

# RCMP



ROYAL CANADIAN MOUNTED POLICE

2015

## Annual Report Management of the RCMP Conduct Process

Recourse Services Branch



Royal Canadian Mounted Police  
Gendarmerie royale du Canada

Canada

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*The new conduct process allows misconduct, including harassment, to be addressed in a more responsive, timely and effective manner, by managers at the lowest appropriate level. Although emphasis is now placed on identifying remedial, corrective and educative solutions rather than being focussed on punitive sanctions, dismissal continues to be vigorously pursued where warranted.*

Bob Paulson, RCMP Commissioner

## Annual Report

### Management of the RCMP Conduct Process

#### Executive Summary

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

To date, reports produced in accordance with the Ministerial Directive have provided an overview of the discipline regime; described its components and how they are organized; and provided a statistical look at the work done in each fiscal year.

This report continues this tradition with two important caveats as a result of legislative reform implemented on November 28, 2014: the data collected for this year cannot be directly compared to previous years; and, this report was prepared based on the 2015 calendar year rather than the fiscal year. In fact, many statistics provided in this report cover the period from November 28, 2014 (the date of the implementation of new legislation) to December 31, 2015; therefore, the statistics are comprised of 13 months of data, rather than 12 months. As a result, some of the statistics will overlap with last year's Annual Report 2014-2015, which contained data up until March 31, 2015. In the past, reports have been completed based on statistics for the fiscal year. Going forward, these annual reports will be based on the calendar year.

Significant legislative reform was brought about by the coming into force on November 28, 2014, of the *Enhancing Royal Canadian Mounted Police Accountability Act (Accountability Act)*, which considerably amended the RCMP's governing statute, the *Royal Canadian Mounted Police Act*.<sup>1</sup> Among the most prominent changes was the replacement of the "discipline" regime with a new robust "conduct" management process for regular and civilian members. To avoid confusion, this report will refer to the pre-reform *Royal Canadian Mounted Police Act* as *RCMP Act (1988)* and the post-reform version as *RCMP Act (2014)*.

The administration of the conduct process has become less legalistic and more efficient. Conduct boards are now reserved only for those files in which dismissal is being sought, which are also designed to be less formalistic and adversarial. All files in which a conduct measure less than dismissal is appropriate are handled by way of a conduct meeting between the relevant supervisor and the subject member. The conduct meeting provides the subject member with an opportunity to make representations on the allegations and the possible conduct measures to the conduct authority. The conduct meeting process is far less formalistic than the conduct board process.

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<sup>1</sup> R.S.C. 1985, c. R-10.

2015 was the first full year under the new conduct process. In light of these changes, this report is different from those generated since 2008. This report identifies the new processes, new terminology and new statistics. It expands on the information previously provided, including an overview of harassment, which is now closely tied to conduct. Incidental reference to the formal discipline process that was administered under the *RCMP Act* (1988) will be made for the purposes of comparison where appropriate. The former process is fully explored in previous reports.

As a snapshot, under the new conduct process, between November 28, 2014, and December 31, 2015, 662 members were alleged to have contravened the Code of Conduct. The total number of conduct cases increased from the RCMP's previous ten-year average by 158 percent. There was a 331 percent increase in dismissal cases. Of the cases completed between November 28, 2014, and December 31, 2015, 290 members had allegations established against them and 130 members were found not to have engaged in the misconduct alleged. The RCMP referred 56 cases for dismissal, and 25 conduct boards were initiated by the Conduct Authority Representative Directorate.

With respect to the time required to handle cases, the average length of time to resolve a new conduct file was 182 days. In the past, the average time to resolve a formal discipline matter under the former process was 482 days. This significant reduction demonstrates that the new process has dramatically shortened the lifecycle of conduct files.

As was the case last year, assessing productivity and measuring success requires more than an assessment of the statistics provided. A true assessment must take into account the considerable demand on existing resources of not only administering the changes brought about by the *Accountability Act*, but also the challenges in servicing the legacy files from the pre-reform discipline process simultaneously with the new conduct process.

These two systems continue to be serviced in 2016 as there remain formal legacy cases waiting for a discipline board hearing under the former system that must be resolved and managed in tandem with the new conduct process.

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## Message from the Professional Responsibility Officer

Policing, and in particular police governance, must be based on principled considerations and a balance of competing interests that ensures the public trust. Unlike most other public employment contexts, by its nature, a considerable amount of police work often occurs outside of the office in low supervision and visibility situations where individual officers exercise enormous discretion, oftentimes in highly emotional, dynamic, and uncertain circumstances, which are sometimes resolved with the use of force. Everyone agrees that accountability processes must be fair and balanced, but there is not always agreement on what that means. The RCMP is rightly subject to intense scrutiny from many quarters. Over the last 10 years, there had been increasing calls for changes to how internal processes were being managed and applied.

The *Accountability Act* has resulted in fundamental and substantial reform to many of the RCMP's human resource processes, in particular those related to conduct and harassment. These reforms were based on a workplace framework wherein member responsibility is the driving philosophy and conduct is understood and administered through the responsibilities contained in s. 37 of the *RCMP Act* (2014), as well as the new Code of Conduct, which has adopted a more positive approach to enumerating member responsibilities. Under this new regime, the expectation is that misconduct will be dealt with at the lowest appropriate level, based on the premise of corrective, remedial and serious measures. It provides both supervisors and employees the ability to resolve the vast majority of conduct matters through direct interaction in meetings without becoming ensnared in what all parties agreed was an overly legalistic, adversarial, formalistic and untimely discipline process under the *RCMP Act* (1988). There will continue to be challenges, but the model that has been employed is much more flexible and adaptive, which will permit the organization to respond to changes that may be required. It is early days, but there are many indicators that the changes have been positive. The new conduct process will be integral to the RCMP delivering professional, responsible and modern policing that the public deserves.

Craig S. MacMillan  
Professional Responsibility Officer  
Royal Canadian Mounted Police

## Introduction

### Ministerial Directive

In 2008, the Minister of Public Safety issued direction to the Commissioner of the RCMP regarding the then 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.

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

### Historical Overview

The RCMP's conduct management process evolved based on careful examinations of appropriate legislative considerations during the 1970s and 1980s.

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 commissioned officer. The accused member was permitted to request the representation of another member, however, there was no entitlement to professional legal 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. 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).<sup>2</sup> 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 who had to be commissioned officers. Representatives of the parties involved in the proceedings became “appropriate officer representatives” and “member representatives”. While the new discipline process in the *RCMP Act* (1988) was intended to create a more responsive and less adversarial process, this vision was never attained, as the limitations on what could be dealt with at the immediate supervisory or managerial level were very narrow. Any measures exceeding the forfeiture of regular time off for one day had to be imposed by a formal board.

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 (SRRP) 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.

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<sup>2</sup> Report of the *Commission of Inquiry Relating to Public Complaints, Internal Discipline and Grievance Procedures within the Royal Canadian Mounted Police* (Ottawa: Minister of Supply and Services, 1976), pages 111-131.

The *Pay Council Report* further stressed that internal investigations into alleged breaches of the Code of Conduct were far too slow and that 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* suggested doing this by way of an accountability framework setting out precisely where investigations and programs were 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 reality, however, is that any real change could not occur without legislative reform, as it was recognized that the *RCMP Act (1988)* did not provide the flexibility required to manage conduct in the context of modern policing and evolving social expectations.

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

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

- implement the *Pay Council Report* recommendations with whatever amendments management felt appropriate;
- establish a centralized disciplinary authority;
- eliminate backlogs existing in its disciplinary system;
- recommit 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.

In 2009, the Superior Court of Justice rendered its decision in *Mounted Police Association of Ontario v. Canada (Attorney General)*<sup>3</sup> (*MPAO*), in which the Court held that the RCMP labour relations scheme imposing the SRRP substantially interfered with the freedom of members of the RCMP to associate because the scheme did not permit members to choose a method of representation.

In response to the *MPAO* decision, the federal government tabled Bill C-43 in 2010. Bill C-43, known as the *Royal Canadian Mounted Police Modernization Act*, proposed a labour relations regime that aligned police discipline with the core public service. Had this legislation come into force, conduct measures, including dismissal, could have been dealt with by way of conduct meetings. In other words, no formal boards would have been necessary. Ultimately, the Bill died before second reading.

In 2012, the Ontario Court of Appeal reversed the trial decision in *MPAO*.<sup>4</sup> After the Court of Appeal's decision, the government proceeded with a more limited legislative agenda that was based on modernizing RCMP internal processes rather than a new full-scale labour relations model.

Based on feedback received with respect to Bill C-43, it was recognized that policing presents considerations that might make dismissal without a hearing unsuitable. The result of this was arguably a more balanced approach that both limited the need for a hearing, but preserved a hearing in the most serious of cases.

As a result, the *Accountability Act* was tabled, setting in motion the reform of the *RCMP Act* (1988).

### **Summary of the Legislative Reform Initiative**

As noted, the *Accountability Act*, which received Royal Assent on June 19, 2013, introduced reforms relating to accountability, transparency, and the delivery of services. While the *Accountability Act* provided for substantial amendments to the *RCMP Act*, there was a corresponding requirement to amend the *RCMP Regulations* and *Commissioner's Standing Orders (CSOs)* to support the implementation of the new human resource management and administrative procedures.

The Legislative Reform Initiative Team (LRIT) was responsible for managing and advancing the reforms of the *RCMP Act*. It operated from 2014 to 2015 under the direction of the Professional Integrity Officer and Chief Human Resources Officer (CHRO). Based on principles that were outlined and approved by the Senior Executive Committee (SEC), the LRIT was responsible for researching, identifying and developing the proposed changes under the *Accountability Act* and the associated options in relation to various processes. It is important to recognize that the significant aspects of the conduct process would no longer be legislatively

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<sup>3</sup> 96 OR (3d) 20.

<sup>4</sup> 2012 ONCA 363.

prescribed in great detail, and much of the framework would now be contained within more flexible mechanisms such as the *RCMP Regulations*, *CSOs* and RCMP policy.

Depending on the subject or issues, the LRIT led consultations and discussions with the Treasury Board Secretariat and Public Safety, and where appropriate, other stakeholders. Working groups were developed to enable consultation regarding proposed processes and models based on subject areas (e.g., conduct, grievances, harassment, employment requirements). These groups were formed with the appropriate representation from internal policy centres and divisional personnel, the SRRP and unions, Department of Justice, as well as the Royal Canadian Mounted Police External Review Committee (ERC), an independent review body mandated with reviewing certain appeals by RCMP members. The work of the LRIT included consultations with the Senior Management Team of the RCMP (comprised of Commanding Officers) in considering new models, processes and policies.

Examples of the types of work of the LRIT include the drafting of the new Code of Conduct to emphasize the importance of professional responsibility and maintaining the public trust. In addition, the LRIT worked with the then Commission for Public Complaints against the RCMP (CPC) (now the Civilian Review and Complaints Commission (CRCC)) to develop a draft Memorandum of Understanding to guide the relationship between the RCMP and the civilian review body.

The LRIT was also the lead for regulatory affairs related to implementing the new legislation. LRIT coordinated and conducted a legislative review and quality assurance process on the *RCMP Regulations* and the *CSOs*. This review process involved both internal consultations and public consultations through the *Canada Gazette*. The LRIT prepared the regulatory packages and coordinated the final approvals for coming-into-force. This involved extensive coordination with the Department of Justice, the Privy Council Office, Treasury Board, Public Safety and Public Works and Government Services Canada.

On November 28, 2014, the provisions to amend the *RCMP Act* and the supporting *Regulations*, *CSOs*, policies, processes and procedures came into force, ushering in significant changes to the conduct process. The new conduct process allows misconduct to be addressed in a more responsive, timely and effective manner, while balancing fairness. Among other things, the LRIT reduced approximately 18 processes or sub-processes for grievances and appeals to two, along with reducing the *CSOs* from 20 to six. The amount of work the LRIT accomplished in 18 months to effect reforms across many substantive internal processes, along with the associated changes to legislation, policies, and procedures, and the requisite initial training, is quite remarkable.

## **Report Overview**

2015 was the first full calendar year of the new conduct process. This year's annual report marks the beginning of reporting with a focus on the management and functioning of the conduct and harassment processes under the *RCMP Act* (2014). It will also be the first year that the RCMP reports this data on a calendar-year basis.

Under the new process, it is difficult to compare some statistics since conduct and harassment have undergone a significant transformation. Previous reports provide comparative statistics which are useful for understanding trends in the former disciplinary process.

