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“Part IV of the RCMP Act and the related Code of Conduct set out discipline standards for every RCMP member. As set out in section 37, it is incumbent upon every member to respect the rights of all and uphold the integrity of the law, law enforcement and the administration of justice. Members must perform their duties promptly, impartially and diligently in accordance with the law and without abuse of authority. Conflicts of interest must be avoided. Improper or unlawful conduct of any member must not be concealed nor permitted to continue. Members are required, by the provisions of section 37 to be incorruptible, courteous, respectful and honourable. In addition to the high standard of behaviour established by section 37 of the Act, section 38 makes provision for more specific standards of behaviour to be set out in regulations and to be known as the Code of Conduct.”

Pay Council Review of RCMP Internal Discipline System – Final Reports and Recommendations, June 2005

2010-2011

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Message from the Director General

This annual report covers the 30th anniversary of adjudicative services in the RCMP. The creation of an Adjudications Branch in 1981 was designed to centralize all adjudication services into the same unit.

Today's Adjudicative Services Branch has built upon the tradition of excellence established over the years to create a quasi-judicial tribunal that is sensitive to the legal requirements of procedural fairness and impartiality, thereby contributing to the effective and efficient management of the formal disciplinary process in the RCMP.

In 2008, by way of a Ministerial Directive, the Minister of Public Safety issued direction to the Commissioner of the RCMP regarding the Force's disciplinary process.¹ The aim was to bring additional clarity and enhanced accountability to the Force's disciplinary process. In part, the directive called for an annual report of the management of the Force's disciplinary process. To date two annual reports have been submitted to the Minister of Public Safety.²

In addition to requiring an annual report, the Ministerial Directive called for:

- the standardization of the application of, and enhancements to, the transparency of the disciplinary process set out in the *Royal Canadian Mounted Police Act*;³

- the maintenance and ongoing monitoring of comprehensive records on all disciplinary files;
- the effective coordination and efficient administration of the RCMP disciplinary system;
- nationally consistent policies and protocols to inform RCMP members of the requirements and procedures associated with the disciplinary process;
- 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.

This year's report provides a summary of the activities of the Adjudicative Services Branch. Various statistical tables are used to give the reader an overview of how the RCMP fulfils its statutory mandate under the Royal Canadian Mounted Police Act and an examination of trends and findings complete the report.⁴

The discipline system as set out in the Royal Canadian Mounted Police Act aims to correct the behaviour of those few personnel whose actions fall below the standards set out in the RCMP Code of Conduct. The RCMP is accountable for the actions of all of its members.⁵ Timely corrective action is of paramount importance as it sends a clear message to all members that any behaviour not conforming to the Code of Conduct is unacceptable. When the same message is received by the public, it serves to preserve and restore public trust.

1 Minister of Public Safety, Government of Canada, *Ministerial Directive on the RCMP Disciplinary Process* (January 24, 2008). The full text of the 2008 Ministerial Directive can be found at Appendix 'A'.

2 The two previous annual reports have provided the historical and process related parts of the management of the RCMP formal disciplinary process and act as the foundation pieces for this year's annual report. The 2008-2009 Annual Report on the Management of the RCMP Disciplinary Process and the 2009-2010 Annual Report on the Management of the RCMP Disciplinary Process are available at the following websites: <http://www.rcmp-grc.gc.ca/pubs/adj/ann-08-09/index-eng.htm> and <http://www.rcmp-grc.gc.ca/pubs/adj/ann-09-10/indexeng.htm>

3 *Royal Canadian Mounted Police Act*, R. S. C. 1985, c. R-10,].

4 See Appendix 'E'.

5 As of April 1, 2010 there were 23,047 members in the RCMP, of which there were 19,346 regular members holding peace officer status and some 3,701 civilian members. The RCMP disciplinary processes apply equally to both regular and civilian members. Within the RCMP there are 6,157 public servants who are not subject to the *RCMP Code of Conduct*.

When an allegation is made that a member has breached the RCMP Code of Conduct, several rights come into play. The public has a strong interest in an open and transparent judicial determination because of the nature of a peace officer's duties and the broad powers given by law to a peace officer. Only full and transparent accountability under the law can maintain the trust of the public in its police force. The RCMP, as an organization of excellence, is also entitled to pursue its legitimate goals and to expect that its members, as employees and public office holders, will fully embrace its core values. After all, the law has long recognized the necessity for public office holders to adopt and exemplify such important characteristics as honesty, integrity and trustworthiness, characteristics which are reflected in the RCMP's core values and serve to maintain the trust of the public.

The following initiatives, and others mentioned in this report, highlight the ongoing efforts being made to increase efficiency and accountability within the formal disciplinary process this past year:

- the increased use of the Early Resolution Process within the Case Management System Pilot Project, which has aided in resolving non-contentious cases in a timely fashion;
- the engaging of senior human resources personnel to determine the most efficient means of integrating discipline reviewers into the formal discipline process;
- the mentorship program within both the Member Representative Directorate and the Appropriate Officer Directorate, which has continued over the past year to aid in attracting interested, legally trained members to serve in either directorate; and,
- the provision of discipline-related training to different categories of RCMP employees.

I am pleased to report that the various initiatives implemented by our office over the last year to deal with formal disciplinary matters, and in particular the Case Management System Pilot Project and the Early Resolution Process, have given us the flexibility to hold more formal discipline hearings and in a more effective and efficient manner.

This report provides information that speaks to how the management and function of the formal disciplinary process is shared between the various components of the organization and how each of these mechanisms has improved the efficiency of the disciplinary process in 2010-2011.

The various components of the RCMP formal disciplinary process and how this process works in practice are outlined in Appendix 'C'.

In concert with the Reform Implementation Council's final report of December 2010, Adjudicative Service Branch continues to centralize its reporting structures and to refit its operations.⁶ The Appropriate Officer Representative Directorate and the Member Representative Directorate offices now report to national headquarters, allowing for a centralized delivery of services.

I invite you to consult the various statistical tables and summaries contained within the body of this report to become better acquainted with the work undertaken by the Adjudicative Service Branch throughout the 2010 – 2011 reporting period on the management of the RCMP's formal disciplinary processes.

6

Royal Canadian Mounted Police Reform Implementation Council : Final Report (Ottawa: RCMP Reform Implementation Council, December 2010)

It should be noted that all of the achievements of the Adjudicative Services Branch during the past year are directly attributable to the quality and commitment of the personnel of the Branch. I commend them all for their professionalism and dedicated service.⁷

Do not hesitate to contact us directly if you have any questions or comments regarding this report or our mandated activities.

Chief Superintendent Tom Trueman

Director General, Adjudicative Services Branch

Royal Canadian Mounted Police

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⁷ The summer of 2010 saw the RCMP engaged in major operational priorities (G8 and G20 summits), to which the Adjudicative Services Branch contributed actively. In addition, retirements and a secondment extension, as well as the arrival of new employees, served to contribute to the human resource challenges experienced by the Adjudicative Services Branch. This coming year Adjudicative Services Branch will be working at stabilizing its resources and building its capacity.

The RCMP Formal Disciplinary Process in Practice

In 2008-2009, a significant transformation of the disciplinary structure came about following the creation of the Adjudicative Services Branch to facilitate centralized program management. Changes to the RCMP disciplinary process began in earnest and the mandate of Adjudicative Services Branch was reaffirmed to oversee and coordinate the consistent delivery of formal disciplinary services. Informal disciplinary processes are administered through different structures than the formal disciplinary processes within the RCMP as per the *Royal Canadian Mounted Police Act*.⁸

Today, the RCMP is improving the efficiency and coordination of its disciplinary system through central program management in order to better meet its primary disciplinary objective of correcting behavior. In practice, the management and function of the disciplinary process is shared between various areas of the organization.⁹

The structural changes that have been made within Adjudicative Service Branch are meant to serve as the catalyst for stronger leadership, to provide a single point of accountability, to enhance program management and to improve efficiency of the management of the RCMP's formal discipline processes.

2.0 Adjudicative Services Branch

On April 1, 2009, a Director General was named to head the new Adjudicative Services Branch. The Director General reports directly to the newly created position of Professional Integrity Officer.¹⁰ The latest structure in Adjudicative Services Branch incorporates all RCMP adjudicative and representative functions into a single Branch and effectively replaces the former system, which comprised noncentralized components being administered at the regional/divisional levels.¹¹

The three directorates which play a role in the RCMP's formal discipline processes are:^{12, 13}

- Adjudications Directorate;
- Appropriate Officer Representative Directorate; and
- Member Representative Directorate.

The three directorates are mandated to promote the use, whenever possible, of pre-hearing conferences, agreed statements of facts and affidavits, as alternatives to calling witnesses, to help expedite disciplinary hearings.

⁸ Informal disciplinary processes and informal discipline statistics are detailed in Appendix 'H'.

⁹ The components of the RCMP formal disciplinary processes are detailed within Appendix 'C'.

¹⁰ In support of the RCMP's transformation initiatives the creation of the Office of Professional Integrity was approved by the RCMP Senior Executive Committee. Its purpose is to help guide employee behaviour, as well as support an ethical environment firmly grounded in the values of the organization. The first Professional Integrity Officer was appointed September 7, 2010. Please see Appendix 'B' for more detailed information on the Office of Professional Integrity. Figure 1 details the new reporting structure for Adjudicative Services Branch.

¹¹ The component parts of these directorates and their interplay are detailed in Appendix 'C'.

¹² The two Directorates not directly related to the disciplinary system are the Level I and Level II Grievance Adjudications Directorates.

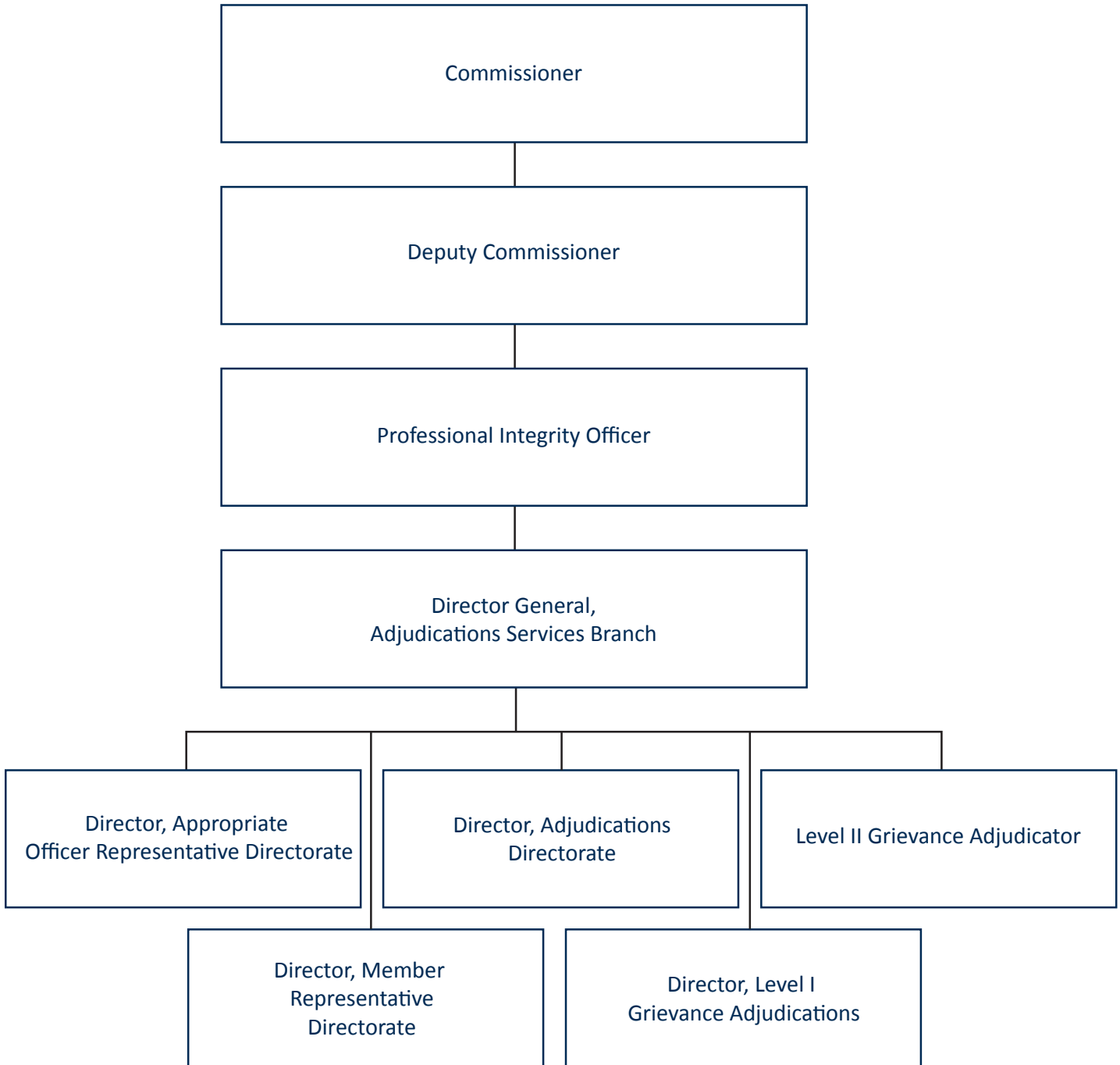
The *Royal Canadian Mounted Police Act* establishes that all proceedings before discipline hearing boards shall be dealt with as informally and expeditiously as the circumstances and considerations of fairness permit. Timeliness is a recurrent challenge for boards, as it is for many other administrative tribunals.

