increase in the number of carry-over cases.

Figure 17: Formal Discipline Statistics 2000-2001 to 2012-2013

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
Total	1141	636	177	205
13 year average	87.77	48.92	13.62	15.77
Variance	61 to 106	23 to 70	6 to 24	6 to 27

Another upward trend over the last three years has been the number of members resigning before the completion of the formal process, and a similarly rising number of cases that are disposed of without the need for adjudication in consequence.

Figure 18: Member Resignations that Disposed of Cases 2010-2011 to 2012-2013

Fiscal Year	Cases by Way of Resignations	Member Resignations
2010-2011	20	13
2011-2012	24	15
2012-2013	27	17
Total	71	45
3 Year Average	23.67	15

Despite the fact that the number of members has increased significantly (6,969 since 2002) the percentage of members who have received formal discipline has decreased over the last four years. This year the percentage is .17, which is below the 10-year average of .26 percent.

While any finding of misconduct is not satisfactory from an organizational and public perspective, in terms of serious acts of misbehaviour requiring formal discipline, Figure 19 reveals that as a percentage of the total number of members, the rate of formal discipline is declining, with 2012-2013 being .03 percent less than 2011-2012. This trend is certainly encouraging and helps put even high-profile discipline problems into perspective.

Figure 19: Percentage of Members Who Have Received Formal Discipline Compared to the Total Established Number of Members on Strength 2002 to 2013.

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 24,667	42	.17%

The Digest of Cases provides detail on the formal discipline matters adjudicated during the 2012–2013 fiscal year. This year the number of years of service of the member involved has been added to the table to give further insight into the cases.

While obviously no significant inferences can be drawn from only one year of data, in general terms, the number of constables (27), corporals (5), sergeants (5), staff sergeants (1) and civilian members (4) who received formal discipline this year is generally in proportion to their representation in the Force. Further research will be conducted to develop more historical data, a process which will be aided by the National Code of Conduct Database.

Digest of Cases - Fiscal Year 2012-2013

	Date and Citation	Rank of Member	Years of Service	Div	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y or N)
01	April 5, 2012 12 A.D. (4th) 294	Staff Sergeant	25	C	Subsection 39(1)	False or misleading information in relation to a compensation claim; improper compensation claim; attempt to mislead a member superior in rank	Proceedings stayed (unreasonable delay)	On duty	N
02	April 26, 2012 11 A.D. (4th) 439	Constable	8	C	Subsection 39(1)	False or misleading statements to members superior in rank in relation to the performance of member's duties	Reprimand and forfeiture of 5 days' pay	On duty	N
03	May 2, 2012 11 A.D. (4th) 320	Civilian Member	1	E	Subsection 39(1)	Driving a motor vehicle while under the influence of alcohol	Reprimand and forfeiture of 8 days' pay	Off duty	N
04	May 2, 2012 11 A.D. (4th) 262	Corporal	22	C	Subsection 39(1)	Impaired driving (authorized use of an unmarked police vehicle); attempting to use status as a member of the RCMP to avoid criminal charges	Reprimand and forfeiture of 10 days' pay	On duty	Y (criminal offence)

	Date and Citation	Rank of Member	Years of Service	Div	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y or N)
05	May 2, 2012 11 A.D. (4th) 312	Civilian Member	2	D	Section 39 x 3	Hunting without a licence Improper use of RCMP equipment and facilities (aircraft and vehicles; freezer) Failing to notch hunting tags as required under provincial legislation	Reprimand and forfeiture of 5 days' pay	On duty Off duty Off duty	Y (provincial offence) N Y (provincial offence)
06	May 7, 2012 11 A.D. (4th) 419	Constable	2	D	Subsection 39(1) x 3	False or misleading information in relation to a criminal investigation Neglect of duty in relation to criminal investigations (x2)	Reprimand and forfeiture of 10 days' pay	On duty On duty	N N
07	May 7, 2012 11 A.D. (4th) 400	Corporal	13	F	Subsection 39(1)	Breach of RCMP policy; improper use of police vehicle (personal use of marked police vehicle); inappropriate/unwanted touching (female member of the public participating in a ride-along)	Reprimand and forfeiture of 5 days' pay	Off duty	N
08	May 8, 2012 11 A.D. (4th) 366	Constable	2	K	Subsection 39(1)	Improper use of police vehicle (engaged in consensual sexual acts with another member of the RCMP)	Reprimand and forfeiture of 5 days' pay	On duty	N