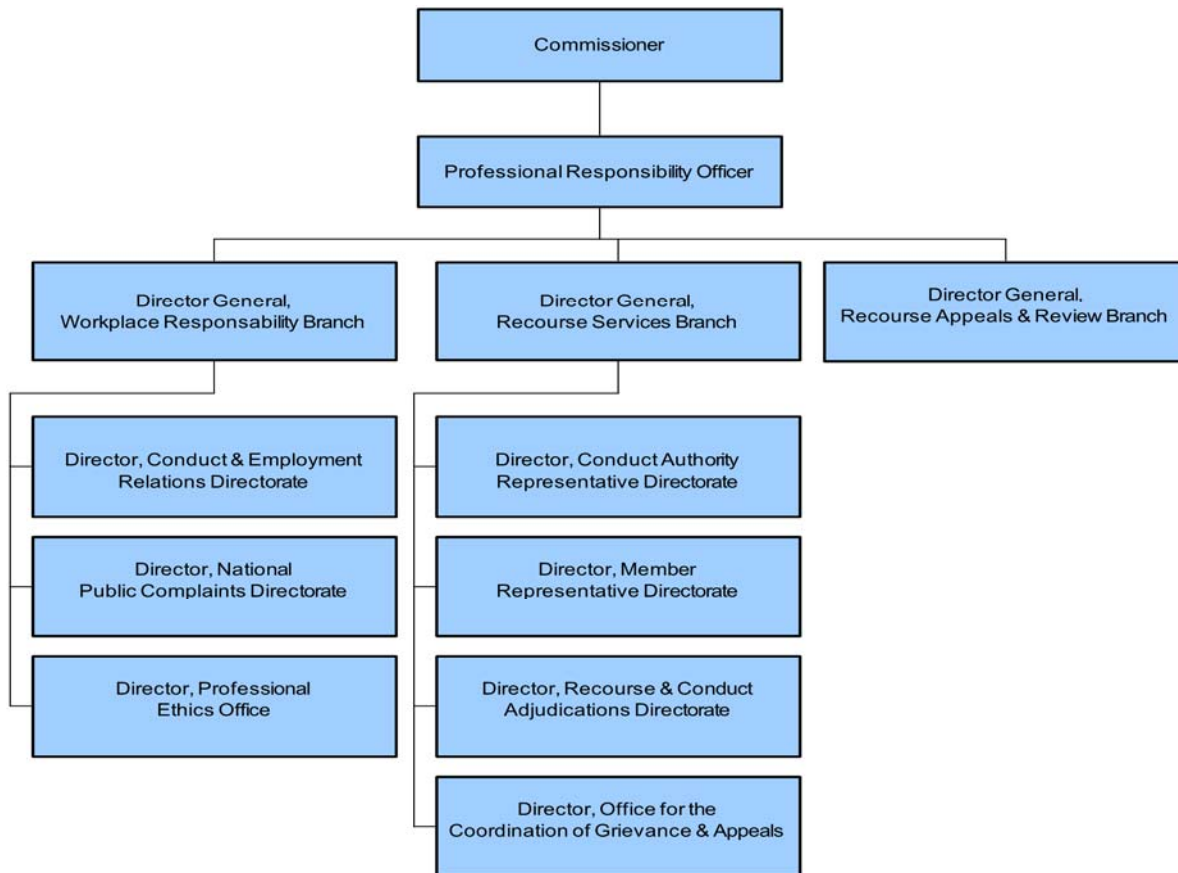
This report focuses on new benchmarks against which future statistics will be compared.

## Chapter 1: Professional Responsibility Sector

The Professional Responsibility Sector is new, and is responsible for managing the RCMP's public complaints, conduct management, harassment investigation and resolution, and grievance and appeals processes. Under the direction of the Professional Responsibility Officer (PRO), this sector promotes the RCMP's vision for a comprehensive responsibility-based workplace regime that promotes professional, values-based decision making and behaviour across all job categories.

The PRO, formerly known as the Professional Integrity Officer, is responsible for providing senior direction and leadership in the design, development, and integration of a comprehensive professional responsibility culture across all RCMP business lines.

Figure 1: Professional Responsibility Sector Organizational Chart





## **1.1. Workplace Responsibility Branch**

The Workplace Responsibility Branch (WRB) was created through the reorganization of the former Employee Management and Relations Branch (EMRB). Prior to being restructured on November 28, 2014, the EMRB was composed of multiple directorates, including the Professional Standards and External Review Directorate, which itself consisted of four units, all of which had roles related to the RCMP's previous disciplinary process.

Following coming into force of the *Accountability Act*, which significantly amended the *RCMP Act* (1988), WRB officially came into existence, charged with providing policy and service delivery support through three directorates: (i) Conduct and Employment Relations Directorate; (ii) National Public Complaints Directorate; and (iii) Professional Ethics Office. Each of these are further subdivided into offices that together support WRB's goal of promoting and maintaining responsible, accountable and ethically grounded conduct process.

### **a. Conduct and Employment Relations Directorate**

The Conduct and Employment Relations Directorate (CERD) provides the support, expertise and guidance necessary for all members to ensure that their personal and professional conduct, inside and outside of RCMP workplaces, is meeting the high expectations of Canadians, and for the application of the appropriate processes that are necessary for the correction of improper conduct.

CERD is separated into two main streams: the National Conduct Management Section and the Employment Requirements Section.

#### **i. National Conduct Management Section**

The National Conduct Management Section (NCMS) is further subdivided and benefits from the National Conduct Advisor Unit and the Conduct Policy Unit and the National Early Intervention System (NEIS). NCMS's Conduct Advisor Unit and Conduct Policy Unit provide national strategic advice, coordination, research and analysis and recommendations to RCMP National Headquarters and divisional conduct advisors. During the 2015 calendar year, the NCMS responded to approximately 775 formal enquiries relating to the conduct process. The NCMS also provided support and policy development services to the WRB to ensure that conduct is dealt with in a way that is consistent with the rules of natural justice and meets the organization's duty of procedural fairness.

The Conduct Policy Unit also provides policy development and program administration services for the NEIS, an early awareness tool used to identify at an early stage members who may benefit from interventions to address issues which may be impacting their work performance and/or wellness.

## **ii. Employment Requirements Section**

The Employment Requirements Section of the CERD is responsible for the Office for the Coordination of Harassment Complaints, the Human Rights Unit, the Employment Requirements Unit, and the Workplace Responsibility Support Unit.

### **b. National Public Complaints Directorate**

The National Public Complaints Directorate (NPCD) is responsible for monitoring the application of the public complaints system set out under Parts VI and VII of the *RCMP Act (2014)*, and also works jointly with Contract and Aboriginal Policing for the application of Parts VII.1 and VII.2, which establish new procedures for the external and independent investigation and resolution of serious incidents involving RCMP members.

### **c. Professional Ethics Office**

The Professional Ethics Office (PEO) continues to champion ethics and the RCMP's mission, vision and values, raise awareness, educate, and provide guidance to help employees make informed ethical judgments. Assistance is often delivered through the Workplace Reporting System (WRS) which provides employees with a centralized and confidential avenue to report workplace issues in order to identify, track and appropriately address the issue in a timely manner. The WRS is not intended to replace traditional means of reporting workplace issues or obtaining assistance, but it provides an additional support where an employee does not feel that it is appropriate or possible to address through normal avenues. The PEO also champions the recognition of employees by leading the policy and administration of the Honours and Recognition Program.

## **1.2. Recourse Services Branch**

The Recourse Services Branch (RSB) has three primary work streams: (i) the intake and administration of all regular and civilian member grievances (except classification grievances) and appeals; (ii) the adjudication of grievances (again except classification grievances) at the initial level and of certain appeals; and (iii) the representation of parties before, and the adjudication of, conduct boards and old-process formal discipline matters. In respect of the two latter work streams, RSB has responsibility for matters that arose both before and after the legislative reforms to the *RCMP Act (2014)*, so in effect, there is both a legacy and new workload responsibility, which will remain the case for several years.

#### **a. Conduct Authority Representative Directorate**

The Conduct Authority Representative Directorate (CARD) is responsible for providing assistance to conduct authorities in serious conduct matters and represents them in conduct matters in which dismissal is the measure being sought before a conduct board. The CARD is also responsible for providing legal counsel and representation to the organization on legacy files under the previous discipline process. As of December 31, 2015, 89 legacy cases remained.

#### **b. Member Representative Directorate**

The Member Representative Directorate (MRD) is essentially the mirror image of CARD, but provides assistance to members in serious conduct matters and represents members before a conduct board when dismissal is being sought. Members can also choose to be represented by another individual or by private counsel at the members' own cost. The MRD also continues to represent members in legacy files under the previous discipline process.

#### **c. Recourse and Conduct Adjudications Directorate**

Recourse and Conduct Adjudications Directorate (RCAD) adjudicators decide grievances at the initial level, adjudicate certain conduct and other appeals and sit as conduct boards to hear dismissal cases. They also sit on legacy discipline boards.

#### **d. Office for the Coordination of Grievances and Appeals**

The Office for the Coordination of Grievances and Appeals (OCGA) manages the intake and administration of grievances and appeals for both RSB and Recourse Appeals and Review Branch.

### **1.3. Recourse Appeals and Review Branch**

The Recourse Appeals and Review Branch (RARB) has three primary responsibilities: (i) the adjudication of grievances presented at the second and final level of the grievance process; (ii) the adjudication of certain other appeals, including conduct; and (iii) the provision of support and advice on grievances and appeals which are complex, sensitive or essential to defining Force-wide standards of conduct or culture that the Commissioner wishes to decide personally.

## Chapter 2: Conduct Management System

### 2.1. Objectives of the New Conduct Management System

The amendments to the *RCMP Act* (1988) provided for the modernization of the management of conduct by the RCMP with a view to:

- Reflecting and balancing the principles, interests and realities of the modern policing environment;
- Increasing external and internal confidence in how misconduct is addressed by the RCMP;
- Improving organizational and management accountability;
- Contributing to improving member conduct and responsibility;
- Being fair and proportionate to the nature of misconduct;
- Simplifying, streamlining and improving efficiency;
- Reducing adversarialism and formalism;
- Improving timeliness;
- Ensuring conduct is addressed at the most appropriate level; and
- Promoting correction, remediation and learning over blame and punishment, where appropriate.

The new conduct management process was built on the responsibility-based workplace framework.<sup>5</sup>

### 2.2. 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 a Code of Conduct (which is outlined in the *Regulations to the RCMP Act* (2014)).<sup>6</sup> The current Code of Conduct for members became effective as of November 28, 2014. This was the first revision of the Code of Conduct in nearly 30 years and was the product of much consultation.

The new Code of Conduct marks a fundamental shift from a negative and highly prescribed approach to one that outlines in a positive, professional way the responsibilities of all RCMP members, both on and off-duty, in and outside of Canada. The objectives of the Code of Conduct include maintaining the public trust and reinforcing the high standard of conduct expected of members. The Code of Conduct covers a broad range of conduct, including: respect and courtesy; respect for law and administration of justice; duties and responsibilities; use of force; conflict of interest; discreditable conduct; reporting; confidentiality and public statement; and political activity. Encouraging and holding members to the highest level of

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<sup>5</sup> R.S.C. 1985, c. R-10, s. 36.2.

<sup>6</sup> Reproduced at Appendix II.

conduct, the new Code of Conduct includes a self-policing element by requiring that members report, as soon as feasible, if the conduct of another member contravenes the Code of Conduct.

Allegations of contravention of the Code of Conduct are taken seriously, and the *RCMP Act* (2014) gives a conduct authority the ability to initiate a Code of Conduct investigation into allegations of misconduct. Any RCMP member found to have contravened the Code of Conduct may be subject to a broad range of measures. These broad measures supplant the previous restrictive disciplinary sanctions. In addition, the term “discipline” is no longer applied, which is consistent with a more modern approach to dealing with inappropriate conduct by employees.

For their part, public service employees (PSE) at the RCMP are subject to the RCMP PSE Code of Conduct (PSE Code of Conduct). The PSE Code of Conduct was developed in consideration of the Treasury Board's *Values and Ethics Code for the Public Sector* (VECPS), the Code of Conduct for members and the RCMP's Mission, Vision and Values. To ensure consistency, the new PSE Code of Conduct was implemented on November 28, 2014, to align it with the RCMP Code of Conduct for members.

### 2.3. Training

The RCMP was given a very short time frame to implement legislative reforms, and in light of the implementation of the new conduct management process, a significant investment was made in initial training related specifically to the new processes.

Figure 2: Training for the New Conduct Process

Training	Total Number of Employees
1-Day Conduct Training	1069
4-Day Legislative Reform Initiative Training	697
Workplace Responsibility Investigator Course	155
Conduct Authority Workshop	453

The one-day conduct training consisted of educating supervisors, managers and other key personnel on the new processes for conduct management resulting from the *Accountability Act*. The four-day Legislative Reform Initiative Training was developed to provide key decision makers and advisors with background information on the *Accountability Act* and the revised conduct, harassment, employment requirements, public complaints and grievance and appeals processes (e.g., Commanding Officers received this training). This was followed by the delivery of three courses on the revised processes for conduct management, harassment investigation and resolution and employment requirements (administrative discharge and demotion; probationary member discharge).

The Workplace Responsibility Investigators' Course was also developed and informed investigators of the new processes, timetables and accountability framework. The internal investigators were provided with the skills to conduct a thorough and unbiased Code of Conduct investigation. Investigators were also instructed on how to draft a well-documented investigation report to assist the conduct authority in his or her decision-making. The Conduct Authority Workshop, aimed at key decision makers and advisors, focused on the revised processes for conduct management resulting from the *Accountability Act*. Participants were trained with respect to administering and managing the conduct process in a fair, consistent, unbiased and transparent manner; in accordance with the principles of procedural fairness, legislation and policies.

Further training is to be developed regarding the new conduct process.

#### **2.4. Conduct Process under Part IV of the *RCMP Act* (2014)**

The conduct process is essentially the same for all members who are alleged to have contravened the Code of Conduct, including commissioned officers.<sup>7</sup>

In circumstances in which initiating the conduct process is appropriate, an investigation will take place and an investigation report will be provided to the conduct authority who will determine whether or not there is a *prima facie* contravention of the Code of Conduct.

Where there has been a *prima facie* finding of a contravention of the Code of Conduct, the conduct authority will determine, based on seriousness, whether the matter is referred to a conduct board (i.e., where dismissal is sought) or whether the matter will proceed to a conduct meeting between the conduct authority and the subject member.

Where the matter proceeds by meeting, once the conduct meeting has taken place, the conduct authority will complete a Record of Decision, outlining the reasons for his or her decision (established or not-established) and conduct measures imposed, if any. Subject members are permitted to appeal the decision.

Consistent with the approach in the core public administration and its treatment of conduct involving public servants, measures imposed by way of conduct meeting are not publicly disclosed as they form part of confidential information between employer and employee.

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<sup>7</sup> When a member with a rank of deputy commissioner is found to have contravened the Code of Conduct in such a way as to warrant release from the RCMP, the *RCMP Act* (2014) authorizes conduct boards to recommend the resignation or dismissal of the member.