Hearings in contested cases have become more complex, lengthier and costlier. This has not necessarily resulted in tangible benefits to the parties, the RCMP or the public interest; therefore all stakeholders must seek and engage in new ways to resolve issues in a more efficient and expeditious manner.

The creation of the Adjudicative Services Branch was envisioned as one component in addressing the above-noted concerns and more specifically to ensure that the formal disciplinary process is timely, less adversarial, and can achieve the goal of remediation.

A number of initiatives have been undertaken to address this, and other challenges.

FIGURE 1: Adjudicative Services Branch



(i) Case Management System Pilot Project

The Case Management System pilot project concerns itself with the handling of cases and preventing a backlog in the system. Prior to April 1, 2010, the ASB began extensive consultations with stakeholders and subject-matter experts in the development of a model Case Management System Pilot Project for formal discipline. The objectives of the project included:

- increasing the accountability of participants in the formal disciplinary process by tracking and overseeing case-related procedures;
- enhancing the transparency of the disciplinary process in light of the RCMP's goal to uphold public trust;
- promoting the resolution of formal disciplinary matters as quickly as circumstances permit; and
- incorporating in this process the RCMP's overarching obligations and commitments under the *Royal Canadian Mounted Police Act* by applying the rules of natural justice and procedural fairness in the adjudicative process.

The Case Management System pilot project began in April 2010, and is headed by a Case Manager.

The role of the Case Manager is to identify opportunities for a timely resolution of discipline matters, while respecting the Member Representative's and Appropriate Officer Representative's responsibility to provide confidential advice to their clients.

The Case Management System's main features include the following:

- Parties to a hearing must file regular status reports with the Case Manager outlining pre-hearing activities. This allows the Case Manager to monitor the progress of cases, identify any departure from

the normal course of a matter and promote the resolution of issues in a timely fashion.

- In appropriate cases, the Case Manager will facilitate settlement discussions between the parties and encourage them to participate in pre-hearing conferences if this approach is conducive to greater efficiency.
- The parties are required to file a Certificate of Readiness six weeks before the start of a scheduled hearing. This will also allow the adjudication board to identify problems or issues that can be resolved before the hearing begins, further reducing delays and the need for adjournments.

More rapid scheduling and conclusion of formal disciplinary hearings has been one of the main priorities of the Branch. Since the creation of the Case Management System, there has been a greater ability to centrally monitor progress, identify opportunities to resolve barriers and emphasize to the parties the importance of proceeding in a timely fashion. In addition, the Case Management System allows for the implementation of consistent procedures to effectively manage cases within defined timelines.

The positive results of the Case Management System became apparent in the last quarter of this reporting period when, with the engagement and collaboration of all parties, more than fifty percent of this reporting period's cases were adjudicated in February and March. This trend continues in the present reporting period as seven discipline hearings were conducted in April. Already this year a significant number of discipline board hearings have been scheduled for the 2011-2012 reporting period. There has been an increase in the use of mediation through the Case Manager compared to past reporting periods.

The Case Management System provides opportunities earlier in the formal process to identify barriers, such as disclosure and time limit issues. Aligned with the Case Management System, pre-hearing conferences have proven their utility in focusing issues and improving efficiency in the overall system. This ongoing case review ensures that options for resolution other than formal discipline hearings are considered.

The Case Manager has made use of certificates of readiness to proceed to board hearings, which has assisted in resolving some issues and identifying others prior to the hearing date. This allows for the hearings to proceed as scheduled without last-minute delays.

By having one central point of management for the board hearings, the Case Manager has been able to identify opportunities where a number of discipline hearings can be held in the same region at the same time, thereby advancing several hearings to conclusion at once and reducing travel costs. This system has also given the Case Manager an awareness of trends developing across the country in members' behavior.

The Case Management System permits the implementation of consistent procedures to effectively manage board hearings within defined timelines.

(ii) Early Resolution Process

As noted earlier, timeliness of hearings is a recurrent challenge for RCMP discipline boards. The recent fiscal year has seen a continuation of existing challenges previously identified, as well as an evolving trend of multi-week contested hearings involving numerous preliminary and interlocutory motions. This trend further exacerbates the issue of timeliness of the disciplinary system, thereby challenging the

RCMP's goal of effective and efficient management of the formal disciplinary processes.

The Early Resolution Process allows for more timely resolution of formal disciplinary hearings where allegations are of a nature that would not reasonably result in an adjudication board considering dismissal from the Force as a sanction. The underlying philosophy of the Early Resolution Process continues to be flexibility and the expeditious resolution of appropriate cases with a modern, problem solving approach rather than through adversarial means.

Early Resolution Process hearings are now entrenched in our disciplinary process and offer an effective and efficient alternative to members, representatives and board members in appropriate cases. In practice, Early Resolution Process hearings proceed with the filing of an agreed statement of facts constituting the evidence supporting the alleged contravention. There is often no need to call witnesses and the hearing can be held more quickly than one requiring an on-site visit. Most Early Resolution Process discipline hearings are conducted via video conference, thus avoiding delays and minimizing travel costs for involved parties, resulting in savings in both time and money. More importantly, it allows the Divisions and the concerned members to re-establish balance in the work place quickly and, ultimately, accountability to be demonstrated in an expeditious manner.

Since 2005 the Early Resolution Process has become a mainstay of the adjudicative process. In 2010-2011, 41 of 46 formal disciplinary hearings proceeded by way of the Early Resolution Process, in 2009-2010, 32 of 43 and, in 2008-2009, 37 of 56. These findings indicate a consistent use of the Early Resolution Process over the past three years to deal with formal discipline matters in a timely fashion, as was recommended by the [Task Force on Governance and](#)

Cultural Change in the RCMP.¹⁴ Early indications are that the Early Resolution Process will continue to be used as a means by which to deal with appropriate formal discipline hearings.

The benefits resulting from the quick resolution of formal discipline matters, brought about by the Case Management System and the Early Resolution Process, cannot be understated. As noted in the 2005-06 annual report:

*“... any time a discipline issue is resolved early to the satisfaction of both management and the member, while respecting the public interest, it re-establishes balance in the workplace and closure in the member’s life. We have nothing to gain, and much to lose, by letting such situations fester through long delays. Concerted efforts to resolve disciplinary issues early should be considered as investments in re-establishing and preserving a good work environment.”*¹⁵

(iii) Maintenance and Monitoring of Records

In accordance with the Ministerial Directive and as an integral part of the centralization of the discipline process, Adjudicative Service Branch has improved the management of its formal discipline records. The collection and use of formal discipline data is being examined and regulated as part of the Case Management System. Information on all formal discipline matters continues to be gathered by the Case Manager and is analyzed to ascertain how processes can be streamlined to facilitate the collection and storing of this data. This has allowed the Case Manager to examine all formal discipline data more closely and to capture the data more precisely, allowing for the identification of best practices that will aid in developing procedures for enhanced maintenance and monitoring of formal discipline records.

¹⁴ Task Force on Governance and Cultural Change in the RCMP can be found at: <http://www.publicsafety.gc.ca/rcmp-grc/report-rapport-eng.aspx>

¹⁵ [RCMP] Adjudications Directorate Annual Report for Fiscal Year 2005-06, page 1.

(iv) Training

As part of the curriculum for the Manager Development Program, presentations on the *Royal Canadian Mounted Police Act* and on formal and informal discipline were delivered to 447 managers across the organization. In addition, as part of the New Employee Orientation Program, 45 new Civilian Members also received presentations on the *Royal Canadian Mounted Police Act* and on formal and informal discipline. These presentations were delivered by Adjudicative Service Branch personnel, Professional Standards personnel and Discipline Reviewers.

(v) Policy Development

While Adjudicative Services Branch has assumed the role of central discipline authority for formal discipline, it has sought to engage and support other policy initiatives pertaining to discipline led by other sectors of the organization, such as the Professional Standards and External Review Directorate, and regional/divisional managers and reviewers.

Managers at the regional level, with the assistance of discipline reviewers, have been encouraged to undertake a more active role by consulting front-line supervisors and by examining cases prior to referral to an Appropriate Officer Representative and processing in the formal system. The goal is to allow for increased managerial involvement in the channeling of those cases best resolved informally, which might previously have unnecessarily tied up formal adjudicative resources. Consistent efforts are being made to ensure that managers at all levels of the organization are engaged in the discipline system at the front end and that they are provided with training opportunities regarding their obligations and duties under the *Royal Canadian Mounted Police Act*. This is key to ensuring that discipline is being administered at the lowest possible level and in an appropriate and timely

manner. Managers must know their obligations to act and must do so without undue delay. This ensures the integrity of the disciplinary process and procedural fairness to all members at all levels of the organization.

3.0 Branch Directorates

The Adjudicative Services Branch comprises three directorates.

(i) Adjudications Directorate

The Adjudications Directorate administers disciplinary hearings under Part IV of the *Royal Canadian Mounted Police Act*, as well as discharge and demotion board hearings for unsuitability under Part V of the Act.

The role of the Adjudications Directorate is vital in maintaining public trust and the pursuit of the mission and strategic goals of the RCMP. The overarching responsibility of the discipline adjudicators is to ensure the integrity of the process over which they preside by providing fair and equitable treatment for the subject member.

This year the Adjudications Directorate continued to concentrate its efforts in advancing discipline hearings in a resource-constrained environment. With the help of field adjudicators and former discipline adjudicators along with the continued support of the Case Management System Case Manager, positive results were achieved. Appendix 'E' provides an overview of the Directorate's activities for the 2010-2011 reporting period.

(ii) Appropriate Officer Representative Directorate

A permanent director was assigned to the directorate this year. This has provided structure and consistency to the directorate in moving towards strategies addressing its core mandate pursuant to subsection 47 (1) of the Act. To ensure active track-

ing and oversight, Appropriate Officer Representatives now use a monthly workload reporting system. These monthly reports identify bottlenecks and initiatives to remedy them.

As a goal, disciplinary hearings should be held within three months of the Appropriate Officer Representatives' receiving the file, as well as moving forward with termination proceedings at the same time as a criminal trial is underway when possible. This way there will be no need to await the outcome of the criminal trial before proceeding with formal discipline matters against the member.

Work is being carried out to enhance the role of the discipline reviewers in the formal disciplinary process. This will allow more consistent advice to commanders and allow the Appropriate Officer Representatives to focus on their function in relation to discipline tribunals. In addition, the success of the Case Management System Pilot Project will be further evaluated to determine opportunities for additional improvements.

(iii) Member Representative Directorate

Member Representatives spend a significant amount of time responding to applications for suspension without pay and representing members at discharge and demotion proceedings. Discussions are underway relating to the mandate of the directorate with a view to determining whether it should be narrowed to allow Member Representatives to spend more time on matters falling under Part IV of the *Royal Canadian Mounted Police Act*. The directorate's mentorship program is continuing. The program is designed to identify and invite legally trained RCMP members to spend a few days a month in the directorate to learn about the duties of a Member Representative. It is hoped that these members will eventually serve in the directorate.