	Date and Citation	Rank of Member	Years of Service	Div	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y or N)
09	May 8, 2012 11 A.D. (4th) 374	Constable	5	F	Subsection 39(1) x 2	Inappropriate/unwanted touching (two individuals) Assault	Reprimand, forfeiture of 5 days' pay and a recommendation for professional counseling in relation to alcohol Reprimand, forfeiture of 7 days' pay and recommendation for professional counseling in relation to anger management	Off duty Off duty	N N (criminal charge diverted)
10	May 10, 2012 11 A.D. (4th) 383	Constable	10	F	Subsection 39(1)	Assault (excessive force)	Reprimand and forfeiture of 5 days' pay	On duty	Y (criminal offence)
11	May 10, 2012 11 A.D. (4th) 392	Sergeant	18	K	Section 39	Improper use of police vehicles, cell phone and RCMP facilities (personal use to facilitate a romantic liaison)	Reprimand and forfeiture of 10 days' pay	On duty	N
12	May 14, 2012 11 A.D. (4th) 427	Constable	8	F	Subsection 39(1)	Sexual harassment against a female member (inappropriate comment and inappropriate/unwanted touching)	Reprimand and forfeiture of 7 days' pay	Off duty	N
13	June 7, 2012 12 A.D. (4th) 248	Sergeant	22	H	Subsection 39(1)	Impaired driving	Reprimand and forfeiture of 10 days' pay	Off duty	Y (criminal offence)
14	June 20, 2012 12 A.D. (4TH) 272	Constable	5	K	Section 47	Knowingly neglected or gave insufficient attention to duty (failure to attend court in answer to a subpoena)	Reprimand and forfeiture of 5 days' pay	On duty	N

	Date and Citation	Rank of Member	Years of Service	Div	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y or N)
15	June 26, 2012 12 A.D. (4th) 256	Constable	1	K	Subsection 39(1)	Improper use of police vehicle (engaged in consensual sexual acts with another member of the RCMP)	Reprimand and forfeiture of 4 days' pay	On duty	N
16	June 27, 2012 12 A.D. (4th) 264	Constable	12	O	Subsection 39(1)	Improper/misleading notebook entries	Reprimand and forfeiture of 7 days' pay	On duty	N
17	June 29, 2012 12 A.D. (4th) 388	Sergeant	20	E	Subsection 39(1)	Improper handling of service pistols (permitted two children to handle pistols under supervision and in a safe manner); improper use of cell phone (photographs)	[Allegation not established]	Off duty	N
18	August 2, 2012 13 A.D. (4th) 172	Civilian Member	6	D	Subsection 39(1)	Improper use of RCMP communications infrastructure (e-mail)	Reprimand and forfeiture of 2 days' pay	On duty	N
19	August 28, 2012 12 A.D. (4th) 239	Constable	13	E	Subsection 39(1)	Assault	Reprimand and forfeiture of 2 days' pay	On duty	Y (criminal offence)
20	September 4, 2012 12 A.D. (4th) 413	Constable	1	E	Subsection 39(1)	Unlawful arrest and excessive force (by virtue of the unlawful arrest)	Reprimand and forfeiture of 3 days' pay	On duty	N
21	September 4, 2012 12 A.D. (4th) 426	Constable	1	E	Subsection 39(1)	Excessive force	[Allegation not established]	On duty	N
22	September 4, 2012 12 A.D. (4th) 439	Constable	3	E	Subsection 39(1)	Assault (excessive force)	Reprimand and forfeiture of 4 days' pay	On duty	Y (criminal offence)