Figure 3: Total Discipline/Conduct Files Opened (2006-2015)



Figure 3 provides historical data on the old discipline process, and shows that on average, 209 informal and 89 formal discipline matters were dealt with, for a total average of 299 over eight years (Fiscal Years 2006-2007 to 2013-2014). Figure 3 appears to show a very large increase in conduct matters for 2015. When trying to understand this increase, it is important to note the following:

- Of the 741 conduct cases reported for November 28, 2014, to December 31, 2015, 211 are files that were opened prior to November 28, 2014, under the old process and were then continued under the new conduct process. These 211 were not new cases, but rather transition files.
- There was a shift from fiscal year to calendar year. The final bar captures 13 months' worth of opened cases, rather than 12. Similarly, the January 1, 2014, to November 28, 2014, bar captures only 11 months of data.
- Substantial time and effort was put into educating members and managers regarding the new Code of Conduct, which might have contributed to more identification and/or reporting than in previous years.

Based on the data for 2015, there was 158 percent increase in total conduct matters from the previous 10 year average. In addition, there was a 331 percent increase in dismissal cases from the previous 10 year average. While the RCMP had projected that there would be an increase in conduct files, the actual number of conduct files for the first 13 months of the new process was higher than expected. Once the data for the 2016 and 2017 calendar years is received, it will be possible to compare these new statistics and obtain a better sense of whether or not this increase might be a trend or an anomaly.

Figure 4: Number of Subject Members with a Code of Conduct Allegation under the New Process, by Division (November 28, 2014, to December 31, 2015)

Division	Number of Subject Members	Number of Members in RCMP
B	10	579
C	32	1,146
D	50	1,173
DEPOT	4	214
E	258	7,296
F	58	1,419
G	11	237
H	29	1,146
J	29	1,007
K	112	3,418
L	3	146
M	4	160
NATIONAL	16	655
NHQ	23	2,397
O	20	1,184
V	3	147
Other		112
Total	662	22,436

There are 56 subject members with more than one Code of Conduct case. Over the course of the first 13 months of the new conduct process, approximately 3 percent of RCMP members were alleged to have contravened the Code of Conduct.



Figure 5: Conduct Files per Division (November 28, 2014, to December 31, 2015)

<b>Division</b>	<b>Number of Conduct Files</b>	<b>Percentage of all Conduct Files</b>	<b>Percentage of Members</b>
B	13	2%	3%
C	36	5%	5%
D	60	8%	5%
Depot	4	1%	1%
E	284	38%	33%
F	63	9%	6%
G	11	1%	1%
H	31	4%	5%
J	30	4%	4%
K	126	17%	15%
L	3	0%	1%
M	4	1%	1%
National	17	2%	3%
NHQ	26	4%	11%
O	30	4%	5%
V	3	0%	1%
Total Number of Subject Members	741	100%	100%

Figure 5 shows that the number of conduct files are generally proportionate to the number of RCMP members per division.

There can be multiple allegations of misconduct in a single conduct file. There was a total of 1,475 allegations of misconduct against 662 members from November 28, 2014, to December 31, 2015. Of these 1,475 allegations, 536 allegations were allegations of a contravention of section 7.1 of the Code of Conduct, “Members behave in a manner that is not likely to discredit the Force”. Figure 6 provides a more detailed breakdown of the types of behaviours captured under 7.1. The remaining balance of 939 allegations related to other sections of the Code of Conduct are shown in Figure 7.

Figure 6: Breakdown of Allegations relating to 7.1 (Discreditable Conduct) of the Code of Conduct (November 28, 2014, to December 31, 2015)

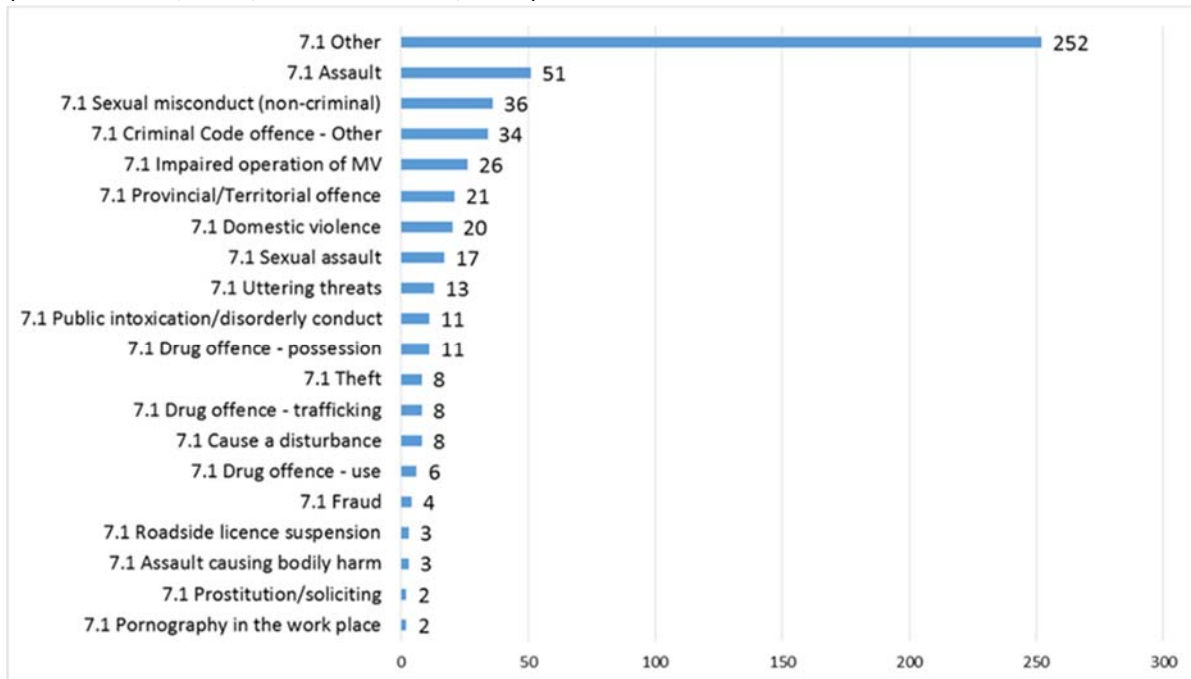


Figure 7: Types of Conduct Allegations, excluding allegations relating to 7.1 of the Code of Conduct (November 28, 2014, to December 31, 2015)

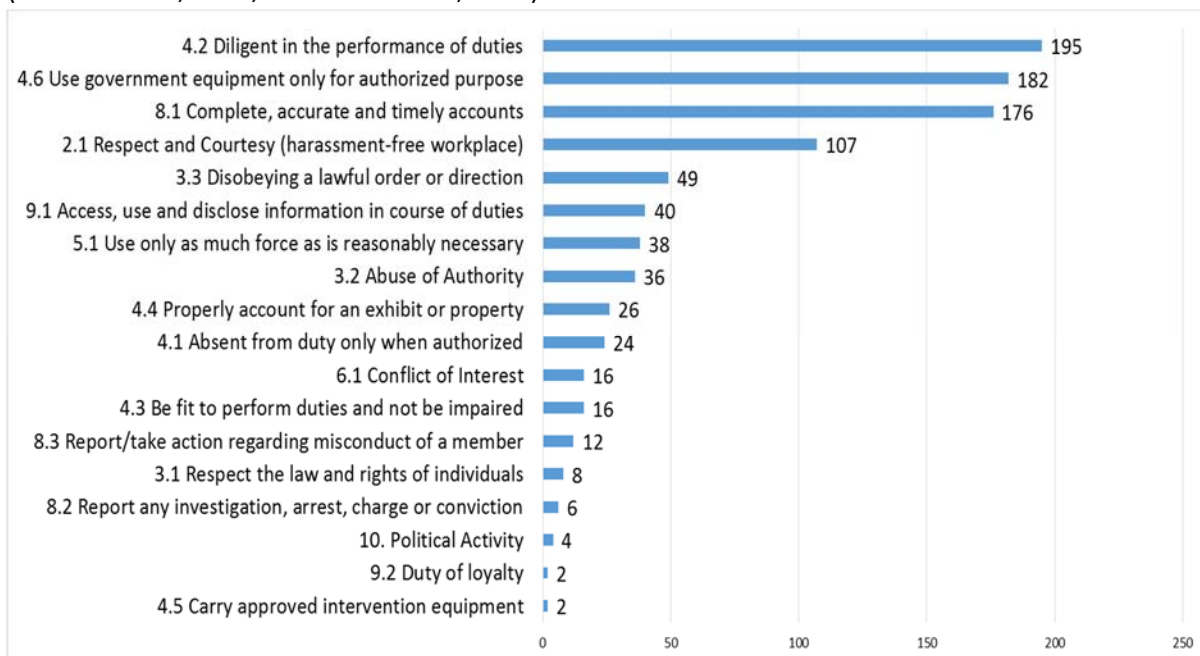


Figure 8: Percentage of Conduct Allegations by Rank (November 28, 2014, to December 31, 2015)

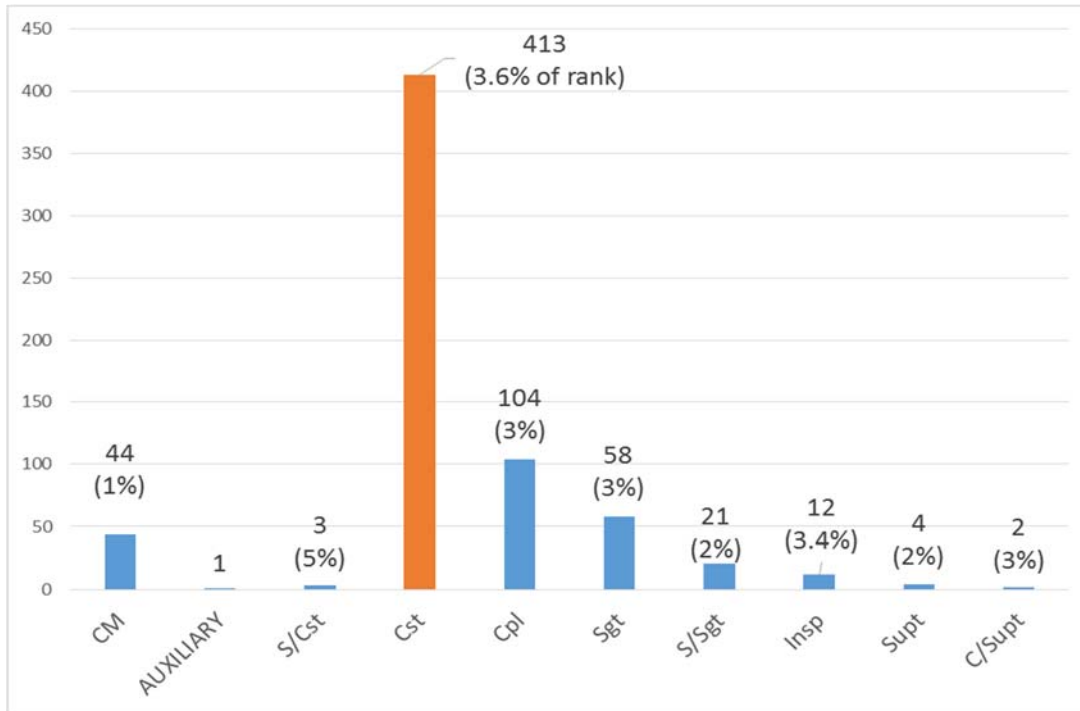
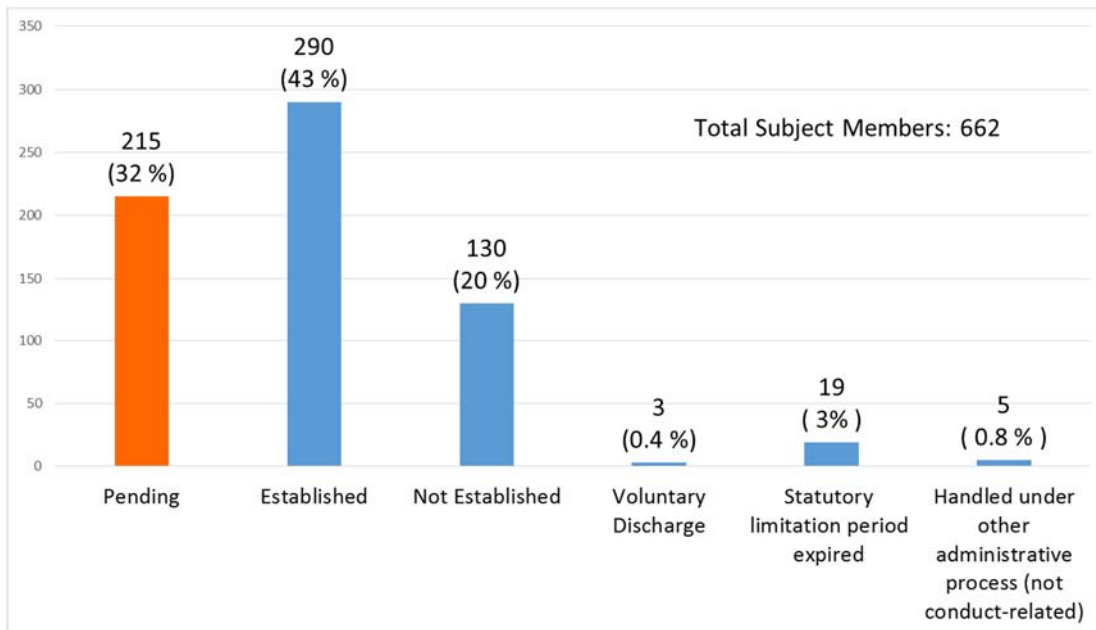


Figure 8 indicates that 52 percent of employees at the RCMP are constables, the largest category of members, and they account for 62 percent of the conduct cases.

Figure 9: Subject Members with Pending or Completed Code of Conduct under the New Process (Including Transition Files)



At the end of 2015, 290 RCMP members had been found to have contravened the Code of Conduct, under the process that came into effect on November 28, 2014. This constituted 1.3 percent of all RCMP members.

## **2.5. Conduct Authorities**

As outlined above, under the new process, a conduct authority is responsible for managing the entire conduct process. The conduct authority is accountable for addressing misconduct, following the conduct process and making decisions.