4.0 Professional Standards and External Review Directorate

As part of its ongoing mandate, the Professional Standards and External Review Directorate is conducting a review of the member suspension policy to ensure that it remains appropriate and continues to meet the needs of the RCMP. As well, the Professional Standards and External Review Directorate is moving towards refining the RCMP policy for the reporting of serious offences directly to the RCMP's Professional Integrity Officer.

It should be noted that the suspension of an RCMP member, either with or without pay, is not a disciplinary sanction. Suspensions are linked to breaches in a member's conduct. In many cases, disciplinary proceedings follow or accompany suspensions.

(i) Review of Suspension Policy

The RCMP continued to review its suspension policy in 2010-2011. Three areas of the suspension policy are being further examined. The first deals with the Commanding Officer having the authority to suspend a member from duty. This officer is currently required to review the circumstances justifying the suspension every thirty days. Secondly, the criteria for suspension from duty with and without pay and allowances need to be clarified. The third item being examined is the need to reassign the subject member to more appropriate duties. Reassignment should be emphasized when a suspension is not ordered or is revoked, or where the nature of the alleged misconduct calls for the member to perform other duties.¹⁶

¹⁶ An overview of the RCMP suspension policy can be found at Appendix 'D'. A table detailing the number of members suspended from duty with and without pay for this reporting period also appears at Appendix 'D'.

(ii) Implementation of Reporting Policy for Serious Occurrences

On October 15, 2010, the Senior Deputy Commissioner issued a directive requiring mandatory notification of the Professional Integrity Officer whenever: (1) there is a serious injury of an individual that involves an RCMP member, or where it appears a member may have contravened a provision of the *Criminal Code* or other federal statute and the matter is of a serious or sensitive nature, (2) the incident may attract media attention, or (3) the incident may generate questions in Parliament. The directive also mandated better articulation of decisions concerning whether a *Code of Conduct* investigation is warranted.

The Professional Standards and External Review Directorate has subsequently developed a policy that provides a detailed process to ensure that the conduct of RCMP members involved in serious incidents is consistently assessed by the chain of command. The proposed policy requires that, for such incidents, a decision must be made regarding whether a Code of Conduct investigation will be ordered and, if such an investigation is not ordered, the rationale for not doing so must be documented.

(iii) External Review Unit

The External Review Unit provides advice to the Commissioner in relation to his or her adjudicative function in disciplinary appeals, discharge and demotion appeals, Level II grievances (the final level of grievance adjudication in the RCMP), and certain administrative discharges. In addition, the unit instructs the Department of Justice on the Commissioner's behalf in judicial reviews of his or her decisions in the Federal Courts.

A member may appeal the decision of a formal discipline adjudication board to the Commissioner, who is the final level of appeal in matters of formal discipline under the *Royal Canadian Mounted Police Act*. The Commissioner refers the matter to the External Review Committee.¹⁷ Once the External Review Committee conducts a review of the file, it provides its findings and recommendations to the Commissioner and the parties involved. The Commissioner's decision is final and binding, and may not be appealed. A member may, however, seek judicial review of the Commissioner's decision in the Federal Court. During the 2010-2011 reporting period, there were no judicial reviews brought in respect of the Commissioner's decisions in discipline appeals. A digest of the Commissioner's decisions for the 2010-2011 reporting period is set out in Appendix 'G'.

5.0 Future Opportunities

During 2010, work was conducted to identify changes that could occur as a consequence of a new labour relations regime for the RCMP brought about by Bill C-43, the proposed *Royal Canadian Mounted Police Labour Relations Modernization Act*.

Research, consultation and analysis conducted by the RCMP and in partnership with stakeholders internal and external to the Force demonstrated that many elements of existing discipline, grievance, administrative discharge and performance management processes would require change and modification.

As yet, the form of future labour relations initiatives is unknown. The RCMP will continue to work at developing and analyzing options, in consultation with members, other government departments, and labour relations and human resource management experts to modernize and stream-

¹⁷ Pursuant to s. 45.15 of the Act, the Commissioner must first refer the matter to the External Review Committee, unless the sanction involved only informal disciplinary actions set out in s. 41(1) of the Act, or unless the member requests that the matter not be referred to the Committee and the Commissioner agrees with that request.

line changes in the RCMP disciplinary process to enhance its overall effectiveness.

6.0 Best Practices — Initiatives of Interest

In 2010-2011 a number of divisional initiatives have shown promise and their progress will continue to be assessed.

"E" DIV Five Year Review of Code of Conduct Matters

The "E" Division Professional Standards Unit commissioned a study by the University of the Fraser Valley Institute on its Code of Conduct investigations for the past five years. The study was to provide findings and recommendations to enhance the delivery of informal and formal discipline processes within "E" Division. The report was tabled in March 2011 and provided various recommendations, which "E" Division Professional Standards personnel are examining.

Northwest Region RCMP Act Centre

The Deputy Commissioner West has approved the forming of an RCMP Act Centre, through which all formal and informal discipline matters for the Northwest Region will be processed. This will expand responsibility in relation to the management of Part IV, Part V, Suspension Without Pay and Suspension With Pay matters, including file assignment, and centralize reporting of all matters under the Act. This centre will also provide the Northwest Region RCMP Divisions (Manitoba, Nunavut, Saskatchewan, Alberta and Northwest Territories) with resources and funding to deal quickly and efficiently with formal and informal discipline matters when such matters arise. This initiative is the first of its kind in the RCMP.

Early Warning – Integrated Risk Management Program, "K" DIV

The Northwest Region Professional Standards Unit in Edmonton instituted an Early Warning: Integrated Risk Management Program. The program was developed to provide managers with a tool to identify and proactively address issues that may be impacting a member's conduct and per-

formance at work. The Professional Standards Unit monitors public complaints, motor vehicle collisions and Code of Conduct investigations. When a member is involved in three or more such matters that show a pattern of behavior in a 12-month period, the Professional Standards risk manager notifies the member's line officer. The unit commander then has a meeting with the member to identify the issue and possible causes. The member and the unit commander devise and implement a strategy to mitigate the risk to the member and the organization. The program is integrated into divisional policy in "K" Division.

7.0 Conclusion

Since the creation of the Adjudicative Services Branch, there has been a greater ability to centrally monitor progress, identify opportunities to resolve barriers and emphasize to the parties the importance of proceeding with formal discipline hearings in a timely fashion.

Perhaps the most significant accomplishment in 2010-2011 was the number of cases advanced to the discipline hearing boards by way of the Case Management System Pilot Project. This resulted in a substantial advancement of discipline matters. It is anticipated that, with the continued elimination of delays and the timely scheduling of hearings, there will be further efficiencies realized in the case management of formal discipline cases.

A trend continuing into 2010-2011 was the increase in the number of Early Resolution Process discipline hearings coming before the formal discipline boards for adjudication. Early indications show equally promising results for the 2011-2012 reporting period.

An evaluation of both the Case Management System Pilot Project and the Early Resolution Process is warranted so that both initiatives can be examined with a view to their

possible incorporation into current RCMP policy.

The goal of reducing the inventory of outstanding cases is a challenging one. It will require continued effort by all components of the adjudicative process, ongoing stewardship by the Case Manager and continued use of the Case Management System Pilot Project and the Early Resolution Process.

The increasing complexity of hearings and the sheer volume of cases have placed substantial demands on the time of the Adjudicative Services Branch adjudicators, the Appropriate Officer Representatives and Member Representatives. Therefore, the need to assess and focus the energies of the Appropriate Officer Representatives and Member Representatives on formal disciplinary matters bears further examination.

Adjournments can result in long delays and an increase in the inventory of outstanding cases. On the other hand, uncontested hearings can be dealt with quickly and efficiently on request by way of the Early Resolution Process. It is expected that the new initiatives outlined in this report will continue to have a positive effect.

A comprehensive trends analysis with respect to formal discipline matters is being considered. There are a number of facets of the disciplinary process that can be examined with the goal of improving the process and identifying trends that may highlight areas that require proactive measures to be implemented.

Canadians have rightfully high expectations of their national police service and it is the RCMP's responsibility to live up to those expectations. Public trust is critical to our organization and it is essential that we maintain the high standard of conduct that has been demonstrated throughout the RCMP's long history.

8.1 Ministerial Directive – January 2008

MINISTERIAL DIRECTIVE ON THE RCMP DISCIPLINARY PROCESS

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

Responsibilities and Accountabilities

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

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

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

DIRECTIVE MINISTÉRIELLE SUR LE PROCESSUS DISCIPLINAIRE DE LA GRC

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

Responsabilités

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

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

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

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

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

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

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

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

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



Minister of Public Safety/Ministre de la Sécurité publique

JAN 24 2008

Date

8.2 The Office of Professional Integrity

The Professional Integrity Officer (PIO) is accountable for providing national leadership in instituting and supporting the RCMP's vision for a comprehensive integrity regime that promotes and guides values-based decision-making and employee behaviour across all job categories. The PIO is accountable for providing senior direction and leadership in the design, development and integration of a comprehensive integrity regime across all RCMP Business Lines; for championing the entrenchment of values and ethics across all aspects of RCMP decision-making and employee behaviour. The PIO is the RCMP's designated Senior Officer under the *Public Servants Disclosure Protection Act*.

Public and internal trust is paramount to the organizational success of the RCMP. This requires RCMP employees to undertake and perform their duties and responsibilities with the highest level of integrity. This will engender ethically based decisions in all areas of responsibility. The resulting level of confidence will enable the RCMP and its partners to deliver a level of service that is not only expected but deserved.

Trust is the foundation of the RCMP. Without public trust, the RCMP cannot successfully fulfill its mandate. Trust requires employees to perform their responsibilities with integrity and to make ethically based decisions. The RCMP must be open and transparent in its interactions with the public.

Professional Integrity ... What does it mean?

Professional integrity is the integrated collection of virtues that brings about the goals of a profession. In the policing context, maintaining professional integrity is one of the most significant contributors to successful and effective service delivery. Because of specific rights, privileges and authorities granted to those working in the policing realm, the public, government and partners must have the confidence and trust in policing organizations that professionalism prevails

What is it?

- Ensuring the rights and privileges of the occupation are not exceeded.
- Treating others in a fair and respectful manner.
- Doing what is right even when nobody is looking.
- Decision making based on sound, values-based reasoning.

The Office of Professional Integrity

The Office of Professional Integrity (OPI) was created as a comprehensive approach to address professional integrity through a conduct continuum. It oversees conduct related programs from the proactive to reactive. Furthermore the Professional Integrity Officer (PIO) provides direction in the development of the framework of strategies, plans, policies and processes that govern the design and implementation of the RCMP's conduct regime.

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

Key programs within the Office of Professional Integrity include:

- Adjudicative Services Branch,
- Employee Management Relations (Professional Standards and External Review, National Claims and Litigation, Honours and Recognition) and
- Values and Ethics Office.

These areas are now aligned under the coordinated direction of the Professional Integrity Officer.

Strong Ethics. Strong Organization.

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

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

Our mission is to enable a solid operating foundation of **values and ethics** to maintain and strengthen the trust of our communities and employees.

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

Our priorities: In line with our goal, we have established **three key priorities** for the Office of Professional Integrity in order to advance our mission and promote an ethical workplace climate throughout the organization: Ethics in Practice; Ethics Education; and, *Public Servants Disclosure Protection Act (PSDPA)*.

8.3 The Components of the RCMP Formal Disciplinary Process

The RCMP's disciplinary process regulates the conduct of approximately 19,346 regular members and 3,701 civilian members operating from coast to coast to coast at all levels of policing. Through agreements between the federal government and other bodies, the RCMP provides national, provincial/territorial, Aboriginal and municipal police services across Canada. The RCMP has also been dispatched by the Government of Canada to provide personnel in support of the United Nations or other international entity. In practice, the management and function of the disciplinary process is shared between various components of the organization. This appendix provides information on the mandate and function of these components.

Adjudicative Services Branch

The Adjudicative Services Branch was created in March 2008. The Branch is headed by a director general and is composed of five directorates, three of which directly relate to the RCMP's disciplinary system.¹⁸ The three directorates playing a significant role in formal discipline are the Adjudications Directorate, the Appropriate Officer Representative Directorate and the Member Representative Directorate. They are reviewed in more detail later on in this appendix.