	Date and Citation	Rank of Member	Years of Service	Div	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y or N)
23	September 4, 2012 12 A.D. (4th) 376	Constable	7	K	Subsection 39(1)	Failure to meet or complete critical tasks identified by supervisors and Crown prosecutor in a criminal investigation	Reprimand and forfeiture of 7 days' pay	On duty	N
24	September 13, 2012 12 A.D. (4th) 367	Corporal	19	E	Subsection 39(1)	Impaired driving; failure to comply with demand to provide breath sample without reasonable excuse	Reprimand and forfeiture of 10 days' pay	Off duty	N (criminal charge outstanding at time of hearing)
25	September 13, 2012 13 A.D. (4th) 137	Constable	3	F	Section 39 x 2	Incorrect evidence under oath Failure to bring relevant information to the Crown prosecutor's attention	[Allegations not established]	On duty On duty	N N
26	September 26, 2012 13 A.D. (4th) 112	Corporal	22	E	Subsection 39(1)	Physical altercation with a member of the public	Reprimand and forfeiture of 2 days' pay	Off duty	N
27	September 26, 2012 12 A.D. (4th) 472	Constable	11	E	Subsection 39(1) x 3	False information in relation to documents submitted to provincial agency (x3)	Reprimand and forfeiture of 10 days' pay	On duty	N
28	September 26, 2012 12 A.D. (4th) 464	Constable	8	E	Subsection 39(1)	Impaired driving	Reprimand and forfeiture of 8 days' pay	Off duty	N (criminal charge outstanding at time of hearing)
29	September 26, 2012 12 A.D. (4th) 452	Constable	6	E	Subsection 39(1)	Assault (excessive force)	Reprimand and forfeiture of 5 days' pay	On duty	N (criminal charge outstanding at time of hearing)

	Date and Citation	Rank of Member	Years of Service	Div	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y or N)
30	October 4, 2012 13 A.D. (4th) 183	Constable	4	D	Subsection 39(1) x 2	Neglect of duty in relation to a criminal investigation False, misleading or inaccurate statement in a report	Reprimand and forfeiture of 5 days' pay [Allegation not established]	On duty	N N
31	October 19, 2012 13 A.D. (4th) 122	Constable	17	HQ	Subsection 39(1) x 2 Subsection 45(b) x 2	Cheated on an RCMP Internet Aptitude Test False, misleading or inaccurate statement to a member superior in rank False, misleading or inaccurate statement to a member superior in rank (x2)	[Allegations not established]	On duty On duty On duty	N N N
32	November 1, 2012 13 A.D. (4th) 237	Corporal	14	B	Section 45 x 2	False, misleading or inaccurate statement or report to a member superior in rank (x2)	Reprimand and forfeiture of 10 days' pay	On duty	N
33	November 1, 2012 13 A.D. (4th) 101	Constable	12	E	Subsection 39(1) x 2	Assault (excessive force) Excessive force	Reprimand and forfeiture of 3 days' pay Reprimand and forfeiture of 6 days' pay	On duty On duty	Y N
34	November 19, 2012 13 A.D. (4th) 246	Constable	12	HQ	Section 45 Subsection 39(1)	False, misleading or inaccurate statements to a member superior in rank Improper notebook entries (modifications to notebook entries)	Reprimand and forfeiture of 6 days' pay	On duty On duty	N N