In fulfilling this role, the conduct authority has access to divisional and national conduct advisors, detailed policy, as well as newly-created supporting materials, including the Annotated Code of Conduct, the National Guidebook for Conduct, the Conduct Measures Guide, and process map.

In circumstances in which a conduct authority finds that an allegation has been established on a balance of probabilities, the *RCMP Act (2014)* provides the conduct authority the power to impose conduct measures, commensurate with their level.<sup>8</sup> There are three categories of conduct measures. Depending on the seriousness of the contravention, the measures can be remedial, corrective or serious.

Under the new conduct process there are three levels of conduct authority, with corresponding increases in options for conduct measures at each level. When dismissal is appropriate, the conduct authority refers the matter to a conduct board.

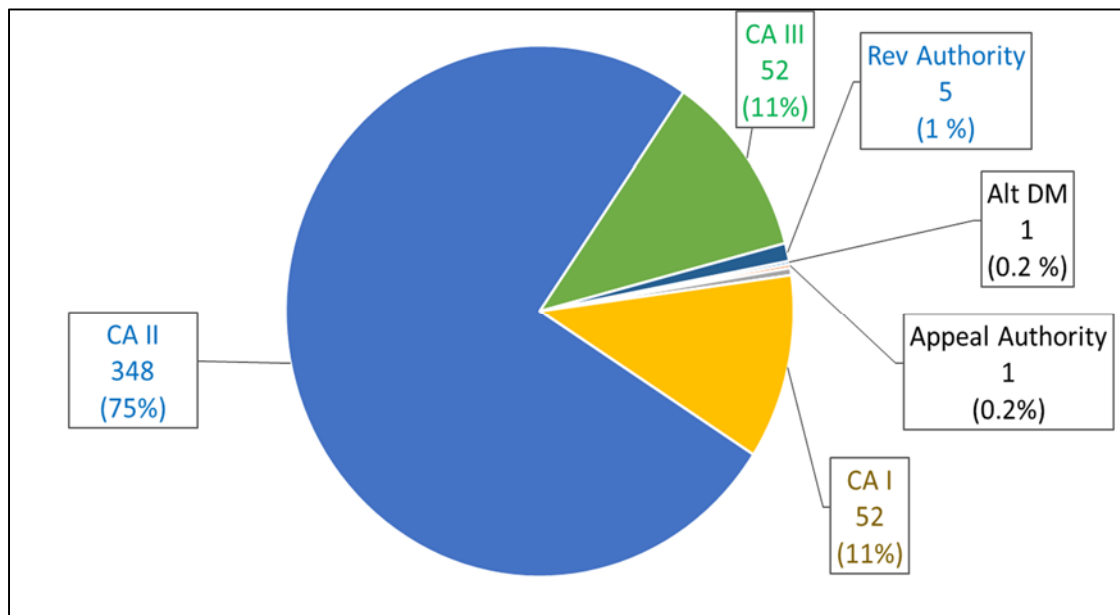
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<sup>8</sup> *RCMP Act (2014)*, ss. 42(1).

Figure 10: Conduct Measures Available to Conduct Authorities by Level

Level	Conduct Authority	Conduct Measures
I	Members in command of a detachment, and persons reporting directly to an officer or a person holding equivalent managerial position <sup>9</sup>	Remedial
II	Officers, or persons holding equivalent managerial position <sup>10</sup>	Remedial Corrective
III	Officers in command of a division (or any other person who has been delegated the authority by the Commissioner) <sup>11</sup>	Remedial Corrective Serious
Conduct Board	<i>RCMP Act</i> (2014), ss. 45(4) Conduct Board	<i>RCMP Act</i> (2014), ss. 45(4) (a) Dismissal (b) Direction to resign within 14 days (c) One or more of remedial, corrective or serious measures

Figure 11: Files Completed by Conduct Authority (November 28, 2014, to December 31, 2015)



<sup>9</sup> *Commissioner's Standing Orders (Conduct) (CSO Conduct)*, s. 2(1)(a).

<sup>10</sup> *CSO (Conduct)*, s. 2(1)(b).

<sup>11</sup> *CSO (Conduct)*, s. 2(1)(c).

Figure 11 reveals that for files opened under the new conduct process between November 28, 2014, and December 31, 2015, the majority of cases (75 percent) were completed by a level II conduct authority, which is the corrective level of the process.

## **2.6. Conduct Measures: Remedial, Corrective, and Serious**

Prior to the new conduct process, the *RCMP Act* (1988) identified two categories of discipline: informal and formal, and provided only 11 options for sanctions. The only real significant authority was reserved for boards, which were restricted to imposing a maximum forfeiture of 10 days of pay as a financial penalty<sup>12</sup> without ordering dismissal. If the discipline board decided that 10 days of pay as a financial penalty was insufficient, an order of dismissal was the only option available to the board.<sup>13</sup>

The former discipline categories have now been replaced by three classes of conduct measures: remedial, corrective, and serious.<sup>14</sup> Under the new process, the conduct authorities have been provided with more authority to deal with conduct. The measures have been expanded to 27 different possible measures, providing significantly more flexibility to conduct authorities to ensure the measure fits the misconduct, and can be imposed by much lower levels of management than was previously the case under the former process (e.g., a line officer can now impose up to 10 days' financial penalty, which was previously reserved to a board).

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<sup>12</sup> *RCMP Act*, R.S.C., 1985, c. R-10, s. 45.12.

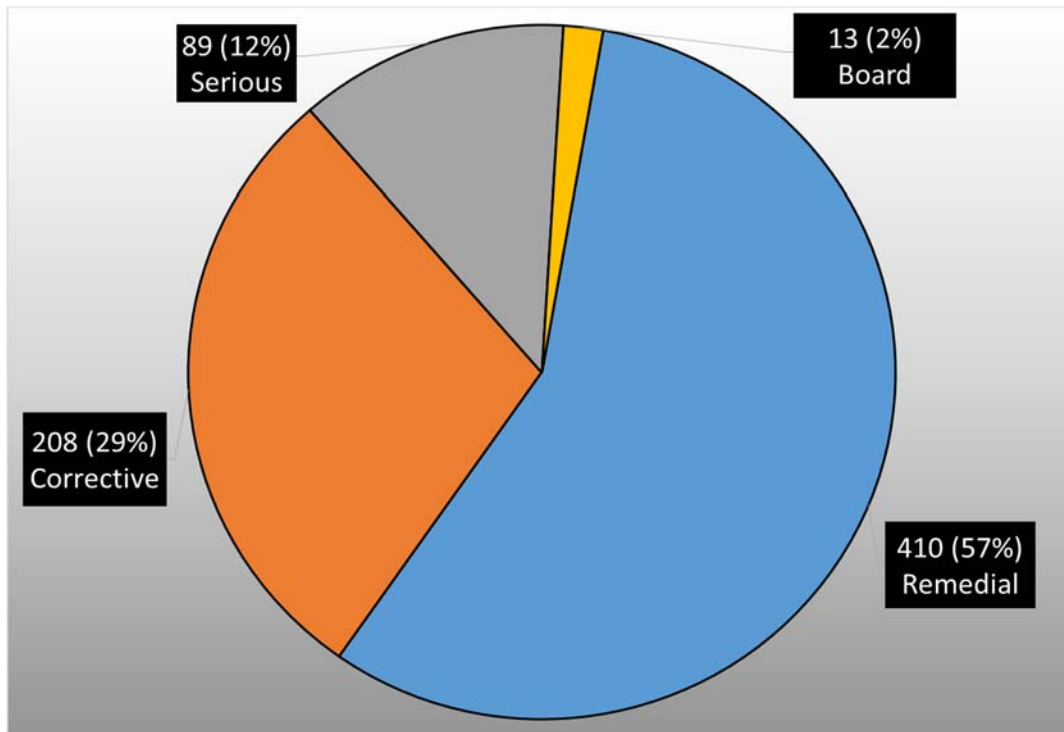
<sup>13</sup> Under the old disciplinary process, "informal disciplinary action" included recommendation for special training, recommendation for professional counselling, recommendation for transfer, direction to work under close supervision, forfeiture of regular time off for any period not exceeding one workday and reprimand. Formal discipline was warranted where informal disciplinary action would not be sufficient.

<sup>14</sup> *CSO (Conduct)*, ss. 3-5.

Figure 12: Available Measures under New Conduct Management Process

REMEDIAL	CORRECTIVE	SERIOUS
Admonishment	Ineligibility for promotion ≤ 1 year	Removal, restriction or modification of duties ≤ 3 years.
Close supervision	Deferment of pay increment ≤ 1 year	Ineligibility for promotion ≤ 3 years.
Training	Suspension without pay ≤ 80 hours	Deferment of pay increment ≤ 2 years.
Medical treatment (HSO recommended)	Financial penalty ≤ 80 hours	Reduction to next lower rate of pay ≤ 2 years.
Counselling/ rehabilitation	Forfeiture of annual leave ≤ 80 hours	Demotion ≤ 3 years
Specific program / activity	Any combination of the previous 3 measures, totalling no more than 80 hours	Demotion for an indefinite period
Removal, restriction or modification of duties ≤ 1 year		Transfer to another work location
Reassignment to another position not involving a relocation or demotion		Suspension from duty, without pay
Reprimand		Forfeiture of annual leave ≤ 160 hours
Financial penalty ≤ 8 hours		Financial penalty (not limited)
Any other agreed measure – not financial, corrective or serious		

Figure 13: Conduct Measures Imposed (November 28, 2014, to December 31, 2015)



Based on Figure 13, in the first 13 months of the new process, remedial measures, the lowest level, were imposed in the majority of cases, which suggests that although the majority of conduct is being dealt with by level II conduct authorities (corrective level), remedial measures are imposed more frequently. This will be examined further in the coming year.

## 2.7. Interim Administrative Measures

The *RCMP Act* (2014) allows for interim administrative measures to be imposed by a conduct authority at any time during the conduct process when a member is suspected of contravening the Code of Conduct, or a federal or provincial law.<sup>15</sup>

Interim administrative measures include temporary reassignment, suspension, and stoppage of pay and allowances. They are not themselves “disciplinary” actions. They are preventative measures created to protect the integrity of the RCMP and its processes pending the outcome of the matter which gave rise to the interim administrative measure.

A suspension can be ordered by a level II or level III conduct authority in cases where the integrity or operations of the RCMP would be seriously jeopardized if the subject member were not suspended, taking into account the public interest.<sup>16</sup> A suspension can also be ordered

<sup>15</sup> Administration Manual – ch. XII.1. Conduct, s. 5.

<sup>16</sup> Administration Manual – ch. XII.1. Conduct, s. 5.4.2.



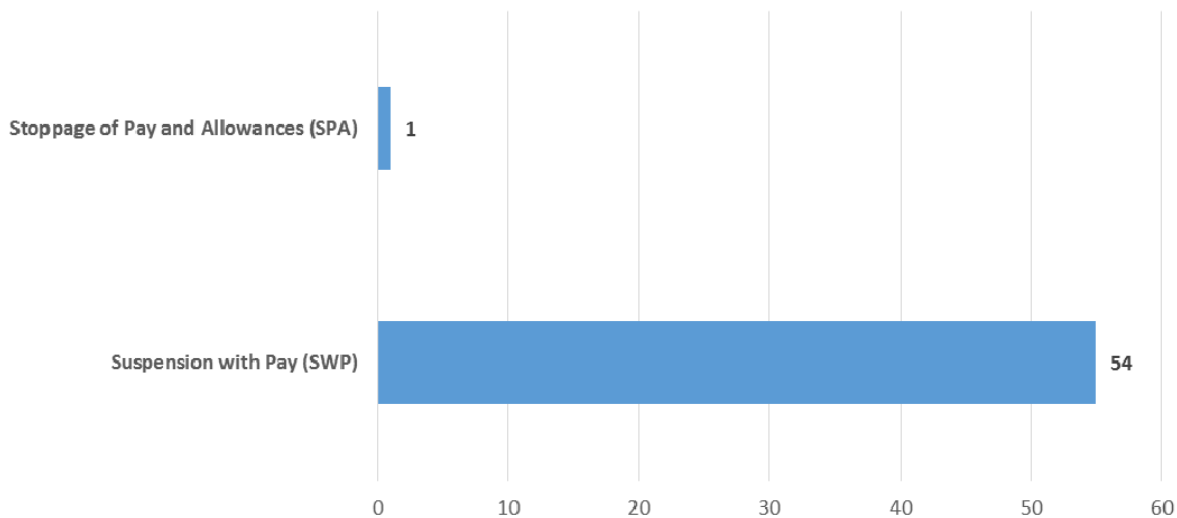
(here by a conduct authority level III) once a decision has been made to seek dismissal and the matter will proceed to a conduct board.<sup>17</sup> When a suspension has been imposed, the suspension order must be reviewed every 90 days. Conduct investigations involving suspended members are prioritized.

Before considering suspension, a level II or level III conduct authority must first consider whether a temporary reassignment is possible, pending the outcome of the conduct process.<sup>18</sup> Any level of conduct authority can order a temporary reassignment.

In addition to a suspension, an order for the stoppage of pay and allowances can be made by a conduct authority level III in exceptional circumstances in which the subject member is clearly involved in the contravention of the Code of Conduct or legislation, and the conduct has a highly detrimental impact on the integrity or operations of the RCMP, or the subject member's ability to perform his/her duties.<sup>19</sup>

When a level III conduct authority (i.e., a commanding officer) forms the opinion that the grounds for stoppage of pay and allowances are present, the conduct authority must serve a notice on the subject member advising of his or her intention to order the stoppage of pay and allowances.<sup>20</sup> A subject member may then make written submissions in response to the notice. The decision to suspend with stoppage of pay and allowances can be appealed.

Figure 14: Number of Subject Members with Suspensions Imposed (November 28, 2014, to December 31, 2015)



<sup>17</sup> Administration Manual – ch. XII.1. Conduct, s. 5.4.3.