In addition to its role as the central disciplinary authority for formal discipline, the Adjudicative Services Branch seeks to engage and support other key components of the disciplinary process, such as the Professional Standards and External Review Directorate, and regional/divisional managers and discipline reviewers.

¹⁸ The two directorates that are not directly related to the disciplinary system are the Level I and Level II Grievance Adjudications Directorates.

Branch Directorates

(1) Adjudications Directorate

The Adjudications Directorate administers disciplinary hearings under Part IV of the Act as well as discharge and demotion board hearings for unsuitability under Part V of the Act. The role of the Adjudications Directorate is vital in maintaining public trust and in the pursuit of the mission and strategic goals of the RCMP. The overarching responsibility of the discipline adjudicators is to ensure the integrity of the process over which they preside by providing fair and equitable treatment for the subject-member. The Directorate also facilitates pre-hearing conferences, which are presided over by an independent adjudicator who is not a member of the adjudication board of the disciplinary hearing in question. As part of its efforts towards the fair and equitable treatment of members, the Adjudications Directorate maintains an intranet site accessible to members and other employees of the RCMP.¹⁹ Along with hearing schedules and statistical data, the site publishes boards' written decisions. This assists in maintaining transparency, accountability and confidence within the organization. Giving internal stakeholders access to decisions and other information allows, for instance, those facing disciplinary measures to consult previously decided cases. It also serves as a learning tool in dissuading conduct similar to that identified in decisions where Code of Conduct violations were established. Given the increased number of regional and divisional members

¹⁹ The total establishment of the RCMP is 29,204 employees. In addition to 23,047 regular and civilian members, there are 6,157 Public Servants. These figures are accurate as of April 1, 2010. For more information on the RCMP, please visit <http://www.rcmp-grc.gc.ca/fsfd/index-eng.htm>

involved in the administration of the disciplinary process, this database has taken on added significance. Though the site is not accessible to the public, board decisions and hearing transcripts are available to all upon request, subject to any publication ban order.

Besides conducting hearings, the Directorate serves an important administrative function in managing processes that keep the Force's formal disciplinary system functioning. For example, its registrars are responsible for scheduling hearings, booking hearing and meeting rooms, coordinating board appointments and issuing summonses. Its writer/editor administers the process of editing and posting decisions to the intranet site, writes summaries of decisions and manages the database through which the Directorate tracks formal disciplinary statistics.

(2) Appropriate Officer Representative Directorate

Appropriate Officer Representatives assist and represent Appropriate Officers who are parties to adjudication hearings under Part IV (Discipline) and Part V (Discharge and Demotion) of the Act. In carrying out their mandates, Appropriate Officer Representatives provide research, analysis and representation services to Appropriate Officers. Specific activities include:

- providing advice, policy analysis, opinions and interpretations to Appropriate Officers and senior regional and divisional management with respect to RCMP disciplinary and discharge/demotion proceedings, including appeals of such proceedings;
- representing Appropriate Officers in RCMP formal disciplinary hearings and discharge/demotion hearings;
- providing advice and opinions on the RCMP Act and Regulations, Commissioner's Standing Orders, and RCMP policies; and,

- preparing appeals from decisions of RCMP disciplinary boards and discharge and demotion boards.

An Appropriate Officer Representative must review evidence and interview witnesses that will be presented to the adjudication board in contested formal disciplinary hearings in order to advance the position of the Appropriate Officer. The Appropriate Officer Representative does not primarily seek to obtain a finding of a contravention of the *Code of Conduct*. Rather, the Appropriate Officer Representative fairly presents the Appropriate Officer's case for the board's decision. In proceedings that may be settled to the satisfaction of the Appropriate Officer, the Appropriate Officer Representative and Member Representative will consult to resolve any outstanding issues.

(3) Member Representative Directorate

The Member Representative Directorate is a unit within the Adjudicative Services Branch that, through its Member Representatives, provides representation and assistance in accordance with the Act and the *Commissioner's Standing Orders (Representation)*²⁰ to any member who:

- is subject to formal disciplinary action under Part IV of the Act;
- is subject to discharge and demotion proceedings under Part V of the Act; or
- is presenting a grievance relating to their administrative discharge for grounds specified in paragraph 19(a), (f) or (i) of the *Royal Canadian Mounted Police Regulations, 1988*.

20

1997, Commissioner's Standing Orders Representation/97-399.

In 2010-2011, Member Representatives provided representation to members who were:

- subject to suspension from duty without pay under section 12.1 of the Act and the Royal Canadian Mounted Police Stoppage of Pay and Allowances Regulations;²¹
- subject to the process for temporary loss of pay under the *Commissioner's Standing Orders (Loss of Basic Requirements)*²²;
- subject to a security clearance revocation (and representation and assistance is approved by the Director);
- subject to a *Code of Conduct* investigation under section 40 of the Act in relation to a serious allegation that could result in formal discipline (and representation and assistance is approved by the Director);
- appealing informal disciplinary action under section 42 of the Act (and representation and assistance is approved by the Director); or
- parties to a hearing before the Commission for Public Complaints Against the RCMP under section 45.45 of the Act.

Consistent with the *Representative's Code of Ethics*, Member Representatives must maintain the confidentiality of information provided by the members they assist, obtain necessary information from them and from other sources in order to fully assess their situation, provide preliminary and ongoing professional advice and, where applicable, communicate and negotiate with the Appropriate Officer Representatives to resolve issues relating to a given file. In the case of formal disciplinary hearings, the Member Representative will represent the subject-member before the adjudication board. The Member Representative will complete legal research, review evidence and interview

witnesses that will be presented to the adjudication board in order to advance the subject-member's position. In some instances, an expert must be retained to obtain relevant evidence to be presented to the adjudication board. During a proceeding, the Member Representative will discourage the subject-member from presenting frivolous or vexatious motions and objections. When the case can be settled to the satisfaction of the subject-member, the Member Representative will encourage the member to do so.

(4) Professional Standards and External Review Directorate

The Professional Standards and External Review Directorate is the national policy centre for grievances, discipline, *Code of Conduct* investigations, public complaints, suspension (with or without pay and allowances), conflict of interest (including outside activities/secondary employment and reporting of assets), and legal assistance at public expense to RCMP employees. In addition, the Directorate advises and assists the Commissioner with respect to public complaints, grievances adjudicated by the Commissioner, and appeals of decisions reached by RCMP adjudication boards in discipline and demotion/discharge matters. The Directorate is not part of the Adjudicative Services Branch and reports to the Director General of Employee and Management Relations; however, both components now fall under the newly created Office of Professional Integrity. Professional Standards and External Review consists of four units, all of which have roles related to the RCMP's disciplinary system: the Professional Standards Unit, the Special Advisory Unit, the External Review Unit and the Public Complaints Unit.

21 SOR/84-866, as amended by SOR/88-649, current up to June 28, 2010.

22 *Commissioner's Standing Orders (Loss of Basic Requirements)*, 1995, [RI-11], (Not published, signed by the Commissioner on November 28, 1995, as amended on July 21, 1997).

Within the Directorate, the Professional Standards Unit oversees policies including grievances and discipline. The Unit is mandated to develop policies and monitor their application and implementation to ensure RCMP members receive fair treatment and maintain the high standards of conduct the public expects.

The *Special Advisory Unit* is responsible for strategic initiatives related to the Act and regulatory reform. This Unit provides advice on recommendations for stoppage of pay and allowances and informal disciplinary appeals. The member in charge of the Unit acts as the Registrar for appeals of informal discipline. He or she is also the coordinator for RCMP input into any proposed amendments to the Act, regulations under the Act, Commissioner's Standing Orders and policies.

The *External Review Unit* provides advice to the Commissioner in relation to his or her adjudicative function in disciplinary appeals, discharge and demotion appeals, Level II grievances (the final level of grievance adjudication in the RCMP), and certain administrative discharges. In addition, the Unit instructs the Department of Justice on the Commissioner's behalf in judicial reviews of his or her decisions in the Federal Courts.

The *Public Complaints Unit* is tasked with providing integrated management of all aspects of public complaints pursuant to Part VII of the Act. On a national level, this means it is responsible for public complaints procedures, direction, advice, partnering, quality assurance, and tracking. The Unit liaises extensively with the Commission for Public Complaints Against the RCMP, the independent, arm'slength review body that oversees investigations of complaints made by the public against the Force. The Unit also acts as a clearing house for complaints, providing information and advice to RCMP members, including the Commissioner, and other employees. It also serves as a contact point for civilian advocacy groups interested in police conduct.

(5) Regional/Divisional Professional Standards Units

Professional Standards Units are in place across the country and operate at the regional/divisional level as part of the human resource function of the RCMP. These units remain a decentralized component within the disciplinary system. Since the units report through the regional hierarchy, policy from Professional Standards and External Review is the primary means of ensuring consistency in their operations. Professional Standards Units are integral to RCMP discipline inasmuch as they operate as a support team, providing investigative services for both internal complaints of employee misconduct and public complaints as well as ensuring consistency, quality and timeliness of investigations.

Generally speaking, Professional Standards Units serve two functions. The first is the management of policy for all matters with respect to public complaints, *Code of Conduct* investigations and harassment investigations for their respective divisions. The second is the provision of investigative services for both internal and public complaints.

Investigations may also be done by a detachment commander, his or her designate, or any other designated person. Capacity, seriousness of the matter, skills, experience and other practical considerations are all factors in the decision as to which component of the organization investigates a *Code of Conduct* or public complaint matter.

Certain Professional Standards Unit investigations are given priority and assigned to experienced investigators, such as investigations involving suspended members or where the allegations, if substantiated, would likely result in formal discipline. As set out in RCMP discipline policy.²³ A *Code of Conduct* investigation should not take more than six months to complete unless exceptional circumstances exist.

²³

Royal Canadian Mounted Police Administration Manual at XII.4.4.1.7. [hereinafter *Admin Manual*].

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

(6) Discipline Reviewers

Another important component of the divisional Professional Standards Units within the disciplinary system is the role of the discipline reviewers.²⁴ Discipline reviewers provide advice on alleged Code of Conduct contraventions including whether they are likely to be proven, possible disciplinary measures and how matters might appropriately be resolved.²⁵

Where decisions are made to recommend formal discipline, discipline reviewers will turn the matter over to Appropriate Officer Representatives but may provide assistance in preparing matters for adjudication boards.

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

there is a contravention of the *Code of Conduct* but it does not warrant disciplinary action.”²⁶