	Date and Citation	Rank of Member	Years of Service	Div	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y or N)
35	November 29, 2012 13 A.D. (4th) 292	Constable	7	E	Subsection 45(e)	False, misleading or inaccurate statements to a member superior in rank	Reprimand and forfeiture of 3 days' pay	On duty	N
					Section 49	Absence from duty without authority	Reprimand and forfeiture of 3 days' pay	On duty	N
					Section 47 x 2	Knowingly neglected or gave insufficient attention to duty (failure to properly process and secure exhibits) (x2)	Reprimand and forfeiture of 3 days' pay for each allegation	On duty	N
					Subsection 39(1)	Improper use of police vehicles (to facilitate a personal relationship)	Reprimand and forfeiture of 3 days' pay	On duty	N
					Section 45(e) x 2	Improper use of CPIC and failure to maintain confidentiality of CPIC information (x2)	Reprimand and forfeiture of 2 days' pay for each allegation	Off duty	N
36	December 19, 2012 13 A.D. (4th) 258	Sergeant	8	O	Subsection 39(1)	False or misleading information in relation to documents submitted for a promotion process	Reprimand and forfeiture of 10 days' pay	On duty	N
37	January 11, 2013 13 A.D. (4th) 306	Constable	1	K	Subsection 39(1) x 2	Disturbed the peace	Reprimand and forfeiture of 3 days' pay	Off duty	Y
						Inappropriate conduct in a courtroom (while appearing as an accused person)	Reprimand and forfeiture of 7 days' pay	Off duty	N
38	January 23, 2013 13 A.D. (4th) 329	Sergeant	25	HQ	Subsection 39(1)	Assault	Reprimand and forfeiture of 2 days' pay	Off duty	N (criminal charge outstanding at time of hearing)

	Date and Citation	Rank of Member	Years of Service	Div	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y or N)
39	February 14, 2013 13 A.D. (4th) 337	Constable	6	A	Subsection 39(1) x 3	Improper use of RCMP resources (transferring pornographic images to computer)	Reprimand and forfeiture of 7 days' pay	On duty	N
						Improper use of RCMP resources (use of computer to access pornographic websites and other websites unrelated to duties)		On duty	N
						Improper use of RCMP resources (posting pictures of third person without consent; transferring grossly indecent pictures to computer)		On duty	N
40	February 20, 2013 13 A.D. (4th) 347	Constable	4	E	Subsection 39(1)	Excessive force	Reprimand and forfeiture of 3 days' pay	On duty	N
41	February 22, 2013 13 A.D. (4th) 267	Constable	2	F	Section 39	Fraud (improper use of government fuel card)	Order to resign from the Force within 14 days, in default of which the member to be dismissed from the Force	Off duty	N (criminal charge diverted)
42	February 22, 2013 13 A.D. (4th) 355	Civilian Member	11	O	Subsection 39(1) x 2 Section 38	Impaired driving (motor vehicle collision)	Reprimand and forfeiture of 10 days' pay	Off duty	Y
						Inaccurate statement to a member superior in rank		On duty	N
						Failure to promptly report having been charged with an offence under an Act of Parliament (Criminal Code)		On duty	N

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 Force

is a pyramid, with a broad base of constables and narrowing tiers of higher ranks, all other factors being equal, one would anticipate seeing more members of lower ranks facing discipline. What may be examined next year is 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. Further research will be conducted to develop more historical data, a process which will be aided by the National Code of Conduct Database.

Figure 20: Members Receiving Formal Discipline in 2012-2013 by Rank or Classification

Rank or Category	Number of Disciplined Members	Percentage of Disciplined Members
Constable	27	64
Corporal	5	12
Sergeant	5	12
Staff Sergeant	1	2
Civilian Member	4	10
Total	42	100

Figure 21: Members Receiving Formal Discipline by Rank or Classification – 2008-2009 to 2012-2013

Rank or Category	Number of Disciplined Members	Percentage of Disciplined Members
Constable	134	69
Corporal	24	12
Sergeant	11	6
Staff Sergeant	8	4
Inspector	4	2
Civilian Member	13	7
Total	194	100

The addition this 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 significant inferences can be drawn from only one year of data, in general terms, during this specific year it seems

that members with less service were more likely to find themselves subject to formal discipline. Once again, further research will be conducted to develop more historical data, a process which will be aided by the National Code of Conduct Database.

