

Publication ban: Any information that could identify the complainant or her children in the present decision may not be published, broadcast or transmitted in any way.



**ROYAL CANADIAN MOUNTED POLICE**

in the matter of  
a conduct hearing pursuant to the  
*Royal Canadian Mounted Police Act*, RSC, 1985, c R-10

Between:

**Commanding Officer, "K" Division**

(Conduct Authority)

and

**Constable Ryan Deroche**  
Regimental Number 60236

(Subject Member)

---

**Conduct Board Decision**

Christine Sakiris

September 23, 2022

---

Staff Sergeant Jon Hart, Conduct Authority Representative

Mr. Robb Beeman, Subject Member Representative

## TABLE OF CONTENTS

<b>SUMMARY .....</b>	<b>2</b>
<b>INTRODUCTION.....</b>	<b>3</b>
Publication ban.....	3
<b>ALLEGATIONS .....</b>	<b>4</b>
<b>EVIDENCE .....</b>	<b>6</b>
Applicable legal principles to determine credibility and reliability of evidence .....	7
Evidence of B.G.....	8
Evidence of Constable Deroche.....	8
Evidence of Mr. Bateman .....	9
Findings of fact .....	9
<b>FINDINGS ON THE ALLEGATIONS .....</b>	<b>16</b>
<b>CONDUCT MEASURES .....</b>	<b>17</b>
Interpretation of the Conduct Measures Guide when discreditable conduct involves acts of family violence.....	19
Consideration of prior conduct board decisions resolved by joint proposals on conduct measures.....	22
Range of conduct measures .....	24
Aggravating factors.....	25
<i>Seriousness of the misconduct</i> .....	25
<i>Threatened use of weapons</i> .....	30
Mitigating factors.....	30
<i>Expression of remorse</i> .....	30
<i>Employment history</i> .....	31
<i>Letters of support and community involvement</i> .....	31
<i>Medical conditions</i> .....	31
<i>Rehabilitative potential</i> .....	33
Decision on conduct measures.....	34
<b>CONCLUSION .....</b>	<b>35</b>

## SUMMARY

The *Notice of Conduct Hearing* contains a total of four alleged contraventions of section 7.1 of the RCMP Code of Conduct. All four allegations involve alleged incidents of family violence, and in particular, intimate partner violence toward Constable Deroche's former partner, B.G.

The Conduct Board found all four allegations to be established and directed Constable Deroche to resign within 14 days, failing which he will be dismissed.

## INTRODUCTION

[1] Constable Deroche is facing four alleged contraventions of section 7.1 of the RCMP Code of Conduct. All four allegations involve alleged acts of family violence, and in particular, intimate partner violence against Constable Deroche's former partner, B.G.

[2] The allegations are set out in the *Notice of Conduct Hearing*, dated September 28, 2021. On December 14, 2021, Constable Deroche filed his response to the allegations, pursuant to subsection 15(3) of the *Commissioner's Standing Orders (Conduct)*, SOR/2014-291. While offering clarification with respect to some of the particulars, Constable Deroche admitted all four allegations.

[3] I have been appointed as the Conduct Board pursuant to subsection 43(1) of the *Royal Canadian Mounted Police Act*, RSC, 1985, c R-10 [*RCMP Act*]. In accordance with section 45 of the *RCMP Act*, I must decide whether each allegation is established on a balance of probabilities. In other words, for each allegation, I must determine whether it is more likely than not that Constable Deroche has contravened the Code of Conduct. If I find one or more of the allegations to be established, then I must impose conduct measures.

[4] For the reasons that follow, I find that Allegations 1, 2, 3 and 4 are established and direct Constable Deroche to resign within 14 days, failing which he will be dismissed.

## Publication ban

[5] The parties requested a publication ban to prevent the identification of Constable Deroche's former partner, B.G., and her three minor children.

[6] In accordance with paragraph 45.1(7)(a) of the *RCMP Act*, I order that any information that could identify the complainant, B.G., or her three children, shall not be published, broadcast or transmitted in any document or in any way.

[7] The children shall be referred to by their initials: T.B., C.B. and M.G. All three children were under the age of 18 at the time of the alleged incidents.

[8] Finally, I note that the allegations have been amended to reflect this publication ban.

## ALLEGATIONS

[9] In accordance with the *Notice of Conduct Hearing*, the allegations and particulars are as follows:

### **Allegation 1**

On or between April 17, 2020, and April 18, 2020, at or near [redacted], in the Province of Alberta, [Constable] Ryan Deroche engaged in conduct contrary to section 7.1 of the *Code of Conduct of the Royal Canadian Mounted Police*.