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

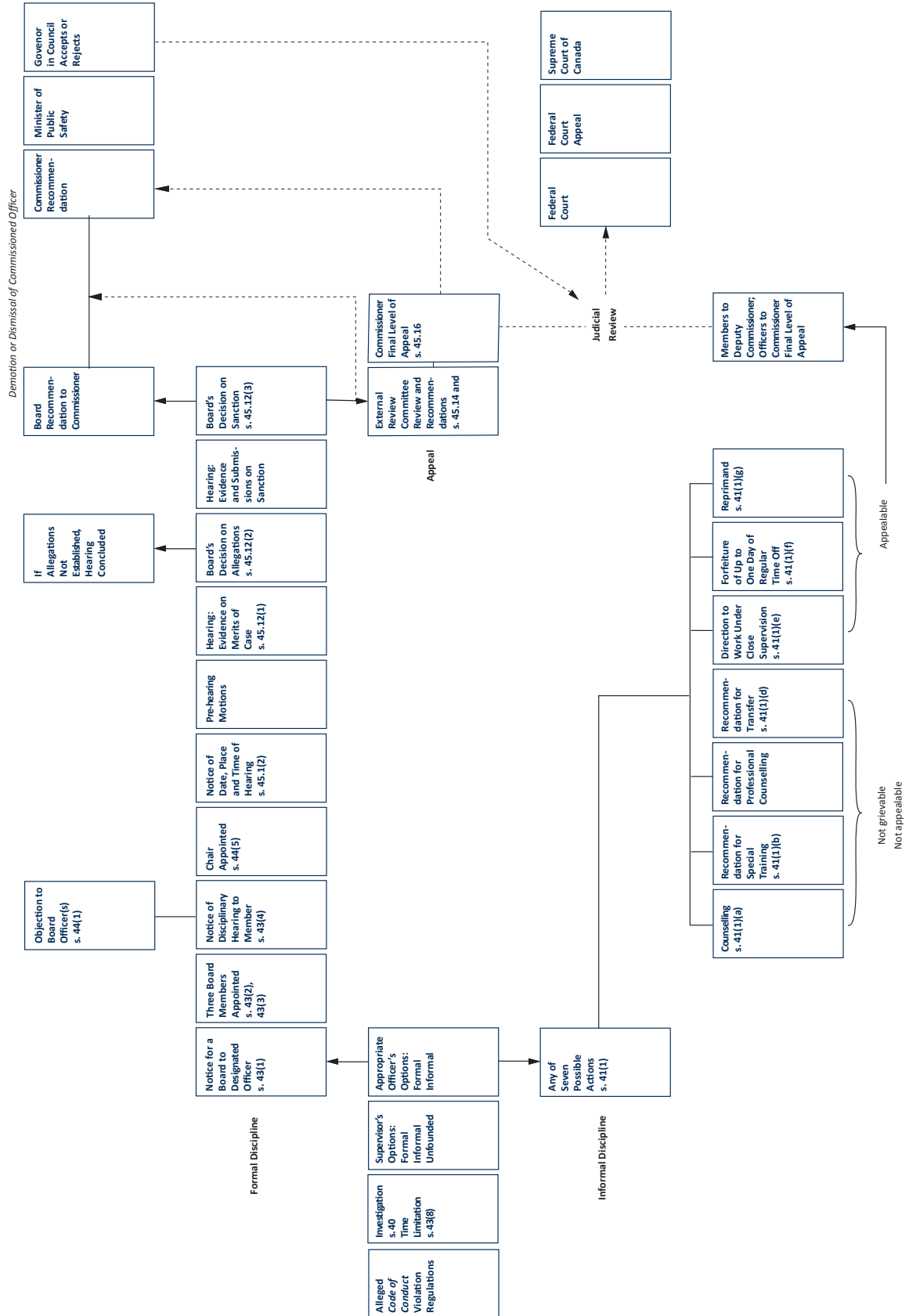
24 Across the RCMP, the terms “discipline reviewer”, “discipline advisor” and “discipline NCO” are used interchangeably. For the sake of consistency, discipline reviewer is used here.

25 Royal Canadian Mounted Police, *Pay Council Review of RCMP Internal Discipline System; Final Report and Recommendations* (2005) [hereinafter Pay Council Report].

26

Admin Manual, supra note 18 at XII.6.F.2.D.2.

FIGURE 2: Discipline Process as per Part IV of the RCMP Act



8.4 Suspension of Members

The *RCMP Act* allows for the suspension of a member who has been found to have contravened or is suspected of having contravened the RCMP Code of Conduct or a federal or provincial law. Suspension and suspension without pay and allowances are not disciplinary sanctions. Suspension from duty will only be ordered in cases where not to do so would seriously jeopardize the integrity of the RCMP. A member may be suspended with pay or without pay and allowances.

The Commanding Officer of a Division has the authority to suspend a member. Where suspension is not warranted, the member may be reassigned provided the assigned duties do not require the character traits brought into question by the alleged misconduct.

When suspended, the RCMP member must:

- not wear or use any RCMP issued article of uniform or equipment;
- not exercise the power or authority of a peace officer;
- not perform police duties unless ordered to do so; and,
- surrender their RCMP identification and all RCMP issued firearms.

Suspension without Pay and Allowances

The Commissioner, a Deputy Commissioner or an Assistant Commissioner may order the stoppage of pay and allowances of an RCMP member who is suspended from duty. Stoppage of pay and allowances is an administrative process created to protect the integrity of the RCMP in cases where the allegations of misconduct are so serious that they require a greater response than suspension alone. Stoppage

of pay and allowances is in effect pending the outcome of the disciplinary process. Stoppage of pay and allowances will only be invoked in extreme circumstances when it would be inappropriate to pay a member his/her salary.

Each case of Suspension Without Pay and Allowances is dealt with on its own merits and is considered when the member:

- is in jail awaiting trial;
- is clearly involved in the commission of an offence that contravenes a federal or provincial law or the *Code of Conduct*, and significantly affects the proper performance of his/her duties under the RCMP Act. If the member's involvement is not clear during the investigation, the decision shall be deferred pending completion of the preliminary hearing or trial in order to assess the testimony under oath;
- has been absent without authority from his/her post for seven entire days or more in contravention of the *Code of Conduct*; or
- has failed to report for duty on a specified date to a post to which he/she has been transferred by order, in contravention of Section 40 of the *Code of Conduct*.

When the Commanding Officer is satisfied the above-noted criteria are met, the member is served with a Notice of Intent to Recommend Stoppage of Pay and Allowances including the reasons for the recommendation. The member has seven days in which to respond in writing. Upon request from the member or his/her representative, the Commanding Officer may extend the time limit for the member to respond.

After considering the member's written submission, the Commanding Officer may forward a recommendation to stop the member's pay and allowances to the designated officer at National Headquarters for decision. If the designated officer is satisfied that stoppage of pay and allowances is warranted, a written order is issued and takes effect immediately.

An RCMP member whose pay and allowances have been stopped may file a grievance under the *RCMP Act*.²⁷ A member's whose pay and allowances have been stopped may engage in any legitimate secondary employment outside the RCMP, subject to the RCMP policy on outside activity.

Reinstatement of a Member Following Suspension

If an RCMP member is reinstated to duty, the member's pay and allowances are retroactively reinstated. The RCMP 1988 Regulations allows for the reinstatement of a member from any suspension given that²⁸:

- no discipline is required after a Code of Conduct investigation is completed;
- an Adjudication Board finds that the Code of Conduct has not been contravened;
- a not guilty verdict is rendered by a court of law; or,
- an Adjudication Board finds the member contravened the Code of Conduct but does not order dismissal.

FIGURE 3: Members Suspended from Duty - April 1 2010 to March 31 2011

DIVISION	CENTRAL REGION				PACIFIC REGION				NORTH WEST REGION				ATLANTIC REGION			
	A	HQ	C	O	E	M	G	K	F	D	V	J	L	H	B	
April 1, 2010	1	1	6	3	12	2	2	10	6	1	1	3	0	2	2	
March 31, 2011	1	1	6	2	18	0	0	18	3	1	0	2	0	3	2	
REGION 2010	11				14				20				7			
REGION 2011	10				18				22				7			
Variance	-1				+4				+2				0			
FORCE WIDE April 1, 2010	52 (49 Suspended With Pay & 3 Suspended Without Pay)															
FORCE WIDE March 31, 2011	57 (52 Suspended With Pay & 5 Suspended Without Pay)															
Variance	+ 5 (+ 3 Suspended With Pay & + 2 Suspended Without Pay)															

NOTE: From April 1, 2010 to March 31, 2011, there were 32 members suspended; 9 of which are no longer on suspension which leaves 23 currently on the list for the current reporting period.

As of March 31, 2011 there was a total of 57 members suspended, therefore, 34 of those members had been suspended prior to April 1, 2011.

²⁷ Where any member is aggrieved by any decision, act or omission in the administration of the affairs of the Force in respect of which no other process for redress is provided by this Act, the regulations or the Commissioner's standing orders, the member is entitled to present a grievance in writing at each of the levels, up to and including the final level, in the grievance process provided for by this Part. *Royal Canadian Mounted Police Act, Part III, Section 31, R.S.C. 1985, c.R-10*

²⁸ *Royal Canadian Mounted Police Regulations, 1988, Section 60 (1), Reinstatement.*

8.5 Trends / Findings

1- Formal and Informal Discipline Cases - Since 2000-2001

- Since 2000-2001 there has been an increase in new formal disciplinary cases.²⁹ Generally we had observed a rise in informal disciplinary cases since 2006-2007, however, this past reporting period we experienced a decline, where 156 informal discipline cases were investigated.³⁰ The continued increase in formal discipline matters has seen increased workloads on personnel involved in the discipline process in an already resource-constrained environment.
- The eleven year average for new formal disciplinary cases since 2000-2001 through to 2010-2011 has been 84.9 cases/year. There was an increase in 2004-2005 whereby 106 new cases were registered. However, in 15 of those cases, the allegations were withdrawn. The eleven year variance has been: 61/106 new cases per year.
- A combined total of 65 Regular and Civilian Members faced formal discipline hearings during this current reporting period; 13 Members (Regular and Civilian) resigned from the RCMP this reporting period; one Regular Member was dismissed from the RCMP at a formal discipline hearing.

2- Early Resolution Process

A trend continuing into 2010-2011 was the increase in the number of Early Resolution Process discipline hearings coming before the discipline boards for adjudication. There were 41 Early Resolution Process discipline hearings in 2010-2011, 32 Early Resolution Process discipline hearings in 2009-2010 and 37 Early Resolution Process discipline hearings in 2008-2009.

3- Formal Discipline Statistics - From 1994 through to 2011,

- From 1994 through to 2011, there were 750 formal discipline hearings held across Canada. In this same period of time, 206 Regular and Civilian Members resigned from the RCMP; twenty of these members resigned in reporting period 2005 – 2006 (the highest number of resignations in this 17 year time span).
- From 2008 through to 2011, there were 145 formal discipline hearings held. In this same time span, a combination of 40 Regular and Civilian Members resigned from the organization.

4- Formal discipline cases incoming per year:

- From 2000-2011, there were 915 new formal discipline cases. The eleven year average was **83.18** new formal discipline cases incoming per year. The anticipated number of new formal discipline cases for 2011-2012 is eighty-three.
- There were 123 cases carried over on April 1, 2011 from the previous reporting period. The total estimated number of formal discipline cases to be dealt with in 2011 – 2012 is **206** cases.

²⁹ Figure 8, *Formal Discipline Caseload Activity Year to Year Comparison 2000-2011* refers.

³⁰ Informal discipline: the 11 year average has been 199.1 cases for informal discipline matters per year. In 2010-2011 there were 156 informal discipline matters reported in our organization of 23, 047 members.

A number of tables on formal discipline and informal discipline (Appendix 'H') are contained herein and are intended to provide the reader with an overview of how the RCMP fulfils its statutory mandate under the Royal Canadian Mounted Police Act.³¹

FIGURE 4: 2010-2011 Formal Discipline Caseload Activity

FORMAL DISCIPLINE CASES ADJUDICATED		ALLEGATIONS WITHDRAWN	DISCIPLINE CASES RESOLVED BY WAY OF RESIGNATIONS	NUMBER OF CONCLUDED DISCIPLINE CASES 2010-2011
VIA CONTESTED HEARING	VIA EARLY RESOLUTION PROCESS			
5	41	7	20 ³²	73
46				

FIGURE 5: 2010-2011 Monthly Formal Discipline Caseload Activity

MONTH	VIA CONTESTED HEARING	VIA EARLY RESOLUTION PROCESS	ALLEGATIONS WITHDRAWN	NUMBER OF MEMBERS RESIGNING	TOTAL
APRIL 2010	1		2		3
MAY 2010	1	2	1	1	5
JUNE 2010	1	2		2	5
JULY 2010					
AUG 2010		2	1	4	7
SEPT 2010		4		1	5
OCT 2010		1	2		3
NOV 2010		3	1		4
DEC 2010		1		2	3
JAN 2011		2			2
FEB 2011		7		2	9
MARCH 2011	2	17		1	20
TOTAL	5	41	7	13³³	66

³¹ Royal Canadian Mounted Police Act, R. S. C. 1985, c. R-10.
³² Twenty formal discipline cases were concluded subsequent to 13 Civilian and Regular Members resigning.

³³ Throughout this reporting period, thirteen members that were facing formal disciplinary hearings resigned.