Figure 22: Members Receiving Formal Discipline in 2012-2013 by Service Level

Years of Service	Number by Rank or Category	Number of Disciplined Members	Percentage of Disciplined Members
0-4	Constable (11)/CM (2)	13	31
5-9	Constable (9)/Sergeant (1)/CM (1)	11	26
10-14	Constable (6)/Corporal (2)/CM (1)	9	21
15-19	Constable (1)/Corporal (1)/Sergeant (1)	3	7
20-24	Corporal (2)/Sergeant (2)	4	10
25-29	Sergeant (1)/Staff Sergeant (1)	2	5
30-34	None		
	Total	42	100

(iii) Professional Standards and External Review Directorate

(1) Implementation of Reporting Policy for Serious Occurrences

In response to the Senior Deputy Commissioner's directive issued in October 2010 requiring mandatory notification of the Professional Integrity Officer in certain circumstances, Professional Standards and External Review Directorate has worked on an amendment to its policy on Code of Conduct Investigations (Administrative Manual, Chapter XII.4) that provide a detailed process to ensure that the conduct of RCMP members is consistently

assessed by the chain of command. Although this policy amendment has yet to be finalized and published in the RCMP Administration Manual, the Professional Integrity Officer is nonetheless notified in the following circumstances:

- 1) there is a serious injury of an individual that involves an RCMP member, or where it appears a member may have contravened a provision of the *Criminal Code* or other federal statute and the matter is of a serious or sensitive nature;
- 2) the incident may attract media attention; or
- 3) the incident may generate questions in Parliament.

(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 is 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 would facilitate the accurate record keeping of Code of Conduct allegations, would provide baseline data to enable RCMP executives in producing timely reports and would allow them to monitor trends, patterns and changes in the discipline process. In addition, this database will enable 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 both the Professional Standards and External Review Directorate and Adjudicative Services Branch.

As planned, and as discussed earlier, the use of the database has been expanded to include the Appropriate Officer Representative Directorate and the Discipline Adjudications Directorate.

(3) Discipline Appeals

In 2012-2013, the Commissioner rendered nine decisions on formal disciplinary appeals. This is a threefold increase from the three that were rendered in the previous fiscal year and, as the table below shows, the highest for several years. These nine decisions have essentially resolved the backlog of pending formal discipline appeals. This further evidences the Commissioner's desire to see discipline matters addressed in a timely manner.

Figure 23: Discipline Appeals Decided by Commissioner 2008-2013

Files concluded: 2008-2009	Files concluded: 2009-2010	Files concluded: 2010-2011	Files concluded: 2011-2012	Files concluded: 2012-2013
4	1	5	3	9

3.2 Informal Discipline²¹

According to data provided by the divisions, there were 170 instances of informal disciplinary action recorded during 2012-2013. This is a decrease of 40 from last year's total of 210.

These decreases were not, however, across the board. Although some divisions did indeed see substantial decreases ("E" Division dropped from 79 to 42, "J" Division from 24 to 10, and "O" Division from 13 to 6), others saw significant increases ("D" Division 6 to 15, "K" Division 20 to 35).

Figure 24 illustrates informal disciplinary actions by division, during the past 12 years, as reported by the divisions.

The statistics found in Figure 24 are 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.²²

Figure 24: Informal Discipline by Divisions 2000-2001 to -2012-2013

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	Total
A	6	3		2		1	2		1	2	3	5	4	29
B	1	2		1		1		1		3	6	3	5	23
C	9	8	5	15	10	11	14	7	7	4	5	5	4	104
D	3	9	19		3	18	7	20	16	10	10	6	15	136
E	60	80	90	58	40	34	100	112	90	125	49	79	42	959
F	9	10	15	10	4	10	13	11	19	37	12	13	21	184
G	2	3		3	2	3	2			0	1	3	4	23
H	2		2	3	1	10	9	10	21	17	43	18	11	147
HQ	13	20	22	4	5	14	11	25	11	7		12	5	149
J	11	5	8	11	7	23	22	25	14	7	6	24	10	173
K	31	42	69	27	30	17	26	26	22	25	15	20	35	385
L							2		1	0		4	4	11
M		2				3	2	1	4	0	3	3	1	19
O	2	24	3	11	6	11	14	12	15	10	1	13	6	128
T		8				3	1	5		2		2	1	22
V	1		1	3	1	8	1	1	10	5	3	0	2	36
Total	150	216	234	148	109	167	226	256	231	254	157	210	170	2528

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

22 In fiscal year 2010-2011, there were over 2.9 million occurrences generated by calls for service to the RCMP.

3.3 Suspension of Members

As noted in Figure 25, there has been a steady increase in suspensions, both with and without pay, across the country, over the last four years, although this year's increase over last is far more modest than the more dramatic jump evident between 2011 and 2012.