#### **Particulars:**

1. At all material times, you were a member of the Royal Canadian Mounted Police, posted to [Detachment name redacted], “K” Division, Alberta.
2. You were in a romantic relationship with [B.G.]. [B.G.] and her three children were residing with you.
3. On April 17, 2020, you had a verbal argument with [B.G.] about messages you had exchanged with other females. You got angry at her and smashed her iPhone.
4. On April 18, 2020, you and [B.G.] were both in the basement of your residence located at [address redacted] and continued the argument from the previous day.
5. [B.G.] accused you of having more to hide and went through your Apple watch. You got angry and smashed an Apple watch. You slapped [B.G.] with your right open hand, striking the left side of her face leaving a red mark and swelling. You subsequently threw your coffee at her, telling her to get out and leave you alone. You chased her up the stairs and pushed her, causing her to trip and hit her head and shoulder into the wall.
6. As a result of these incidents, on September 18, 2020 you were charged with Assault and Mischief, contrary to section 266 and 430(1) a) of the *Criminal Code*; those charges were resolved on November 17, 2020, in the Provincial Court of Alberta and you entered into a Peace Bond agreement.
7. Your conduct was discreditable.

### **Allegation 2**

On or about August 10, 2020, at or near [redacted], in the Province of Alberta, [Constable] Ryan Deroche engaged in conduct contrary to section 7.1 of the *Code of Conduct of the Royal Canadian Mounted Police*.

#### **Particulars:**

1. At all material times, you were a member of the Royal Canadian Mounted Police, posted to [Detachment name redacted], “K” Division, Alberta.

2. You were in a romantic relationship with [B.G.].
3. At the time of the alleged incident you were driving and [B.G.] was in the vehicle with you, accompanied by her three children. The two of you got into an argument and you threatened to punch her in the face. As a result of this comment the children were scared of you.
4. Your conduct was discreditable.

### **Allegation 3**

On or between September 12, 2020 and September 13, 2020, at or near [redacted], in the Province of Alberta, [Constable] Ryan Deroche engaged in conduct contrary to section 7.1 of the *Code of Conduct of the Royal Canadian Mounted Police*.

#### **Particulars:**

1. At all material times, you were a member of the Royal Canadian Mounted Police, posted to [Detachment name redacted], "K" Division, Alberta.
2. You were in a romantic relationship with [B.G.].
3. On September 12, 2020, at approximately [11 p.m.], you spoke with [B.G.] over the phone. You told her that you were considering bringing a shotgun, shooting her and killing yourself or words to that effect.
4. On September 13, 2020, at approximately [2:30 p.m.], you spoke to [B.G.] over the phone and told her that she made you so angry that you wanted to shoot her and kill yourself or words to that effect.
5. Your comments caused [B.G.] to be upset and scared of you.
6. On September 18, 2020, you were charged with Uttering a Threat, contrary to section 264.1(1) a) of the *Criminal Code*; this charge was resolved on November 17, 2020, in the Provincial Court of Alberta and you entered into a Peace Bond agreement.
7. Your conduct was discreditable.

### **Allegation 4**

On or about September 14, 2020, at or near [redacted], in the Province of Alberta, [Constable] Ryan Deroche engaged in conduct contrary to section 7.1 of the *Code of Conduct of the Royal Canadian Mounted Police*.

#### **Particulars:**

1. At all material times, you were a member of the Royal Canadian Mounted Police, posted to [Detachment name redacted], "K" Division, Alberta.
2. You were separated from [B.G.] at the time of the alleged incident.
3. [B.G.] had recently moved out of your residence and was residing with her three children at a rural property located at [address redacted].

4. At the time of the alleged incident, [B.G.] was with her 12 year old daughter at her residence. You showed up unannounced, sat down at the kitchen table with [B.G.] and her daughter and said that the two of you were going to deal with your situation right now or words to that effect. At some point in the conversation, you stated words to the effect that you wanted to bring your pistol, murder [B.G.] and kill yourself and had thought about it many times. As you were getting angrier, you smashed your coffee cup on the kitchen table, got up and kicked [B.G.]’s chair. As you left the residence, [B.G.] followed you outside. You then grabbed her by the shoulder and screamed in her face to leave you alone.
5. Your behaviour made [B.G.] and her daughter fear for their safety.
6. On September 18, 2020, you were charged with Uttering a Threat, contrary to section 264.1(1) a) of the *Criminal Code*; this charge was resolved on November 17, 2020, in the Provincial Court of Alberta and you entered into a Peace Bond agreement.
7. Your conduct was discreditable.

[*Sic throughout*]

## EVIDENCE

[10] The Record before me includes statements from B.G. and her eldest daughter, T.B. Statements were also taken from B.G.’s friend, C.O., and from Constable Andrew Orton, to whom B.G. reported the September 14, 2020, incident.

[11] On January 19, 2022, Constable Deroche confirmed, through his representative, that he did not intend to cross-examine B.G., T.B. or any other witness on their statements.

[12] On May 24, 2022, the parties provided an *Agreed Statement of Facts*, which I considered when approving the parties’ proposed list of witnesses. At the pre-hearing conference of May 24, 2022, I sought clarification of the facts admitted. The Subject Member Representative confirmed that Constable Deroche admitted, with respect to Allegation 4, that he had directed T.B. to sit at the table with him and B.G. to bear witness to their conversation.

[13] Constable Deroche did not contest any of the witness statements in the Record, including those of B.G. and T.B. Therefore, in the absence of any need to cross-examine T.B., and with the agreement of both counsels, I declined to hear oral evidence from T.B. as she is still a minor.