FIGURE 6: 2010-2011 Formal Discipline for Code of Conduct Violations by Division

DIVISION AND # OF RM'S / # OF CM'S ³⁴	ADJUDICATED DISCIPLINE HEARINGS	DISMISSAL	PAY FORFEITURES (1 TO 10 DAYS' PAY)										ALLEGATIONS NOT ESTABLISHED	REPRIMAND ONLY	
			1	2	3	4	5	6	7	8	9	10			
A 254/62															
B 519/50															
C 995/105	6				1		2					1	2		
D 1046/108	6				1						1		2	1	1
DEPOT 206/29															
E 6553/673	19		3	2	1	4		2	1				5		1
F 1243/106	2						1							1	
G 198/26	1												1		
H 1030/84															
HQ 1665/1739	2							1	1						
J 928/81	2								1				1		
K 2725/255	4	1						2					1		
L 138/16															
M 122/16															
O 1187/95	2									1	1				
V 127/13	2										1		1		
TOTAL	46	1									41			2	2

34 Indicates the number of Regular members and Civilian members in each Division.

FIGURE 7: 2010-2011 Formal Discipline for *Code of Conduct* Violations

	TOTAL NUMBER OF HEARINGS	AVERAGE DAYS TO CONCLUSION	MIN/MAX DAYS
Not Established	2	822	476/1168
Reprimand only	2	259	143/384
1 days' pay	3	448	173/629
2 days' pay	0		0
3 days' pay	4	546.3	21/968
4 days' pay	1		424
5 days' pay	10	353	125/1104
6 days' pay	1		361
7 days' pay	4	208.75	78/363
8 days' pay	4	121	30/310
9 days' pay	1		220
10 days' pay	13	334.7	36/1,513
Dismissal	1		231
Total Average Days to Conclusion		332.9	14/1,513

FIGURE 8: Formal Discipline Caseload Activity Year to Year Comparison 2000-2011

FISCAL YEAR (FY)	CARRIED OVER FM PREVIOUS FY	NEW CASES	CASES ADJUDICATED	ALLEGATIONS WITHDRAWN	MEMBERS RESIGNED	YEAR-END BALANCE
2000/2001	21	61	23	6	10	43
2001/2002	43	78	39	8	7	67
2002/2003	67	87	54	8	17	75
2003/2004	75	96	49	17	6	99
2004/2005	99	106	63	15	23	104
2005/2006	104	81	70	18	20	77
2006/2007	77	99	47	14	12	103
2007/2008	103	83	52	24	13	97
2008/2009	97	69	56	12	13	85
2009/2010	85	89	43	16	13	102
2010/2011	102	66	46	7	13	123
11 Year Average	79	83.18	49.36	13	13.3	88.6
Variance	21/104	61/106	23/70	6/24	6/23	43/123

FIGURE 9: Field Adjudicators

Formal Discipline **Field Adjudicators**³⁵ Utilized for Formal Discipline Hearing Boards During the 2010-2011 Reporting Period.

	NUMBER OF DISCIPLINE BOARDS	NUMBER OF FORMAL DISCIPLINE FIELD ADJUDICATORS UTILIZED IN 2010-2011 ³⁶	TOTAL NUMBER OF FIELD ADJUDICATORS CURRENTLY AVAILABLE FOR DISCIPLINE BOARDS
DISCIPLINE BOARDS HELD IN ENGLISH	38	76	106 - English
DISCIPLINE BOARDS HELD IN FRENCH	8	16	20 - Bilingual
Totals	46	92	126

³⁵ Formal Discipline Field Adjudicators are Commissioned Officers in the RCMP that have received the formal discipline adjudicator training and are called upon to sit on formal discipline hearing boards from time to time. The duties they perform as Formal Discipline Field Adjudicators are in addition to their daily duties and responsibilities.

³⁶ A number of Formal Discipline Field Adjudicators sit on formal discipline hearing boards regularly depending on their primary duties and functions. Former fulltime Discipline Adjudicators, who are legally trained, are often times called to chair discipline board hearings.

FIGURE 10: Concluded Formal Disciplinary Cases by Division

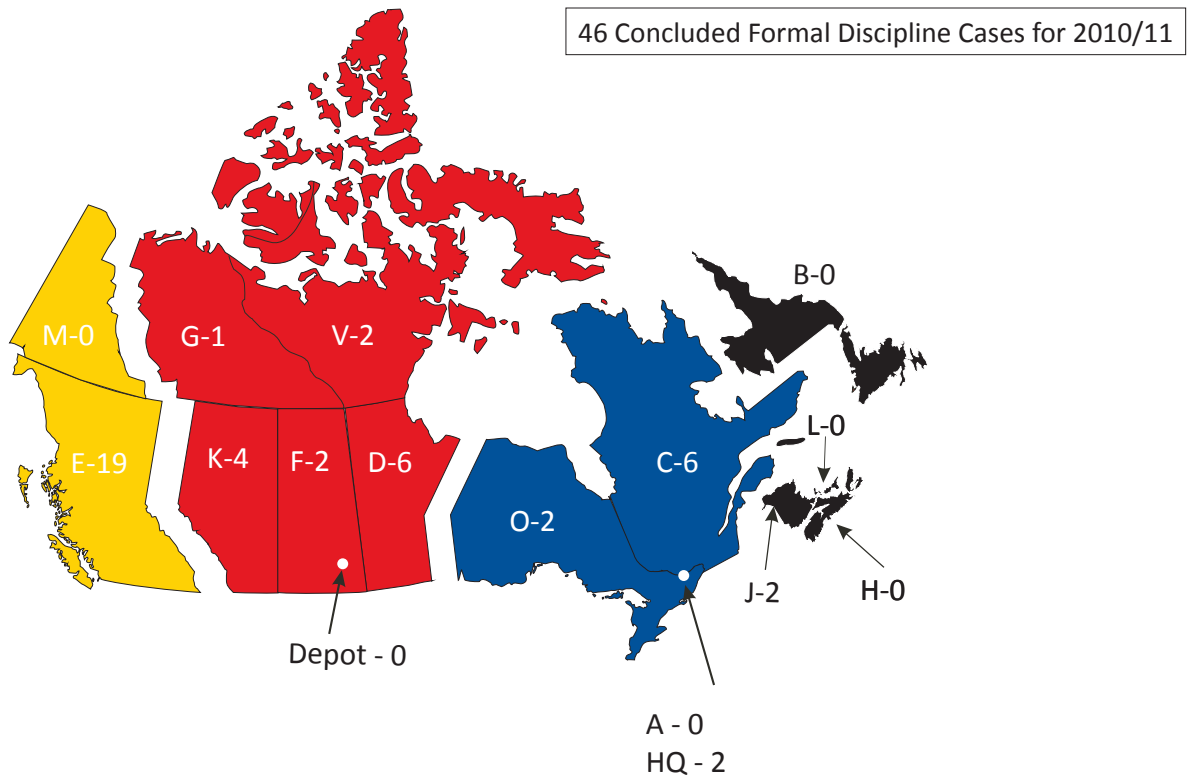
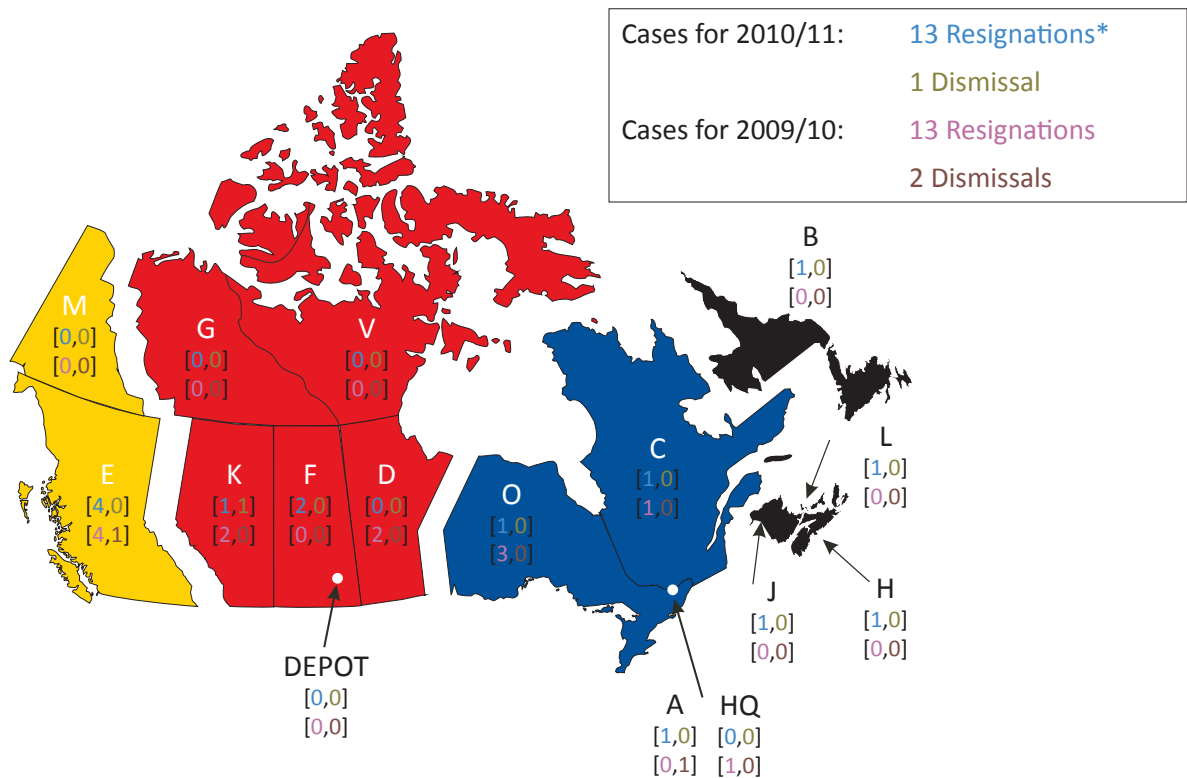


FIGURE 11: Disciplinary Resignations & Dismissals by Division



* Twenty formal discipline cases were concluded subsequent to 13 Civilian and Regular Members resigning

FIGURE 12: Formal Discipline Statistics 1994-2011

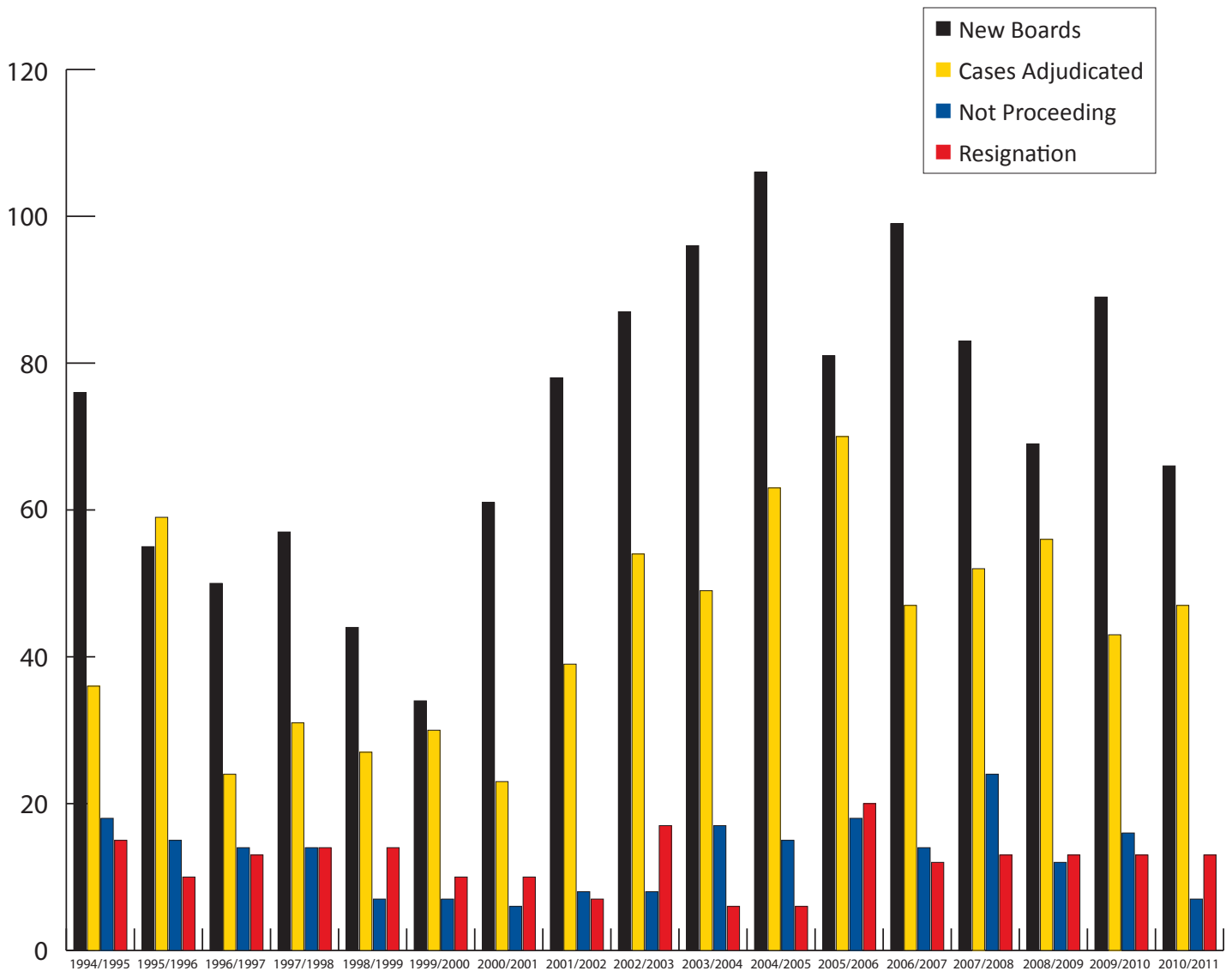


FIGURE 13: Summary of Formal Discipline Statistics: 1994 - 2011

	NEW BOARDS	CASES ADJUDICATED	NOT PROCEEDING	RESIGNATIONS
TOTALS	1231	750	220	206
17 YEAR AVERAGE	72.41	44.1	12.9	12.1
VARIANCE	34 to 106	23 to 70	7 to 24	6 to 20