<sup>18</sup> Administration Manual – ch. XII.1. Conduct, s. 5.3.2.

<sup>19</sup> Administration Manual – ch. XII.1. Conduct, s. 5.5.1.

<sup>20</sup> Administration Manual – ch. XII.1. Conduct, s. 5.5.2.1.1.2.

Over the last several years, prior to the implementation of the *RCMP Act* (2014), there had been a significant increase in suspensions from duty, both with pay and without pay. Suspensions had risen from 52 in 2009-2010 to a high of 118 in 2013-2014. However, from November 28, 2014, to December 31, 2015, there were 55 suspensions, which is very similar to levels from five years ago. Under the new process, there was one suspension with a stoppage of pay and allowance in 2015.

## **2.8. Conduct Meetings**

As briefly outlined above, in the new conduct process, the conduct authority convenes a conduct meeting with the subject member when it appears to the conduct authority that a *prima facie* case of a contravention has been made out.

The purpose of the conduct meeting is to provide the subject member with the opportunity to make representations on the allegations and the possible conduct measures. The subject member may provide written and/or oral submissions. While the conduct meeting is mandatory, submissions are optional. The subject member is entitled to bring a person to provide support to the conduct meeting.<sup>21</sup> In order to resolve the matter, the conduct authority may convene more than one meeting, if necessary.<sup>22</sup>

As revealed by the data above, under the new process, the vast majority of conduct matters are dealt with through a conduct meeting rather than being referred to a conduct board. This provides managers and employees greater flexibility when dealing with conduct issues.

By resorting to conduct boards in only the most serious of cases, the RCMP is able to handle conduct matters more expeditiously and informally, as recommended by the Task Force on Governance and Cultural Change. Since the new conduct process has been implemented, 92.5 percent of resolved conduct matters have proceeded by way of conduct meetings and 7.5 percent of cases were referred to a conduct board.

## **2.9. Conduct Boards**

Prior to the new conduct process, discipline boards were initiated for cases involving formal discipline (i.e., financial penalty of a forfeiture of pay greater than one day up to and including dismissal). Under the new conduct process, matters are only referred to a board when dismissal is being sought. In other words, there were far fewer conduct boards because most misconduct is now dealt with by conduct authorities using the conduct meeting process.

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<sup>21</sup> Administration Manual – ch. XII.1. Conduct, s. 9.2.2.2.

<sup>22</sup> Administration Manual – ch. XII.1. Conduct, s. 9.1.1.

When dismissal is sought, the commanding officer must initiate a conduct board hearing.<sup>23</sup> Proceedings before a conduct board are to be dealt with as informally and expeditiously as the principles of procedural fairness permit.<sup>24</sup>

Formerly, discipline boards were comprised of three commissioned officers, one of whom had to be a graduate from a recognized law school. In the new process, conduct boards are normally comprised of one person, who may be a regular or civilian member, a public service employee or other appointee.

A conduct board has the authority to dismiss a member (or recommend dismissal, in the case of a deputy commissioner), direct the member to resign within 14 days (or recommend resignation, in the case of a deputy commissioner), or impose any other conduct measures. Conduct board decisions are available to the public.

Under the old discipline process, dismissal was sought in 4.5 percent of all discipline cases. Under the new process, dismissal has been sought in 7.5 percent of all conduct cases. Therefore, although there was a global decrease in files referred to a board, there was an increase in the number of cases referred to a conduct board seeking dismissal. From November 28, 2014, to December 31, 2015, 56 dismissal files were sent to the CARD for processing. This represents an increase in dismissal files of 331 percent. Of the 56 dismissal files that were referred to CARD, 25 conduct boards were initiated. Two conduct boards were held in 2015. However, the decisions from these conduct boards were not rendered until 2016 and will be reflected in the 2016 Annual Report.

Data from the last decade shows that there were 10-15 dismissal cases initiated per year, with only 2-3 normally making it to a formal hearing (i.e., a case may be resolved by resignation or change in the sanction sought). The majority of the cases brought before an adjudication board under the old discipline process were not dismissal cases. As a result, since conduct boards are now only charged with dismissal cases under the new conduct process and since there is greater variety and severity of sanctions open to conduct authorities, it was expected that the number of dismissal cases would remain constant, and perhaps even decline. However, as noted above, there was in fact a 331 percent increase in dismissal cases. This increase is not readily explainable, as the trend had been steady for over 10 years, and the increase is not completely attributable to the 211 transition cases. The forthcoming years will be important in coming to understand this shift.

## **2.10. Review Authority**

Under the new process, the review authority, designated by the Commissioner, has the power to review any decision of a conduct authority. If the review authority determines that a finding

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<sup>23</sup> In 2015, 7.5% of cases were considered “dismissal cases” and sent to a conduct board.

<sup>24</sup> *CSO (Conduct)*, s. 13.

is clearly unreasonable, or a conduct measure is clearly disproportionate, and if it is in the public interest to do so, the review authority may:

- rescind any finding that a subject member has not contravened the Code of Conduct and substitute for a finding that the subject member has contravened the Code of Conduct and impose conduct measures;
- rescind or amend any conduct measure imposed, or substitute conduct measures; or
- rescind a conduct measure imposed and initiate a hearing.

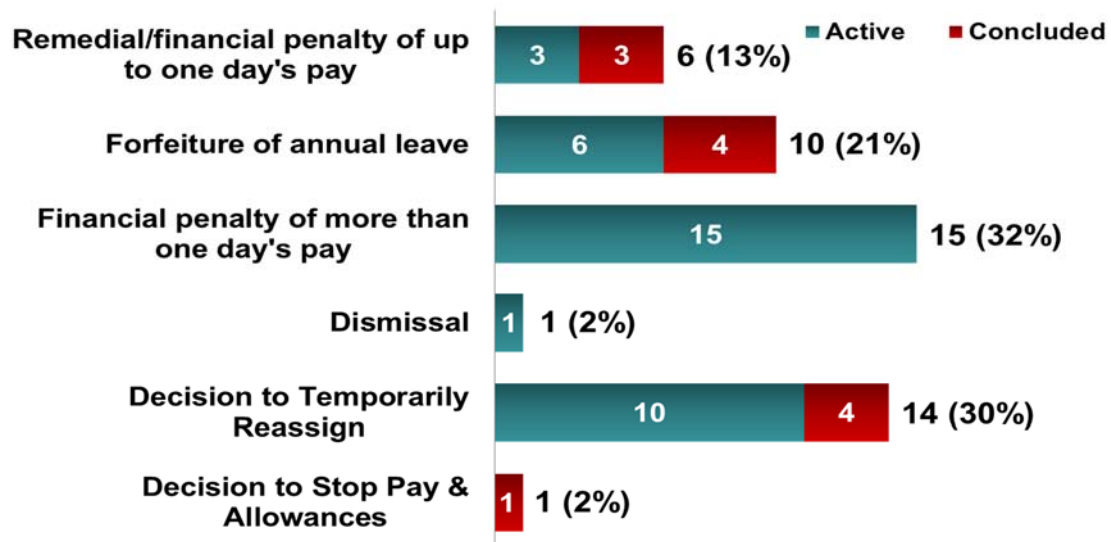
In 2015, six cases were considered for the review process, three of which were found not to meet the required threshold for review. Of the other three, one decision was rescinded, with a conduct measure imposed, one was rendered moot by the resignation of the subject member and another case was still under review at the close of 2015.

### 2.11. Conduct Appeals

Under the new conduct process, a member may appeal to the Commissioner decisions of a conduct authority or a conduct board relating to a finding of misconduct, the imposition of measures and the imposition of interim administrative measures.<sup>25</sup>

From November 28, 2014, to December 31, 2015, of the 420 completed conduct cases, there were 47 conduct-related appeals as outlined in Figure 15.

Figure 15: Conduct Appeals by Type of Interim Administrative Measures and Conduct Measures



<sup>25</sup> CSO (Grievance and Appeals), SOR/2014-289.

## 2.12. Role of the RCMP External Review Committee

The RCMP External Review Committee (ERC) is an independent external administrative body (distinct and separate from the RCMP) tasked with reviewing appeals by RCMP members of certain decisions by the RCMP.

Based on its review of the file, the ERC issues findings and recommendations for consideration by the Commissioner of the RCMP. The Commissioner is the final decision maker and must consider the ERC's findings and recommendations. If the Commissioner does not follow the findings or recommendations of the ERC, the *RCMP Act* (2014) requires the Commissioner to provide the reasons for not doing so. This is one of many safeguards to ensure an independent and transparent review of conduct matters.

The scope and nature of the matters referred to the ERC for review changed when the *RCMP Act* (2014) came into force. This has resulted in the RCMP presently referring two streams of cases to the ERC for its review: cases referred under the current legislation, since November 2014; and, still-active “legacy” cases which commenced under the *RCMP Act* (1988).

The following kinds of conduct files are generally referred to the ERC for review, findings and recommendations under the new process:

- appeals of conduct board and conduct authority decisions that impose the following measures on RCMP subject members:
  - financial penalty of forfeiture of more than one day of a member's pay;
  - demotion;
  - direction to resign in the case of a Deputy Commissioner subject member, a recommendation for resignation; and
  - dismissal or, in the case of a Deputy Commissioner subject member, a recommendation for dismissal.

In addition to the above, the following conduct-related decisions are also referred to the ERC for review, findings and recommendations under the current legislation:

- an appeal by a complainant of a written decision regarding a harassment complaint by a designated decision maker following an investigation of the complaint;
- an appeal of a decision to stop a member's pay and allowances while a member is suspended from duty if the decision was made because a member was suspended for contravening or being suspected of contravening the Code of Conduct, an Act of Parliament, or an Act of a legislature of a province; and
- legacy cases that were referable under the former *RCMP Regulations*.

### 2.13. Legacy Discipline Process

As the 2014-2015 Annual Report noted, 135 legacy files were outstanding as of March 31, 2015. As of December 31, 2015, 89 legacy files remained. Figure 16 shows the number of concluded legacy files and the ways in which they were concluded.

Figure 16: Formal Discipline – Disposition of Cases by Division (November 28, 2014, to December 31, 2015)

Division	Via Contested Hearing	Via Expedited Resolution Process	Discipline Cases Withdrawn	Discipline Cases Resolved by Way of Resignations	Number of Concluded Discipline Cases
A/National					
B					
C		3		3	6
D		5		2	7
Depot				1	1
E	3	4	1	4	12
F	1	4		3	8
G				1	1
H	1	1	1		3
HQ		2			2
J					
K	5	3	1	11	20
L				1	1
M					
O		4		1	5
V		2		1	3
<b>Total</b>	<b>10</b>	<b>28</b>	<b>3</b>	<b>28</b>	<b>69</b>

Figure 17 provides a digest of the legacy cases that reached and were disposed of by a discipline board.

Figure 17: Digest of Legacy Cases (November 28, 2014, to December 31, 2015)

	Date & Citation	Div	Hearing Type	Rank	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y/N)
1.	2014-12-19 15ad(4th)-413	H	ERP	Constable	Section 39	Driving while under the influence of alcohol	Allegation established, reprimand and the forfeiture of 10 days' pay	Off duty	No
2.	2014-12-19 15ad(4th)-406	NHQ	ERP	Sergeant	Section 39	Presenting himself in an unclothed state in the work place	Established, reprimand and forfeiture of 7 days' pay	On duty	No
3.	2014-12-17 15ad(4th)-421	F	Contested	CM	1) Section 39	Unauthorized/inappropriate use of government property - IT equipment, x2	Allegation 1, established, reprimand and recommendation for special training. Allegation 2, withdrawn by CO	On Duty	No
					2) Section 39				
4.	2014-12-11 15ad(4th)-322	NHQ	ERP	CM	1) Section 39	Presenting himself in an unclothed state in the work place  Took picture of own buttocks	Allegations established, reprimand and the forfeiture of 5 days' pay	On duty	No
					2) Section 39				
5.	2014-12-03 15ad(4th)-308	C	ERP	Constable	1) Section 39X2	False or misleading statements	Allegations 1, 3 and 4 established, reprimand, the forfeiture of 10 days' pay and a recommendation for transfer. Allegation 2 stay of proceedings	Off duty	No
					2) Section 45X2	False or misleading statements			
6.	2015-01-16 15ad(4th)-475	K	Contested	Constable	1) Section 39	Inappropriate behaviour (sexual)	Ordered to resign from the Force within 14 days, in	On duty	No

	Date & Citation	Div	Hearing Type	Rank	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y/N)
					2) Section 39	Neglect of duty	default of which the member to be dismissed from the Force		
7.	2015-01-21 15ad(4th)-491	C	ERP	Corporal	Section 39	Inappropriate, harassing and threatening comments	Reprimand, the forfeiture of 7 days' pay and a recommendation for special training	On and off duty	Yes
8.	2015-01-28 15ad(4th)-504	O	ERP	Constable	Section 39	Public intoxication–uncooperative	Reprimand and the forfeiture of 4 days' pay	Off duty	No
9.	2015-01-28 15ad(4th)-504	O	ERP	Constable	Section 39	Public intoxication–uncooperative	Reprimand and the forfeiture of 10 days' pay	Off duty	Yes
10.	2015-01-28 15ad(4th)-444	E	Contested	Sergeant	1) Section 39	Inappropriate sexual conversation in the workplace	Reprimand, the forfeiture of 10 days' pay and a recommendation for counselling and transfer	On duty	No
					2) Section 39	Unwanted advances			
					3) Section 39	Inappropriate sexual conversation in the workplace	Not established		
					4) Section 47	Neglect of duty	Not established		
11.	2015-02-04 15ad(4th)-433	E	ERP	Constable	Section 39	Transport and consensual sexual contact in police vehicle	Reprimand and the forfeiture of 5 days' pay	On duty	No
12.	2015-02-19 15ad(4th)-547	H	Contested	Constable	1) Section 39	Impaired driving	Ordered to resign from the Force within 14 days, in default of which the member to be dismissed from the Force	Off duty	Yes
					2) Section 39	Impaired driving			