- On April 1, 2010, there were 52 members suspended:
 - 49 members suspended with pay and allowances; and
 - 3 members suspended without pay and allowances.
- On March 31, 2011, there were 57 members suspended:
 - 52 members suspended with pay and allowances; and
 - 5 members suspended without pay and allowances.
- On March 31, 2012 there were 71 members suspended:
 - 64 members suspended with pay and allowances; and

- 7 members suspended without pay and allowances.
- As of March 31, 2013, there were 75 members suspended:
 - 68 suspended from duty with pay and allowances; and
 - 7 members suspended without pay and allowances.

There is no discernible pattern evident in the division-by-division data, although just as it stood out last year for a marked increase in suspensions (18 to 31), "E" Division is notable again this year for the exact opposite (a decrease from 31 to 18).

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 25: Members Suspended from Duty With Pay and Without Pay and Allowances April 1, 2010 to March 31, 2013

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
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)															

3.4 Initiatives of Interest

Last year's report provides a summary of some of the initiatives across the country relating to improving management of the discipline process. Here is an outline of four others.

(i) "E" Division

District Officers Accountable for Code of Conduct Investigations

In the 2011-2012 report it was noted that all district officers were made accountable for conduct matters within their span of control. All Code of Conduct matters were to be reported, along with comments and recommendations for duty status, via briefing note, to the criminal operations officer. This allows the district officers and branch heads to be involved from the onset and throughout the process. The Division's Professional Standards Unit monitors the progress of all files.

To enhance this accountability, the position of discipline reviewer was created. This member is responsible for reviewing all Code of Conduct investigative reports prior to being submitted to the decision-maker. This addresses the concerns raised by the appropriate officers and appropriate officer representatives regarding the lack of quality and inconsistencies with the reporting format. Standardized business rules are being developed for this process. The discipline reviewer also tracks and reports on threshold offences and provides weekly updates to the human resources officer and the commanding officer.

Not mentioned in last year's report was a broadcast from the deputy criminal operations officer regarding the administering of informal discipline. Such discipline is

not to be administered by unit commanders until it has been reviewed by a non-commissioned officer at the Professional Standards Unit. The objective of this review by a dedicated resource is to ensure the rationale justifying the sanction to be administered is sound and that the sanction itself is consistent with that given in comparable circumstances.

(ii) Atlantic Region

Discipline Reviewer (Quality Control of Files)

The Atlantic Region discipline reviewer is involved in all Code of Conduct investigations from the initial stage. The discipline reviewer provides direction to the line officer or commander with regards to trends and appropriateness of the allegations. The line officer or commander then documents their findings in a letter to the appropriate officer. This involvement of the discipline reviewer from the onset promotes consistency of file handling across the region. The regional departmental security office is also briefed regarding the file in the event the issue has an impact on the security standing of the member.

Code of Conduct / RCMP Standards Outreach

The "J" Division Staff Sergeant Major, who is also the non-commissioned officer in charge of the Professional Standards Unit, makes weekly presentations to block training classes promoting the Commissioner's initiative of Every Employee Engaged. The 45-minute lecture and slide presentation includes the Commissioner's message as well as the "J" Division key messages to all employees, followed by explanations of the Code of Conduct and RCMP standards (section 37 of the *RCMP Act*). Discussion also takes place regarding the most common public complaints received. The Staff Sergeant Major has also given a modified version of this lecture to public service employees.

(iii) The North West Region Discipline Centre

Discipline Process Mapping

The North West Region Discipline Centre has mapped the discipline process and broken it down into five phases:

- 1) initial;
- 2) duty status;
- 3) investigative;
- 4) informal discipline; and
- 5) formal discipline.