8.6 Digest of Formal Discipline Cases 2010-2011

“The main purpose of police discipline is to assist a police force to achieve its organizational objective of delivering effective and efficient police services to the community, keeping in mind that any disciplinary sanction imposed must be fair and just in the circumstances. Disciplinary objectives can be best achieved by reliance on a system of positive, progressive discipline aimed at correcting deviant behaviour and remedying organizational or administrative practices which may have contributed to the misconduct. Recognition that correction and remedy are the first purposes of discipline is also a recognition of the current managerial theory that employees are the most valuable resource of an organization. Punitive sanctions are neither in an employer’s nor an employee’s best interests.”

[Discussion Paper Number 8, Sanctioning Police Misconduct : General Principles, External Review Committee 1992, page 48]

DATE	RANK OF MEMBER	DIVISION	CODE OF CONDUCT ALLEGATION(S)	DESCRIPTION OF ALLEGATION(S)	DISPOSITION	
1	May 17, 2010	Constable	E	Subsection 39(1)	Excessive force	Reprimand and forfeiture of one day's pay
2	November 23, 2010	Constable	K	Section 39 - x2	Careless use of firearm Improper use of CPIC	Reprimand and forfeiture of 4 days' pay Reprimand and forfeiture of 1 day's pay
3	April 27, 2010	Civilian Member	G	Section 39 - x2	Improper use of RCMP resources (use of computer to play video games) Improper use of RCMP resources (use of computer to access pornographic websites)	Reprimand and forfeiture of 2 days' pay Reprimand and forfeiture of 8 days' pay
4	May 14, 2010	Constable	E	Subsection 39(1)	Sexual intercourse (consensual) in unmarked vehicle and improper use of RCMP resources (cellular phone)	Reprimand and forfeiture of 7 days' pay
5	May 19, 2010	Corporal	D	Section 39	Provided government credit card to Public Service Employee and unauthorized purchases made	[Allegation not established]
6	June 8, 2010	Constable	C	Subsection 39(1)	Improper use of government credit card	Reprimand and forfeiture of 5 days' pay
7	June 9, 2010	Corporal	O	Subsection 39(1)	Improper use of government resources (e-mail) and inappropriate/unwanted comments of an intimate nature (e-mail)	Reprimand and forfeiture of 7 days' pay
8	August 11, 2010	Constable	D	Section 39	Impaired driving	Reprimand and forfeiture of 10 days' pay

	DATE	RANK OF MEMBER	DIVISION	CODE OF CONDUCT ALLEGATION(S)	DESCRIPTION OF ALLEGATION(S)	DISPOSITION
9	August 11, 2010	Constable	K	Section 39	Impaired driving	Reprimand and forfeiture of 10 days' pay
10	September 10, 2010	Constable	E	Subsection 39(1)	Altercation in public place	Reprimand and forfeiture of 3 days' pay
11	September 22, 2010	Constable	D	Section 39	Obtaining information from other police force without legitimate operational purpose and improper disclosure of information	Reprimand
12	June 25, 2010	Constable	K	Section 39 Paragraph 51(1)(b)	Sexual assault and inappropriate comments of a sexual nature Reporting for duty while under the influence of alcohol	Dismissal
13	October 21, 2010	Constable	V	Section 39 - x2	Excessive force - x2	Reprimand, forfeiture of 10 days' pay, recommendation for continued professional counseling and recommendation for transfer
14	November 18, 2010	Constable	C	Section 39(1)	Assault	Reprimand, forfeiture of 9 day's pay and recommendation for professional counseling
15	December 14, 2010	Constable	E	Subsection 39(1)	Impaired driving	Reprimand and forfeiture of 10 days' pay
16	January 20, 2011	Staff Sergeant	J	Subsection 39(1)	False statement to Canada Border Services Agency official	Reprimand and forfeiture of 10 days' pay
17	January 20, 2011	Civilian Member	J	Subsection 39(1) - x2	Use of controlled substances Theft	Reprimand and forfeiture of 7 days' pay Reprimand and forfeiture of 7 days' pay

DATE	RANK OF MEMBER	DIVISION	CODE OF CONDUCT ALLEGATION(S)	DESCRIPTION OF ALLEGATION(S)	DISPOSITION	
18	November 23, 2010	Corporal	C	Subsection 39(1) - x2	Improper use of CPIC and improper disclosure of information Conflict of interest	Reprimand, forfeiture of 10 days' pay and recommendation for training Reprimand and forfeiture of 6 days' pay
19	February 15, 2011	Corporal	E	Subsection 39(1)	False claims of overtime hours	Reprimand and forfeiture of 10 days' pay
20	February 23, 2011	Constable	E	Subsection 39(1)	Assault (excessive force)	Reprimand and forfeiture of 3 days' pay
21	February 23, 2011	Constable	E	Subsection 39(1) - x2	Improper queries on RCMP databanks Operating a police vehicle in a reckless manner	Reprimand and forfeiture of 7 days' pay
22	February 24, 2011	Constable	K	Section 39	Assault (domestic)	Reprimand, forfeiture of 5 days' pay and recommendation for continued professional counseling
23	February 25, 2011	Constable	D	Section 39	Impaired driving	Reprimand, forfeiture of 10 days' pay and recommendation for continued professional counseling
24	February 25, 2011	Corporal	O	Subsection 39(1)	Unwanted touching	Reprimand and forfeiture of 8 days' pay
25	February 24, 2011	Constable	V	Subsection 39(1) - x2	Assault (domestic) Assault	Reprimand, forfeiture of 8 days' pay and recommendation for continued professional counseling
26	March 11, 2011	Constable	C	Subsection 39(1)	Impaired driving	Reprimand and forfeiture of 10 days' pay
27	March 2, 2011	Constable	F	Section 47	Knowingly neglecting or giving insufficient attention to duty	[Allegation not established]

DATE	RANK OF MEMBER	DIVISION	CODE OF CONDUCT ALLEGATION(S)	DESCRIPTION OF ALLEGATION(S)	DISPOSITION	
28	March 8, 2011	Sergeant	E	Subsection 39(1)	Allowing a prostitute actively soliciting sexual activity to enter personal vehicle (no sexual activity)	Reprimand and forfeiture of 5 days' pay
29	March 14, 2011	Constable	E	Subsection 39(1) Section 47	Possession of firearm without proper licensing Knowingly neglected or gave insufficient attention to duty	Reprimand and forfeiture of 3 days' pay Reprimand and forfeiture of 2 days' pay
30	September 20, 2010	Constable	E	Subsection 39(1)	Attempted fraud related to insurance claim	Reprimand and forfeiture of 10 days' pay
31	March 15, 2011	Corporal	E	Subsection 39(1)	Unauthorized use of satellite television signals and assistance to another member in obtaining unauthorized satellite television signals	Reprimand and forfeiture of 1 day's pay
32	March 15, 2011	Corporal	E	Subsection 39(1)	Unauthorized use of satellite television signals	Reprimand
33	March 18, 2011	Corporal	E	Subsection 39(1)	Failure to complete a comprehensive investigation	Reprimand and forfeiture of 1 day's pay
34	March 17, 2011	Constable	F	Subsection 39(1)	Operating a motor vehicle at excessive speeds without legitimate operational purpose causing damage of vehicle beyond repair	Reprimand and forfeiture of 5 days' pay
35	March 18, 2011	Constable	D	Subsection 39(1)	Improper use of CPIC	Reprimand and forfeiture of 3 days' pay
36	March 18, 2011	Constable	D	Subsection 39(1)	Improper queries on RCMP databanks	Reprimand and forfeiture of 8 days' pay
37	March 15, 2011	Corporal	E	Subsection 39(1)	Refusing to provide breath sample	Reprimand and forfeiture of 10 day's pay
38	March 14, 2011	Constable	E	Subsection 39(1)	Careless use of firearm	Reprimand and forfeiture of 4 days' pay

DATE	RANK OF MEMBER	DIVISION	CODE OF CONDUCT ALLEGATION(S)	DESCRIPTION OF ALLEGATION(S)	DISPOSITION	
39	March 14, 2011	Constable	E	Subsection 39(1) - x3	Improper expense claims Improper use of RCMP resources (cellular phone) Improper query on RCMP databanks	Reprimand and forfeiture of 10 days' pay
40	March 31, 2011	Constable	E	Subsection 39(1)	Allowing a prostitute actively soliciting sexual activity to enter personal vehicle (sexual activity)	Reprimand and forfeiture of 5 days' pay
41	September 22, 2010	Constable	E	Subsection 39(1)	Refusing to provide breath sample	Reprimand and forfeiture of 5 days' pay
42	March 22, 2011	Civilian Member	HQ	Subsection 39(1)	Falsification of medical certificates	Reprimand and forfeiture of 6 days' pay
43	March 31, 2011	Constable	HQ	Subsection 39(1)	False or misleading statements	Reprimand and forfeiture of 5 days' pay
44	March 24, 2011	Sergeant	C	Subsection 39(1)	Improper use of government credit card	Reprimand, forfeiture of 5 days' pay and recommendation for professional credit counseling
45	March 24, 2011	Sergeant	C	Subsection 39(1)	Improper use of government credit card	Reprimand and forfeiture of 3 days' pay
46	March 31, 2011	Constable	E	Subsection 39(1)	Use of controlled substances	Reprimand, forfeiture of 8 days' pay and recommendation for continued professional counseling

8.7 External Review Unit – Discipline Appeals

Member may appeal the decision of an RCMP Discipline Adjudication Board to the Commissioner. Pursuant to s. 45.15 of the Act, the Commissioner must first refer the matter to the External Review Committee, unless the sanction involved only informal disciplinary actions set out in s. 41(1) of the Act, or unless the member requests that the matter not be referred to the Committee and the Commissioner agrees with that request. Once the External Review Committee conducts a review of the file, it provides its findings and recommendations to the Commissioner and the parties involved.³⁷ The Commissioner is not bound to act on the Committee's findings or recommendations, but if the Commissioner does not, then he shall provide his reasons. As the Commissioner is the final level of appeal in matters of formal discipline under the Act, a member may not appeal the Commissioner's decision. A member may, however, seek judicial review of the Commissioner's decision in the Federal Court. In the 2010-2011 reporting period, there were no judicial reviews of the Commissioner's decisions in discipline appeals.

Discipline Appeals:

Case 1:

Date: 2010-06-14

Rank of member: Constable

Division: "E"

Code of Conduct Allegation(s) and Description:

Three allegations of disgraceful conduct under s. 39(1) of the Regulations, including: (1) persistently following and contacting a complainant notwithstanding a non-contact order; (2) driving a vehicle to and about the complainant's residence; and, (3) tampering with the complainant's electronic mail.

Adjudication Board Decision:

The Board denied the Member's motion to stay proceedings due to alleged breaches of the Member's Charter rights and abuse of process. The Board imposed a reprimand and a three day forfeiture of pay for Allegation #1, and a reprimand for Allegation #3, but found that Allegation #2 had not been established.

External Review Committee Recommendation:

The External Review Committee recommended that the Commissioner dismiss the appeal.