	Date & Citation	Div	Hearing Type	Rank	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y/N)
13.	2015-03-12 15ad(4th)-525	K	ERP	Constable	Section 39	Assault with a weapon and careless use of a firearm	Reprimand and the forfeiture of 10 days' pay	On duty	Yes
14.	2015-03-12 15ad(4th)-532	D	ERP	Constable	1) Section 47	Neglect of duty	Reprimand and the forfeiture of 3 days' pay	On duty	No
					2) Section 45	Misleading statements or report to a member who is superior in rank	Reprimand and the forfeiture of 5 days' pay		
					3) to 10) Section 45	Inaccurate and/or misleading entries on files	Reprimand and the forfeiture of 3 days' pay for each of the 8 allegations		
					11) Section 45	Misleading statements or report to a member who is superior in rank	Reprimand and the forfeiture of 5 days' pay		
15.	2015-03-13 15ad(4th)-516	F	ERP	Constable	1) Section 39	Inappropriate or offensive behaviour	Reprimand and the forfeiture of 3 days' pay	On duty	No
					2) Section 39	Inappropriate or offensive behaviour	Reprimand and the forfeiture of 2 days' pay		
16.	2015-04-09 16ad(4th)-1	E	ERP	Corporal	Section 39	Assault	Reprimand and the forfeiture of 2 days' pay	On duty	Yes
17.	2015-04-30 16ad(4th)-9	D	ERP	Constable	Section 39	Impaired driving	Reprimand and the forfeiture of 8 days' pay	Off duty	Yes

	Date & Citation	Div	Hearing Type	Rank	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y/N)
18.	2015-05-14 16ad(4th)-82	K	Contested	Constable	Section 47	Neglect of duty	Reprimand and the forfeiture of 4 days' pay	On duty	No
19.	2015-05-22 16ad(4th)-18	K	Contested	Constable	1) Section 39	Domestic assault	Not established	Off duty	Yes
					2) Section 39	Domestic assault	Not established	On duty	Yes
					3) Section 39	Uttering threats	Not established	Off duty	Yes
					4) Section 39	Neglect of duty	Reprimand, the forfeiture of 10 days' pay and a recommendation for professional counselling.	On duty	No
20.	2015-06-04 16ad(4th)-42	K	ERP	Constable	Section 39	Sexual relations while on duty	Reprimand and the forfeiture of 4 days' pay	On duty	No
21.	2015-06-04 16ad(4th)-49	F	ERP	Constable	Section 39	Impaired driving	Reprimand and the forfeiture of 9 days' pay	Off duty	Yes
22.	2015-06-04 16ad(4th)-57	F	ERP	Constable	1) Section 39	Unauthorized use of RCMP information technology	Reprimand and the forfeiture of 6 days' pay	On and off duty	No
					2) Section 39				

	Date & Citation	Div	Hearing Type	Rank	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y/N)
23.	2015-06-10 16ad(4th)-31	O	ERP	Staff Sergeant	1) Section 39	Inappropriate and offensive comments or statements	Reprimand, the forfeiture of 8 days' pay and a recommendation for transfer as well as workplace harassment training	On duty	No
					2) Section 39	Inappropriate and offensive comments or statements	Reprimand, the forfeiture of 8 days' pay and a recommendation for transfer as well as workplace harassment training		
24.	2015-06-14 16ad(4th)-101	E	Contested	Constable	Section 39	Fraud	Not established	Off duty	No
25.	2015-06-25 16ad(4th)-65	D	ERP	Constable	Section 39	Assault causing bodily harm	Reprimand, the forfeiture of 6 days' pay and a recommendation for anger management counselling	On duty	Yes
26.	2015-06-26 16ad(4th)-120	E	Contested	Constable	Section 39	Theft	Reprimand and the forfeiture of 10 days' pay	Off duty	No
27.	2015-07-29 16ad(4th)-73	E	ERP	Constable	Section 39	Driving without due care and attention	Reprimand	On duty	Yes
28.	2015-08-27 16ad(4th)-150	K	Contested	Constable	Section 39	Unnecessary and excessive use of force and false arrest	Reprimand and the forfeiture of 5 days' pay	Off duty	No

	Date & Citation	Div	Hearing Type	Rank	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y/N)
29.	2015-09-10 16ad(4th)-142	C	ERP	Constable	Section 39	Interference in the administration of justice	Reprimand and the forfeiture of 5 days' pay	Off duty	Yes
30.	2015-09-15 16ad(4th)-132	E	ERP	Constable	Section 39	Domestic assault	Reprimand and the forfeiture of 3 days' pay	Off duty	No
31.	2015-09-28 16ad(4th)-178	K	ERP	Constable	Section 39	Inappropriate or offensive behaviour	Reprimand and the forfeiture of 3 days' pay	On duty	No
32.	2015-10-07 16ad(4th)-187	K	Contested	Sergeant	Section 39	Alteration of licence plate	Reprimand and the forfeiture of 10 days' pay	Off duty	Yes
33.	2015-10-15 16ad(4th)-416	D	ERP	Constable	Section 39	Failure to follow proper procedure	Reprimand, the forfeiture of 4 days' pay and a recommendation for special training	Off duty	No
					Section 40	Disobey an order			
34.	2015-10-15 16ad(4th)-407	D	ERP	Constable	Section 39	Assault causing bodily harm	Reprimand and the forfeiture of 8 days' pay	On duty	Yes
					Section 39	Inappropriate or offensive behaviour			
35.	2015-10-16 16ad(4th)-169	O	ERP	Inspector	Section 39	Inappropriate, offensive comments or statements	Reprimand and the forfeiture of 5 days' pay	On duty	No
36.	2015-10-16 16ad(4th)-200	V	ERP	Constable	Section 39	Transportation of dangerous goods	Reprimand and the forfeiture of 3 days' pay	Off duty	Yes
37.	2015-12-01 16ad(4th)-400	D	ERP	Constable	Section 39	False declaration to a Canadian Border Services Agency officer	Reprimand and the forfeiture of 2 days' pay	Off duty	Yes

	<b>Date &amp; Citation</b>	<b>Div</b>	<b>Hearing Type</b>	<b>Rank</b>	<b>Code of Conduct Allegation(s)</b>	<b>Description</b>	<b>Disposition</b>	<b>Duty Status</b>	<b>Statutory Finding (Y/N)</b>
<b>38.</b>	2015-12-11 16ad(4th)- 209	F	ERP	Corporal	Section 39	Impaired driving	Reprimand and the forfeiture of 9 days' pay	Off duty	Yes

Further information on legacy discipline can be found in the previous Annual Reports on the Management of the RCMP Disciplinary Process.

## Chapter 3: Investigation and Resolution of Harassment

### 3.1. Office for the Coordination of Harassment Complaints

#### Overview

The *RCMP Act* (2014) provided the Commissioner with the authority to create an RCMP-specific structure for responding to harassment complaints. Prior to November 28, 2014, the RCMP had to simultaneously apply both Treasury Board policies and the RCMP discipline process in harassment matters, resulting in inconsistency, redundancy, frustration, and uncertainty.

The new process for the investigation and resolution of harassment complaints was developed through extensive consultations and in response to issues identified by various internal and external reports (e.g., *Conduct Becoming: Why the Royal Canadian Mounted Police Must Transform its Culture — Final Report of the Standing Senate Committee on National Security and Defence* (June 2013) and the *Public Interest Investigation Report into Issues of Workplace Harassment within the Royal Canadian Mounted Police* (February 2013)). The RCMP's goal is to provide a complaint and resolution system that will encourage all personnel to be confident that their complaints of harassment will be addressed, with an emphasis on early and informal resolution where appropriate and available.

The following are key changes that have been realized in dealing with harassment since November 28, 2014:

- The establishment of a centralized intake structure. The Office for the Coordination of Harassment Complaints (OCHC) provides administrative support for the investigation and resolution of harassment complaints and operates as the harassment policy centre at National Headquarters, Ottawa. The OCHC was created to provide employees with a means of obtaining information on the harassment process and assistance from a Harassment Reviewer in developing a complaint, who is removed from the divisional chain of command.
- Complainants and respondents have the option of seeking to resolve complaints through informal resolution at any time throughout the process, up to the time the decision maker renders a decision.
- Timelines for the treatment of harassment complaints, including for efforts at early resolution, set expectations that a complaint will be investigated within 90 days.
- Complainants and respondents are provided with copies of their statements taken during an investigation.
- Complainants and respondents are kept apprised of the progression of an investigation through updates every 30 days.

- Complainants and respondents may object to investigators and/or the decision maker where there is a reasonable apprehension of bias.
- All harassment investigators must complete specialized training in order to conduct investigations.
- Decision makers are limited to divisional commanding officers, to ensure harassment complaints are considered at the highest level of management in a division, and to ensure consistency in the application of the harassment investigation and resolution process and in decision-making.
- Members who conduct themselves in a disrespectful or harassing manner are now subject to being found to have contravened 2.1 of the Code of Conduct, which requires that “members treat every person with respect and courtesy and do not engage in discrimination or harassment”.
- Complainants and respondents are provided with a copy of a preliminary investigative report and an opportunity to respond prior to the final report being provided to the decision maker.
- Complainants are advised whether conduct measures have been imposed on a member.
- Member complainants and respondents can appeal if they are dissatisfied with the outcome of the investigation and resolution process.
- Member complainants and respondents have a right to have their appeal reviewed by the ERC prior to the Commissioner rendering a decision on appeal<sup>26</sup>.
- A national database and case management tool have been put in place that facilitates timely reports and tracking of harassment complaints.

### **OCHC Structure and Function**

The OCHC, under the umbrella of the Conduct and Employment Relations Directorate, is the centralized intake point for all harassment complaints within the RCMP. The OCHC functions as the policy centre for the investigation and resolution of harassment complaints, and as such, plays a key role in providing advice and guidance to employees who are responsible for the administration of the process within their division.

### **Alignment of the Harassment and Conduct Processes**

If an allegation of harassment is established in relation to a member, it is a contravention of 2.1 of the RCMP Code of Conduct. As such, the decision maker has the authority to impose the full range of conduct measures available and appropriate to the contravention, or to refer the matter to a conduct board in cases in which dismissal is sought.

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<sup>26</sup> Public Service Employee complainants have access to a grievance process under their collective agreements.

### 3.2. Harassment Statistics by Division

There were 152 harassment complaints made by 103 individual employees during the reporting period of November 28, 2014, to December 31, 2015. The following chart depicts the number of complaints by division as compared to the total employee population.

Figure 18: Statistics by Division and Expected Complaints based on Division Population under the New Process (November 28, 2014, to December 31, 2015)

Division	Complaints	Number of Employees	Percentage of Total Employees	Percentage of Total Complaints
B	8	738	3%	5%
C	5	1428	5%	3%
D	4	1545	5%	3%
E	37	8385	29%	24%
F / T	11	2430	8%	7%
G	1	276	1%	1%
H	13	1416	5%	9%
J	11	1419	5%	7%
K	20	3974	14%	13%
L	1	179	1%	1%
M	1	187	1%	1%
National	3	734	3%	2%
HQ	26	4231	15%	17%
O	11	1594	6%	7%
V	0	164	1%	0%
Total	152	28700	100%	100%
	= % of total complaints higher than expected given % of RCMP population			
	= % of total complaints lower than expected given % of RCMP population			
	= % of total complaints equal to what was expected given % of RCMP population			

By the end of 2015, of the 152 complaints received between November 28, 2014, and December 31, 2015, 43 had either been concluded or had a decision rendered.



### 3.3. Breakdown of Harassment Complaints

The RCMP categorizes harassment types into four categories:

- Abuse of Authority
- Discrimination
- Interpersonal Department
- Sexual Harassment

Figure 19: Harassment Complaints by Type

Year	Abuse of Authority	Discrimination	Interpersonal Department	Sexual Harassment	Total
2011	54	5	69	2	130
2012	123	4	87	5	219
2013	115	2	67	5	189
2014	71	9	30	6	116
2015	99	24	26	3	152

The following charts represent the numbers of complaints that can be attributed to each of the three categories of employee within the RCMP.