They have also developed internal business procedures that they have found very useful in training new employees. These tools and visual aids are also helpful in explaining the discipline process to commanders who are unfamiliar with the system. They have also developed a discipline model outlining the associations between the various stakeholders within the discipline process.

(iv) New Interpersonal Workplace Relationship Policy

As previously noted, a newly-created Interpersonal Workplace Relationship Policy was developed and approved by the RCMP's Senior Executive Committee during the 2012-2013 fiscal year and came into effect in April 2013. The genesis of this new policy was, in part, an awareness following discipline proceedings concerning members involved in sexual relationships in the workplace, that the Force had no clear policy governing the conduct of members in such relationships. This policy is a subset of a larger policy on conflict of interest and is specific to managing interpersonal relationships in or related to the workplace. It provides employees clarity on when and how they should report romantic or sexual relationships with other employees who are direct 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.

Conclusion – Way Forward

The primary objective for 2012-2013 was to reduce the inventory of formal discipline cases and resolve as many cases as possible sooner. For the reasons outlined in this report that objective was not fully met. Although some cases were dealt with very promptly, indeed within months of the conduct resulting in the discipline occurring, the heavy rollover of cases from the previous year plus an unusually high number of new cases not only resulted in a higher inventory of cases, but also in cases that were, on average, older. The formal discipline process clearly faces numerous complex challenges that are proving resistant even to well-considered, well-implemented initiatives. It may simply be, as noted in this same chapter in last year's report, that the efforts of the RCMP to overcome the issues identified throughout various reports and reviews of the current discipline regime have been consistently frustrated by the legislative framework that has been in place since 1988.

That regime looks now likely to change significantly in the near future. Indeed, the RCMP has been working closely with Public Safety Canada for several years and the resulting Legislative Reform Initiative has focused on improvements to the human resourcing and particularly the discipline processes within the Force. The legislative vehicle with which to do that, Bill C-42, the *Enhancing Royal Canadian Mounted Police Accountability Act*, is anticipated to become law in 2013 and will provide the

ability to make substantive changes.

During this reporting year considerable attention and resources from within the Force have been dedicated to the process of this reform and, in the year to come, that effort will intensify.

We now face the simultaneous challenges of meeting current demands with the existing system while developing and implementing a new process that takes a fundamentally different approach. This will be a very demanding but also very exciting opportunity to reset the discipline system and achieve a process that is efficient, effective, prompt, fairly balanced, and has the confidence of the membership, management and the public at large. This process of renewal will be a major focus for the Office of Professional Integrity throughout the 2013-2014 fiscal year.

2012-2013

Appendix A: Ministerial Directive

Appendix B: Glossary of Terms

Appendix C: *RCMP Act* Part IV

Appendix D: RCMP Divisions and Divisional Headquarters

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 au sujet des exigences et des procédures liées au processus disciplinaire. Le commissaire doit également s'assurer que des membres compétents de la GRC reçoivent de la formation afin de faire connaître ces exigences et procédures et de favoriser le 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 Force, 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 Force 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 "A" Division comprises the National Capital Region.

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.

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.

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.

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 Period s. 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 Force, if the member is a commissioned officer, or dismissal from the Force, if the member is not a commissioned officer; (b) direction to resign from the Force and, in default of resigning within fourteen days after being directed to do so, recommendation for dismissal from the Force, if the member is a commissioned officer, or dismissal from the Force, 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 not exceeding ten work days.

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.