Commissioner's Decision: The Commissioner dismissed the appeal.

Case 2:

Date: 2010-07-17

Rank of member: Corporal

Division: "K"

³⁷ The External Review Committee (ERC) website provides a review of discipline and grievance cases at the following link: <http://www.erc-cee.gc.ca/index-eng.aspx>

Code of Conduct Allegation(s) and Description:

Six allegations of disgraceful conduct [s. 39(1)] with respect to treatment of a subordinate, including (1) excluding the complainant from shift plans and file discussions; (2) not placing the complainant (who was the senior Constable) in the float position on the watch; (3) making others aware of matters regarding the complainant before informing the complainant; (4) making it difficult for the complainant to fulfill the complainant's mandate in a community based program and treating the complainant differently than others in this respect; and, (5 & 6) two allegations of inappropriate comments regarding the complainant's personal life prior to the complainant's arrival at the Detachment.

Adjudication Board Decision: The Board found only Allegation #4 was established (re: community based program), and imposed a reprimand and the forfeiture of three day's pay, with a recommendation that the Member take the divisional harassment course.

External Review Committee Recommendation:

The External Review Committee recommended that the Commissioner dismiss the appeal on the finding, but allow the appeal on sanction, and vary sanction by removing the pay forfeiture.

Commissioner's Decision: The Commissioner dismissed the appeal and upheld the sanction imposed.

Case 3:

Date: 2010-09-27

Rank of member: Constable

Division: "O"

Code of Conduct Allegation(s) and Description:

One allegation of disgraceful conduct [s. 39(1)] regarding attendance at a bar, uttering threats to a bouncer, and wearing a gang logo on the Member's clothing. Another police service was called as the Member was intoxicated and refused to leave premises.

Adjudication Board Decision:

The Board directed the Member to resign within 14 days or be dismissed.

External Review Committee Recommendation:

Having reference to previous discipline and the doctrine of culminating incident, the External Review Committee recommended that the Commissioner dismiss the appeal.

Commissioner's Decision: The Commissioner dismissed the appeal.

Case 4:

Date: 2010-10-28

Rank of member: Constable

Division: "E"

Code of Conduct Allegation(s) and Description:

One allegation of disgraceful conduct [s. 39(1)] related to engagement in sexual activities while on-duty with partners who the Member had met through on-line dating sites. The Member also misused RCMP computers and Force vehicles to facilitate sexual encounters.

Adjudication Board Decision:

The Board directed the Member to resign within 14 days or be dismissed.

External Review Committee Recommendation:

The External Review Committee recommended that the Commissioner dismiss the appeal.

Commissioner's Decision: The Commissioner dismissed the appeal.

Case 5:

Date: 2010-03-24

Rank of member: Constable

Division: "E"

Code of Conduct Allegation(s) and Description:

One allegation of disgraceful conduct [s. 39(1)] pursuant to the Member's unauthorized use of a Force vehicle to attend a social gathering and failure to report an accident. The Member had consumed alcohol at the gathering before the accident.

Adjudication Board Decision:

The Board increased the sanction proposed by the parties in a joint submission, and imposed a reprimand and a nine day pay forfeiture.

External Review Committee Recommendation:

The External Review Committee recommended that the Commissioner dismiss the appeal.

Commissioner's Decision: The Commissioner dismissed the appeal.

8.8 Informal Discipline³⁸

Once it is established to the satisfaction of the supervisor that a violation of the *Code of Conduct* has occurred, the supervisor can initiate the informal disciplinary process. This can only be done if he or she is of the opinion that, having regard to the gravity of the contravention and to the surrounding circumstances, the action is sufficient.³⁹

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

- counselling;
- a recommendation for special training;
- a recommendation for professional counselling;
- a recommendation for a transfer;
- a direction to work under close supervision;
- subject to such conditions as the Commissioner may prescribe by rule, a forfeiture of regular time off for a period not exceeding one day⁴⁰; and/or
- a reprimand (it is to be noted, that only a commissioned officer or an appropriate officer may impose a reprimand).⁴¹

It is RCMP policy that informal disciplinary action under subsection 41(1) of the Act must be taken against members within a year from the time the alleged contravention and identity of the member became known to his or her supervisor.⁴²

The RCMP Code of Conduct allows informal action to be taken to discipline members or officers contravening the Code of Conduct by the member in charge of a local detachment or the responsible officer, without a requirement for a formal process. Less serious violations are to be addressed by "informal disciplinary action".⁴³ The informal disciplinary actions provided for are generally of a corrective nature.⁴⁴

In respect of all but the most serious Code of Conduct contraventions, the apparent goal of the RCMP Act is to rapidly address short comings and to return individuals to employment as expeditiously and effectively as sound management, considerations of fairness and other circumstances permit.

Discipline under Part IV may be either formal or informal. There are important differences between the two processes. The *RCMP Act* Part IV provisions indicate that the responsible officer or the member in command of a detachment or unit must first make or cause to be made any investigation necessary to enable the determination to be made whether a member has contravened or is contravening the Code of Conduct. When it is established to the satisfaction of the unit commander that a member or officer has contravened the Code of Conduct, informal discipline may then be imposed by the member or officer in command or by an appropriate officer.

An officer in command or an appropriate officer may also informally impose a reprimand. However, if a reprimand is imposed informally, by virtue of subsection 43 (7) of the RCMP Act, no

³⁸ Adjudicative Services Branch does not administer any part of the informal discipline process.

³⁹ RCMP Act, ss. 41(8), 41(2).

⁴⁰ Section 4 of the *Commissioner's Standing Orders (Disciplinary Action)* provides that forfeiture of regular time off shall be used in circumstances where it is reasonable that the member compensate time (a) that the member has spent, while on duty, on activities not associated with the member's duties; or (b) that the member has not spent when the member was required to be on duty.

⁴¹ RCMP Act, section 41(1).

⁴² RCMP Administrative Manual, XII.6.D.1.

⁴³ Emphasis is on the informal resolution of contraventions of the Code of Conduct, preferably at the Detachment level and supports the principle that informal discipline is to be applied at the lowest possible level to ensure a high level of accountability.

⁴⁴ At the formal level as well, the legislation provided for corrective measures, although clearly it was intended to be punitive when necessary.

further formal disciplinary action is possible.⁴⁵ Otherwise, informal disciplinary action does not preclude a more formal process.

Utilizing raw data collected from our database, there were 156 instances of informal disciplinary actions recorded during the 2010-2011 reporting period.

The number of informal disciplinary actions has remained relatively constant for the period 2006-2007 through to 2009-2010. The average number of informal disciplinary actions for these four years is 241.7 informal disciplinary actions per year. A slight increase was observed in 2007-2008, with 256 informal disciplinary actions recorded, which is close to the 231 that was recorded in 2008-2009.

Figure 14 illustrates informal disciplinary actions by Division, during the past eleven years. These statistics, representing just over 1% of the members in our organization, are considered a

low ratio of informal disciplinary actions relative to the size of the organization and the number of interactions with the public in any given year.

Figure 15 illustrates informal disciplinary action between 2000-2011, grouped by type of violation and Division. The raw data gathered in 2008-2009 and 2009-2010 will be assessed against the raw data gathered during this reporting period. The purpose in gathering this information is to facilitate the completion of a trend analysis, the progress of which will be updated in the 2011-2012 reporting period.

The newly created Office of Professional Integrity will be better positioned to oversee matters that relate to the management of informal discipline. This will include a continued emphasis on the responsibilities of discipline reviewers in the West and East Regions and their compilation of comprehensive informal discipline statistics.

FIGURE 14: Informal Discipline by Divisions: 2000 – 2011

DIVISION	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	TOTAL
A	6	3		2		1	2		1	2	3	20
B	1	2		1		1		1		3	6	15
C	9	8	5	15	10	11	14	7	7	4	5	95
D	3	9	19		3	18	7	20	16	10	10	115
E	60	80	90	58	40	34	100	112	90	125	49	838
F	9	10	15	10	4	10	13	11	19	37	12	150
G	2	3		3	2	3	2			0		15
H	2		2	3	1	10	9	10	21	17	43	118
HQ	13	20	22	4	5	14	11	25	11	7		132
J	11	5	8	11	7	23	22	25	14	7	6	139
K	31	42	69	27	30	17	26	26	22	25	15	330
L							2		1	0		3
M		2				3	2	1	4	0	3	15
O	2	24	3	11	6	11	14	12	15	10	1	109
T		8				3	1	5		2		19
V	1		1	3	1	8	1	1	10	5	3	34
Total	150	216	234	148	109	167	226	256	231	254	156	2147

⁴⁵ The disciplinary actions that may be taken following the informal disciplinary process, and the more serious sanctions applied in formal disciplinary proceedings are not criminal or penal in nature, but relate to the discipline of members and the maintenance of RCMP integrity.

FIGURE 15: Informal Discipline by Violation Type: 2000-2011

VIOLATION TYPE	DIVISION															TOTAL	
	A	B	C	D	E	F	G	H	HQ	J	K	L	M	O	DEPOT		V
Absences	1	0	2	3	19	2	0	1	3	4	7	0	0	2	0	2	46
Alcohol related	2	0	6	5	32	11	1	3	8	5	9	0	2	1	0	4	89
Care and handling of prisoners	0	0	0	4	6	3	0	0	3	2	4	0	0	1	2	3	28
Conflict of interest	0	0	2	0	3	0	0	0	0	0	1	0	0	0	0	0	6
Dereliction or neglect of duty	2	1	7	7	75	6	1	6	7	13	45	0	1	9	0	1	181
Discriminatory conduct	0	0	0	0	2	0	0	0	0	0	1	0	0	0	0	0	3
Disgraceful conduct	2	2	10	46	234	52	5	31	43	43	117	3	6	37	7	12	650
Disobeying orders or oaths	0	1	0	2	10	0	0	3	2	4	4	0	0	2	0	0	28
Excessive use of force	0	1	1	1	15	5	1	2	2	3	5	0	0	0	3	0	40
Statutory offences	0	0	2	56	21	8	0	4	0	0	3	0	0	1	0	0	44
Falsehoods	0	1	2	1	40	11	0	1	11	9	4	0	0	5	1	2	93
Firearms	2	1	7	3	29	6	0	3	3	2	2	0	0	1	0	1	58
Harassment	0	0	1	4	10	3	0	0	3	0	4	0	0	7	0	0	31
Improper attitude or language	3	0	7	0	48	6	0	3	3	9	9	0	1	10	2	0	105
Inadequate case investigation	0	0	0	2	14	3	0	2	2	2	0	0	0	1	0	0	24
Leadership	1	1	3	0	19	1	1	1	4	10	13	0	0	1	0	1	58
Malicious or wilful damage	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Mistreatment of others	0	0	6	7	46	4	0	6	4	5	4	0	1	4	2	4	86
Misuse of equipment	0	1	10	2	37	7	0	6	5	5	14	0	1	10	0	2	105
Misuse of systems	4	0	7	5	44	3	1	1	5	3	8	0	0	2	0	0	80
Other violations	1	1	13	0	78	13	5	8	16	10	47	0	0	7	1	1	206
Pornography	0	0	1	0	2	1	0	1	1	1	1	0	0	2	0	0	10
Publicly criticizing the Force	0	0	0	0	2	0	0	0	0	0	2	0	0	0	0	0	4
Publicly representing the Force without authority	0	0	0	0	3	0	0	0	0	0	2	0	0	0	0	0	5
Uniform and dress violations	0	0	0	3	0	0	0	1	1	0	0	0	0	0	0	0	5
Uttering threats	0	0	2	0	8	0	0	0	3	3	1	0	0	1	0	0	18
Violations for personal or financial gain	0	1	1	0	10	1	1	2	3	0	7	0	0	4	1	0	31
Witness Protection Program Violation	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Total:	18	11	90	106	807	16	16	86	132	134	315	3	14	108	19	33	2147

“Both RCMP management and the SRR caucus, therefore, recognize the importance of an effective discipline system in a police environment. Police involvement in resolving disputes often requires confrontation with individuals who deviate from generally accepted public norms. In a society where extraordinary powers are granted to a small group of individuals for purposes of addressing such deviations and maintaining law and order, control and management of the use of such powers is fundamental and discipline crucial.”

[Pay Council Review of RCMP Internal Discipline System, Final Report and Recommendations June 2005, Page 6]