Figure 20: Harassment Complaints by Regular Members

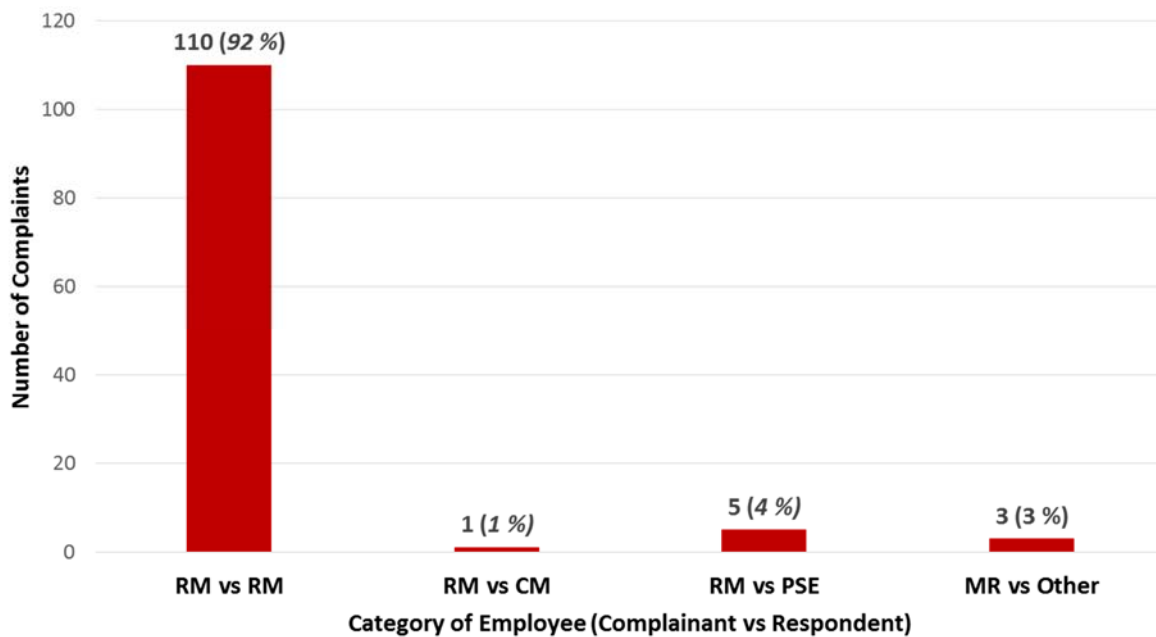


Figure 21: Harassment Complaints by Civilian Members

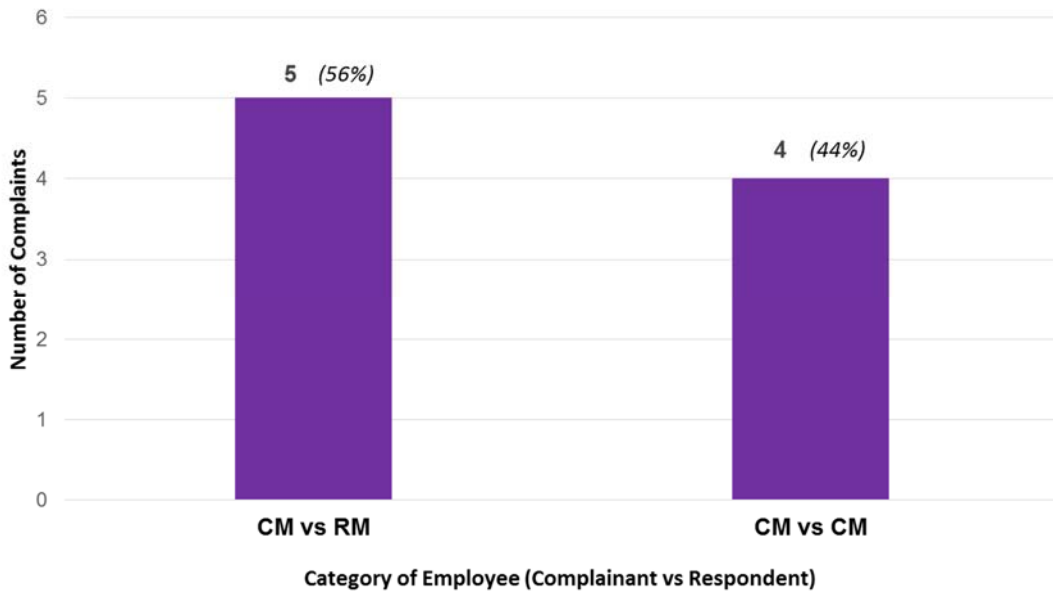


Figure 22: Harassment Complaints by Public Servant Employees

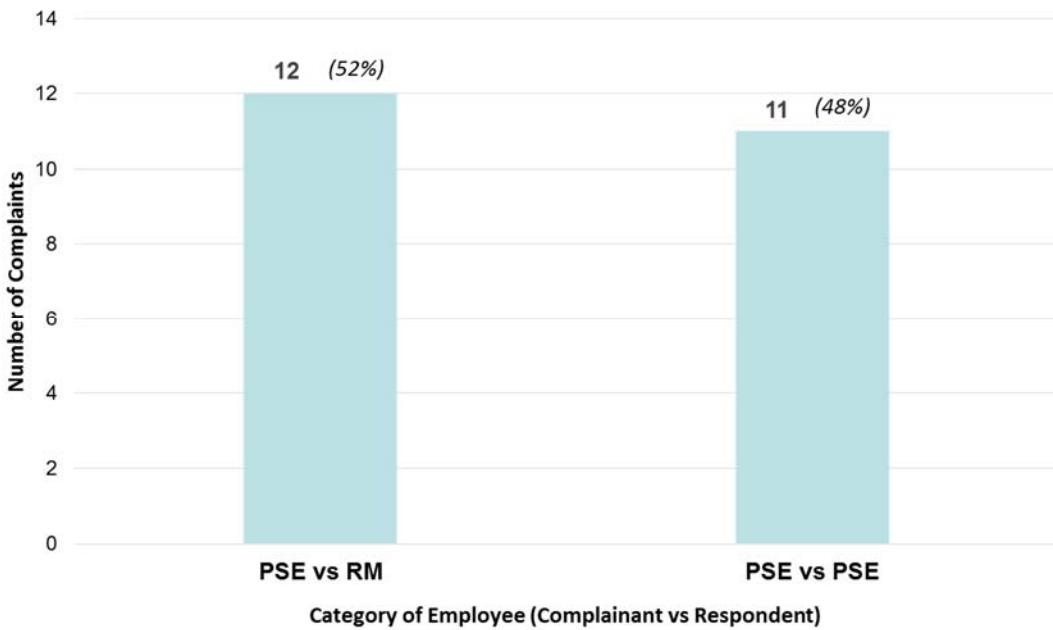
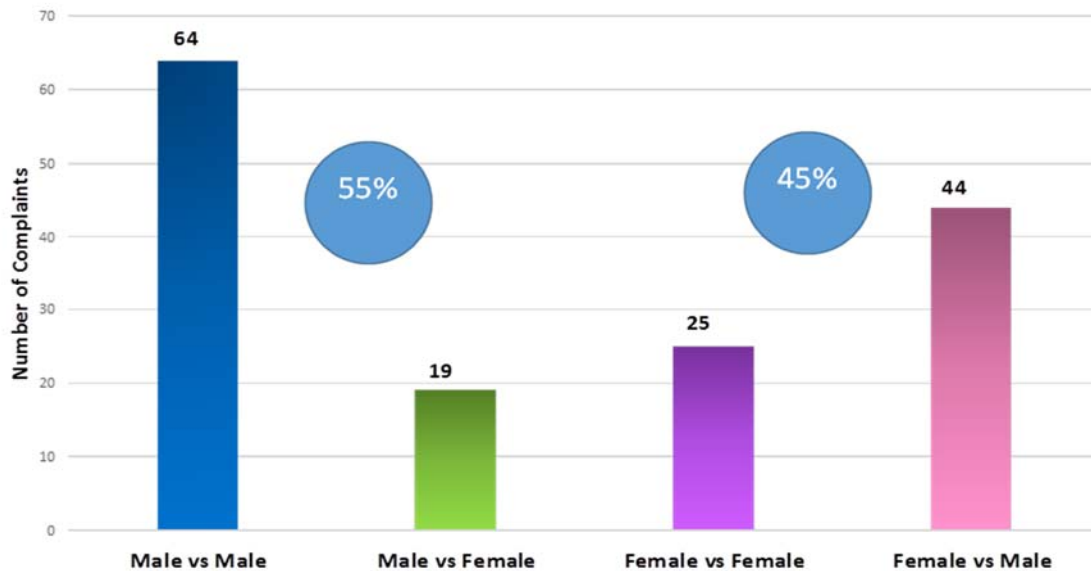


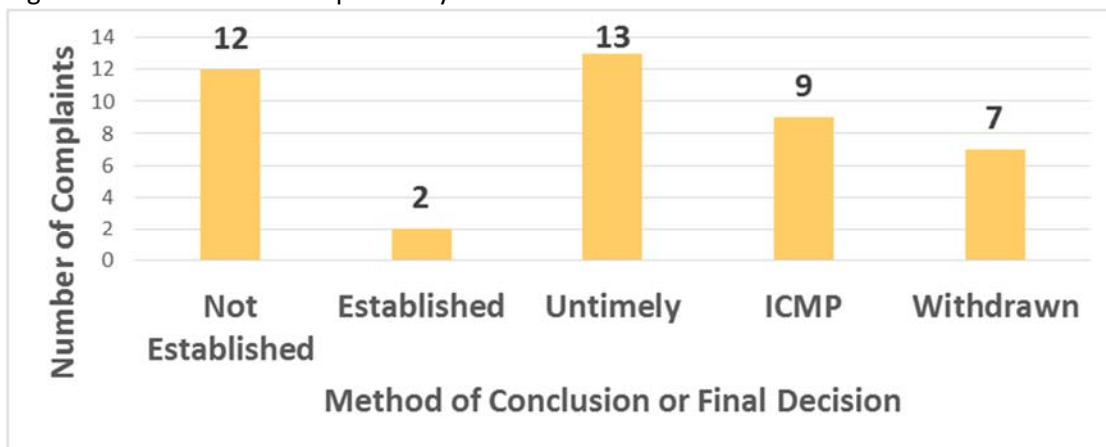
Figure 23: Harassment Complaints by Gender



According to the 2014-2015 employment equity statistics for the RCMP, 39.4 percent of its employees are women. Statistics on harassment complaints indicate that 45 percent of all such complaints are made by women.

Figure 24 shows the disposition of complaints under the harassment process, which also provides complainants and respondents with the opportunity to resolve harassment and related issues through the RCMP Informal Conflict Management Program (ICMP). Parties may resolve harassment complaints through the ICMP at any stage in the harassment process before the decision maker renders a decision on the matter.

Figure 24: Harassment Complaints by Outcome



By the close of 2015, 26 employees had completed the Harassment Investigator’s Course, and 29 had completed the Harassment Investigator’s Refresher Workshop. Several other workshops are scheduled for 2016.

### Chapter 4: Statistics Concerning Appeals

Members can appeal final written decisions rendered in the conduct, employment requirements and harassment processes. In 2015, the OCGA received a total of 62 appeals. Conduct appeals accounted for 76 percent of the total number of appeals, followed by harassment appeals (18 percent) and one employment requirement appeal (1 percent). Five percent of appeals were categorized as “Other”. These appeals were either presented prematurely (i.e., no final decision was rendered to date) or the appeal was filed under the wrong process.

Figure 25: Grievances and Appeals (November 28, 2014, to December 31, 2015)

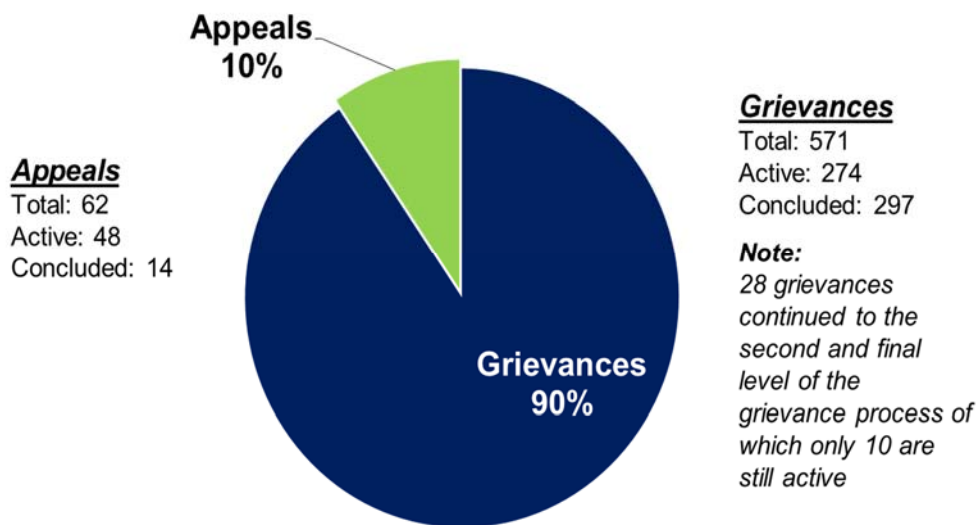
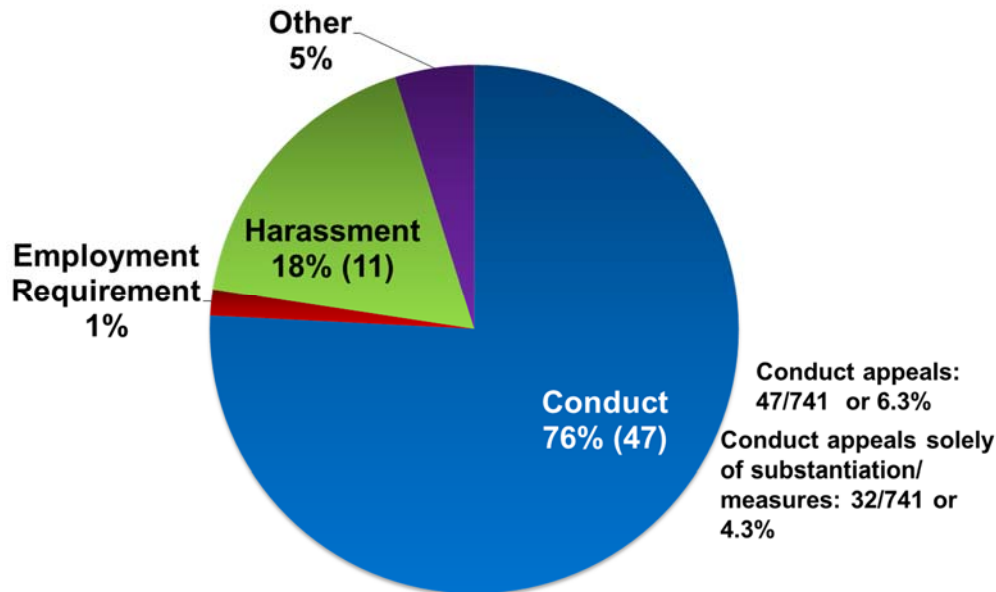


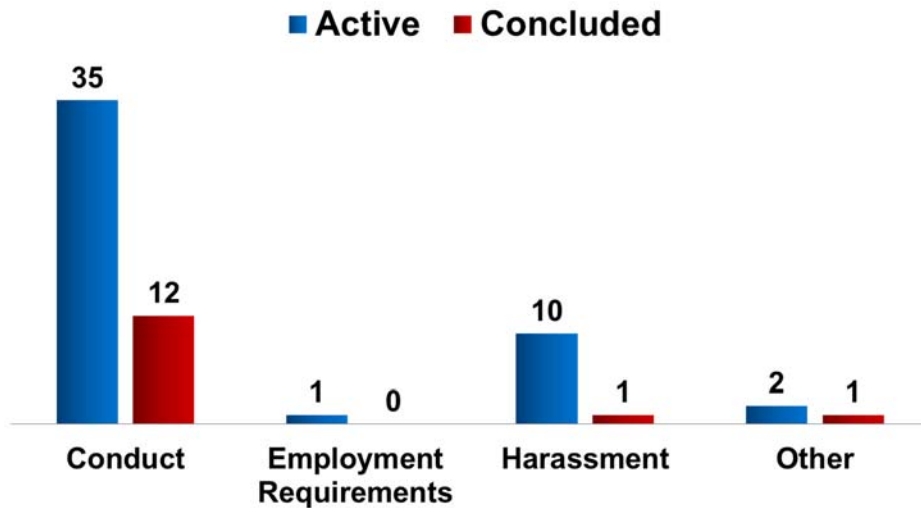
Figure 26: Types of Appeals by Percentage (November 28, 2014, to December 31, 2015)



Comparing the number of conduct appeals (47) with the number of cases filed under the conduct process (741) shows that only 6.3 percent of conduct cases have been appealed. This proportion decreases to 4.3 percent if appeals related to interim administrative measures (temporary reassignment, suspension and stoppage of pay and allowances pending completion of the conduct file) are excluded and only final decisions of the conduct authority relating to whether the allegations are established and the imposition of measures are counted.