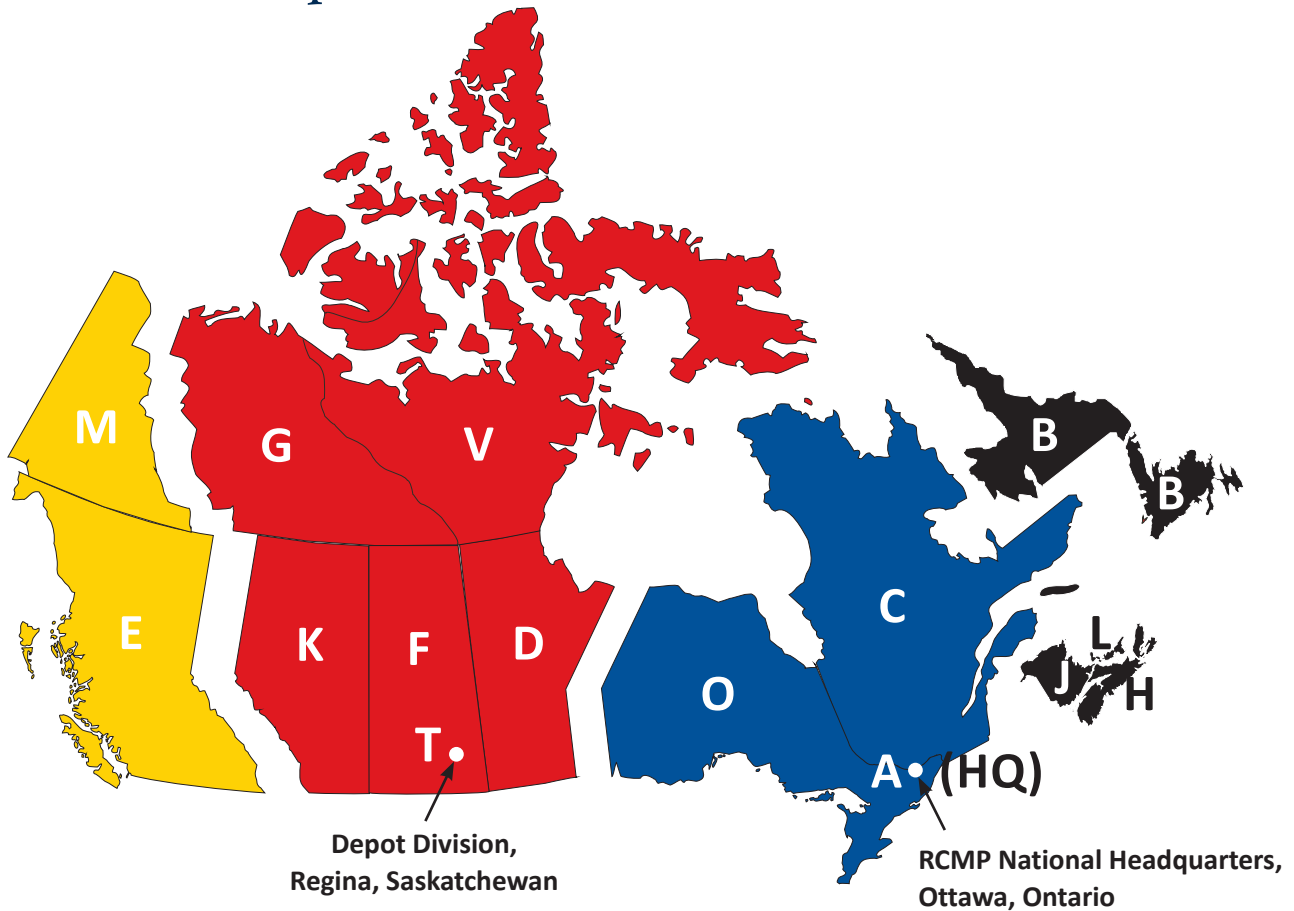
**Step 6(f): Commissioner Not Bound By External Review
Committee Findings and Recommendations**

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

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 has approximately 31,000 employees, including regular and civilian members, and Public Service employees.
- The total RCMP population includes 62.9% men and 37.1% women, 8.1% who self identify as a visible minority, 6.1% as Aboriginals, and 2.7% as persons with disabilities.
- Over the past two decades, Canada has deployed 2,300 police officers to 50 peace missions around the world.
- The RCMP has more than 2,000 Auxiliary constables nation-wide.
- The total number of RCMP applicants who wrote the RCMP's aptitude tests in fiscal year 2012-2013 was 5,635.

Notes:

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