This seems to suggest that an overwhelming majority of members participating in the conduct process are satisfied with how the process is managed and completed. A similar conclusion can be drawn from the data in respect of the employment requirements and harassment processes.

Figure 27: Types of Appeals by File Status (November 28, 2014, to December 31, 2015)



The OCGA processed 47 conduct appeals. Twelve of these 47 appeals were concluded by way of an adjudicative decision or the member withdrew the appeal. Adjudicators decided nine conduct appeals and allowed or partially allowed four of them. In three cases, adjudicators found that the conduct authority did not apply the principles of procedural fairness due to their failure to: provide sufficient justification for their decision; act with impartiality; impose conduct measures within the one-year limitation period; or, meet with the member prior to rendering their final written decision. In one case, the appeal was partially allowed due to the fact that the conduct authority imposed a conduct measure for a single allegation twice.

Therefore, there were four successful (or partially successful) conduct appeals as of December 31, 2015, further indicating that an overwhelming majority of conduct files are dealt with in accordance with the rules of natural justice and the organization’s duty of procedural fairness.

No adjudicative decisions were made in appeals relating to employment requirements and harassment files during the November 28, 2014, to December 31, 2015, period. These employment requirements and harassment related appeals remained active throughout 2015, except for one withdrawn harassment appeal.

On average, it took 181 days to complete the appeals process from the date of presentation of the conduct appeal to the date the adjudicator rendered a decision. By having a single level of adjudication and referring only serious cases to the ERC (e.g., stoppage of pay and allowances, harassment, financial penalty exceeding one day of a member’s pay), the new appeals process results in shorter processing time periods.

Figure 28: Number of Active and Concluded Appeals by Division as of December 31, 2015

<b>Division</b>	<b>Total</b>	<b>Active</b>	<b>Concluded</b>
B	4	4	0
C	6	6	0
D	4	3	1
DEPOT	1	0	1
E	17	15	2
F	3	2	1
G	0	0	0
H	2	1	1
J	3	0	3
K	14	12	2
L	0	0	0
M	0	0	0
NATIONAL	2	1	1
NHQ	4	2	2
O	2	2	0
V	0	0	0
<b>TOTAL</b>	<b>62</b>	<b>48</b>	<b>14</b>

## Chapter 5: Conclusion – Way Forward

The RCMP worked diligently to advance the reforms outlined in the *Accountability Act*, and the resulting *RCMP Act (2014)*, supporting *Regulations* and *CSOs*, policies and guide books.

In its first year, the modernization of the *RCMP Act (2014)* has resulted in the expected efficiency and flexibility when addressing conduct issues. As well, changes to the harassment process better facilitate resolution of harassment complaints. However, there have been some challenges and interesting developments and it will take several years to have a clear understanding of the impact of the changes.

In addition, the introduction of the new conduct management process and other administrative processes has not eliminated the ongoing need to manage and eliminate the legacy discipline cases. The required capacity and the success of the conduct management process will be more easily measured and assessed following disposition of the outstanding legacy discipline files.

Objectives for 2016 include:

- closely monitoring the new conduct, harassment and appeals processes to ensure they are achieving their objectives;
- engaging in quality assurance and compliance reviews of files within the respective processes;
- reducing the inventory of legacy cases; and
- continuing the emphasis on education.

Education and awareness are critical to the continued success of the new administrative processes.

As a result of the coming-into-force of the *RCMP Act (2014)*, a decision was made to create a conduct authority online course to support the decision-making role of the conduct authorities within the conduct process. The new course designed for conduct authorities will be rolled out in December 2016. The course will enable participants to make decisions associated with administering and managing the conduct process in accordance with legislation and the principles of procedural fairness in a consistent, unbiased and transparent manner.

In addition, a new Harassment Investigators' course is also under development. It will provide participants with information on the policy and process for dealing with complaints of harassment, as well as hands-on experience in the investigative process through the use of scenario based training exercises. The first pilot Harassment Investigators' course will be delivered in November 2016.

Training for conduct investigators continues through the Workplace Responsibility Investigators' Course. Investigators are trained to ensure a fair, thorough conduct investigation.



In addition, a project is underway to increase education concerning conduct at the Cadet level during training at Depot.

In 2016, the RCMP will launch its NEIS, an early awareness tool capable of proactively identifying members who may benefit from interventions at an early stage to address issues which may be impacting their work performance or wellness. Through NEIS, the RCMP will provide guidance, support or additional training using a non-disciplinary approach to manage and promote good conduct in a proactive way.

Overall, the implementation of the new conduct process and amendments to the harassment and other administrative processes marked a large step forward toward enhancing RCMP accountability and ensuring fair and balanced administrative processes. Next year's report will provide the opportunity to compare a variety of statistics from the second full calendar year under the new processes. This data will assist in identifying possible trends. Moving forward, process outcomes will be closely monitored and reported on to maintain employee and public trust in the RCMP.

## Appendix I – 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.

## **Appendix II – Code of Conduct (2014)**

### **Royal Canadian Mounted Police Regulations, 2014 (SOR/2014-281)**

SCHEDULE (Section 18 and subsection 23(1))

#### **Code of Conduct of the Royal Canadian Mounted Police**

##### **Statement of Objectives**

Maintaining the confidence of Canadians in the Royal Canadian Mounted Police is essential.

Members of the Royal Canadian Mounted Police are responsible for the promotion and maintenance of good conduct in the Force.

This Code of Conduct sets out responsibilities, consistent with section 37 of the Royal Canadian Mounted Police Act, that reinforce the high standard of conduct expected of members of the Force.

##### **1 APPLICATION**

1.1 This Code applies to every member of the Force and establishes responsibilities and the standard of conduct for members, on and off duty, in and outside Canada.

##### **2 RESPECT AND COURTESY**

2.1 Members treat every person with respect and courtesy and do not engage in discrimination or harassment.

##### **3 RESPECT FOR THE LAW AND THE ADMINISTRATION OF JUSTICE**

3.1 Members respect the law and the rights of all individuals.

3.2 Members act with integrity, fairness and impartiality, and do not compromise or abuse their authority, power or position.

3.3 Members give and carry out lawful orders and direction.

##### **4 DUTIES AND RESPONSIBILITIES**

4.1 Members report for and remain on duty unless otherwise authorized.

4.2 Members are diligent in the performance of their duties and the carrying out of their responsibilities, including taking appropriate action to aid any person who is exposed to potential, imminent or actual danger.

4.3 Members on duty are fit to perform their duties and carry out their responsibilities and are not impaired by drugs, alcohol or other substances.

4.4 Members properly account for, and do not alter, conceal or destroy, without lawful excuse, any property, money or documents coming into their possession in the performance of their duties.

4.5 Members are properly dressed and equipped and maintain their personal appearance in accordance with applicable Force policies.

4.6 Members use government-issued equipment and property only for authorized purposes and activities.

## 5 USE OF FORCE

5.1 Members use only as much force as is reasonably necessary in the circumstances.

## 6 CONFLICT OF INTEREST

6.1 Members avoid actual, apparent or potential conflicts between their professional responsibilities and private interests.

## 7 DISCREDITABLE CONDUCT

7.1 Members behave in a manner that is not likely to discredit the Force.

## 8 REPORTING

8.1 Members provide complete, accurate and timely accounts pertaining to the carrying out of their responsibilities, the performance of their duties, the conduct of investigations, the actions of other employees and the operation and administration of the Force.

8.2 Members who are under investigation, arrested, charged, or convicted for a breach of any Canadian or foreign law report this fact to a supervisor as soon as feasible.

8.3 Members, unless exempted by the Commissioner, take appropriate action if the conduct of another member contravenes this Code and report the contravention as soon as feasible.

## 9 CONFIDENTIALITY AND PUBLIC STATEMENT

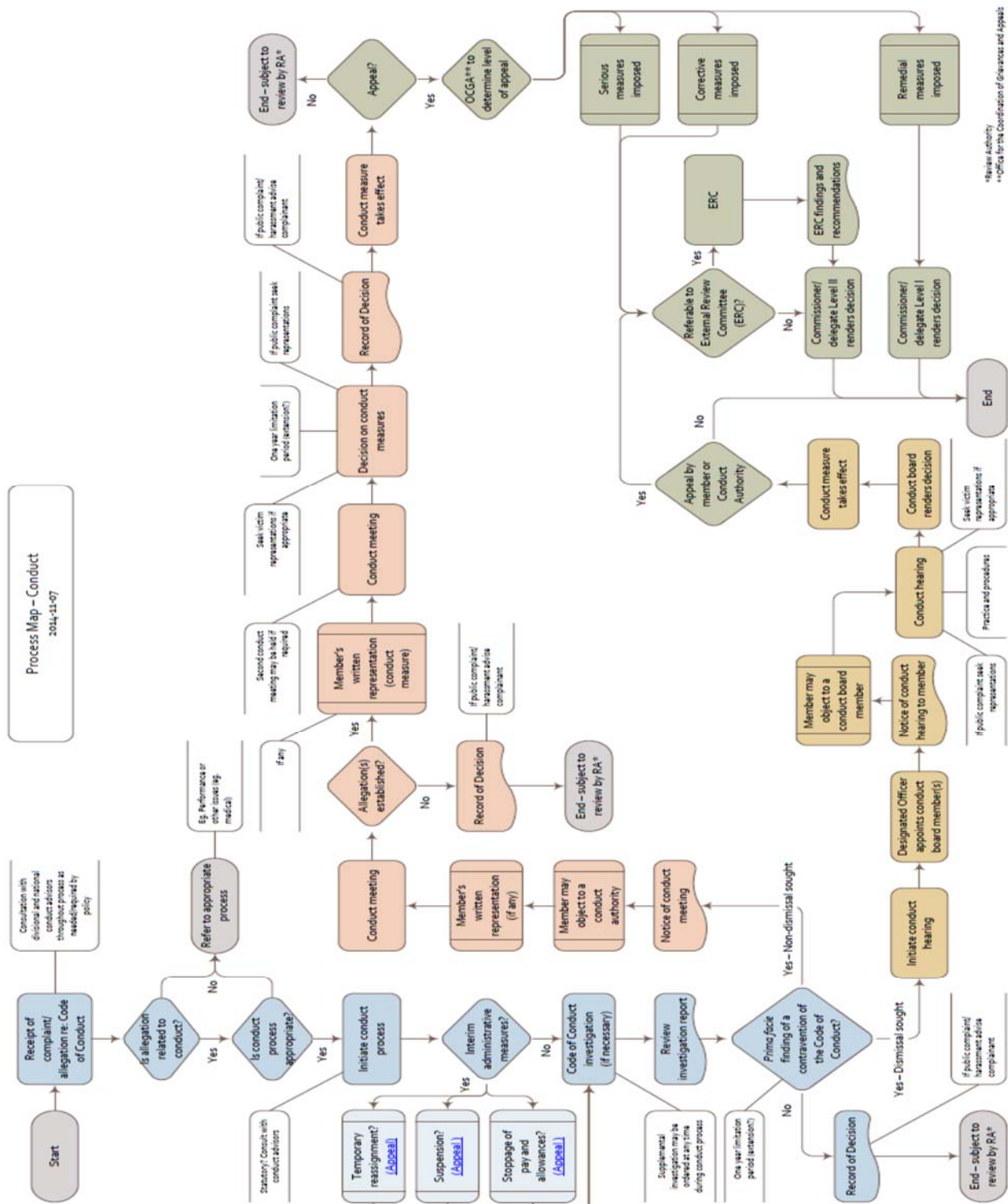
9.1 Members access, use and disclose information obtained in their capacity as members only in the proper course of their duties and abide by all oaths by which they are bound as members.

9.2 Members abide by their duty of loyalty and refrain from making public statements criticizing the Government of Canada or the operations or administration of the Force, except where authorized by law.

## 10 POLITICAL ACTIVITY

10.1 Members engaging in political activities abide by any applicable rules and government and Force policies.

# Appendix III – Code of Conduct (2014) Process Map



## QUICK FACTS

- The RCMP has approximately 28,799 employees, including 18,539 regular members, 3,894 civilian members and 6,366 Public Service Employees.
- The total RCMP population is 61 percent men and 39 percent women, 11 percent who self-identify as a visible minority, and 7 percent who self-identify as Aboriginal.
- On the whole, RCMP members are performing their duties in a professional manner. Code of Conduct allegations were established against 290 members between November 28, 2014 and December 31, 2015, representing approximately 1.3 percent of the total membership.
- The RCMP focuses on maintaining a respectful workplace where all employees feel valued, supported and trusted. All RCMP employees are required to successfully complete Respectful Workplace training.