[14] B.G. indicated a desire to provide oral evidence with respect to the impact of Constable Deroche's actions. Therefore, I directed that B.G.'s evidence be limited to the impact the incidents have had on her.

[15] While Constable Deroche was not contesting B.G.'s statement, the Subject Member Representative did indicate that, in his testimony, Constable Deroche may provide some context with respect to his relationship with B.G. Therefore, I directed that, in the event that Constable Deroche's oral evidence raised a conflict in the evidence, the Conduct Authority Representative would be afforded the opportunity to recall B.G. Ultimately, this was not necessary.

[16] In arriving at my findings of fact, I have considered the *Agreed Statement of Facts* in conjunction with the oral evidence received at the hearing. To the extent that Constable Deroche's oral evidence addressed the context of his relationship with B.G., including the frequency and nature of their arguments, I have considered the statements of B.G., T.B., C.O. and Constable Orton as well as B.G.'s oral evidence and written victim impact statement.

[17] At the conduct measures phase of the hearing, I heard from Mr. James Bateman, whom I qualified as an expert in Counselling Psychology. I considered his oral evidence in conjunction with his December 8, 2021, letter and his June 6, 2022, expert report.

### **Applicable legal principles to determine credibility and reliability of evidence**

[18] In assessing each witness's evidence, I must consider whether they are being truthful and whether their evidence is reliable (i.e., whether the witness is in a position to accurately perceive and recollect what they observed). I may find a witness's evidence to be truthful, but unreliable. It is also open to me to accept some, none or all of a witness's evidence on a given point.<sup>1</sup>

[19] In assessing credibility, I must not look at a witness's evidence in isolation, but at the totality of the evidence. I must also consider the impact of the inconsistencies in that evidence and whether, when taken as a whole in the context of the totality of the evidence, they impact the witness's credibility.<sup>2</sup>

---

<sup>1</sup> *R. v R.E.M.*, 2008 SCC 51, at paragraph 65.

<sup>2</sup> *F.H. v McDougall*, 2008 SCC 53, at paragraph 58.

[20] In *Faryna*,<sup>3</sup> the Court notes that a witness's evidence cannot be assessed solely on their demeanour, i.e., that they appear to be telling the truth. Rather, a trier of fact must determine whether the witness's story is consistent with the most probable interpretation of the surrounding facts.

[21] The determination of whether the witness's account has an "air of reality" is subjective, but it must be grounded in the totality of the evidence.<sup>4</sup>

[22] In considering expert evidence, I am mindful that an expert may, as a result of their special knowledge or training, assist me in evaluating the evidence. However, I must ensure that the factual basis for their opinions is consistent with the evidence and assess the weight to be given to their opinions. I cannot simply adopt their conclusions as my own.

### **Evidence of B.G.**

[23] I found B.G.'s evidence to be both credible and reliable. I did not identify any significant discrepancies between her statement and her oral evidence. In her statement, she volunteered information that would not necessarily reflect well on her. In both her statement and her oral evidence, she demonstrated empathy for Constable Deroche and did not try to cast him in a negative light. Her account of the events and of the nature of her relationship with Constable Deroche is consistent with the totality of the evidence. In her oral evidence, she provided a balanced account of the impact of Constable Deroche's actions on her and her children.

### **Evidence of Constable Deroche**

[24] On the whole, I found Constable Deroche's evidence to be credible and reliable. In many respects, his evidence was consistent with that of the other witnesses. However, there were some areas in which he was vague or used generic language. I do not make a negative inference as to his intent. However, his choice of language tended to minimize the severity of his actions. For example, in describing the context of his relationship with B.G., he referenced "arguments" without acknowledging their intensity or his abusive behaviour during those arguments.

---

<sup>3</sup> *Faryna v Chorny*, 1951 CanLII 252 (BC CA) [*Faryna*], at page 357.

<sup>4</sup> *F.H. v McDougall*, 2008 SCC 53, at paragraph 58.



Consequently, I have preferred B.G. and T.B.'s accounts of certain elements of their interactions and of the overall dynamic of their relationship with Constable Deroche.

### **Evidence of Mr. Bateman**

[25] Mr. Bateman was qualified as an expert in Counselling Psychology for the purposes of this hearing. He provided a letter in support of Constable Deroche, dated December 8, 2021, and an expert report, dated June 6, 2022. He also testified at the conduct hearing.

[26] I did not have any concerns with respect to the credibility or reliability of Mr. Bateman's evidence. The factual basis for his opinions is, with the exception of one area, consistent with the evidence before me. I will address how I weighed his evidence in my analysis of the conduct measures.

### **Findings of fact**

[27] My findings of fact reflect the *Agreed Statement of Facts* and include additional findings with respect to the context of Constable Deroche's relationship with B.G., including aspects that were witnessed by her children. They also include facts relevant to mitigating and aggravating factors not addressed in the *Agreed Statement of Facts*.

[28] Constable Deroche and B.G. met in the summer or fall of 2017 and began seeing each other in January 2018. They broke up in April 2018 and then resumed their relationship in July 2018.

[29] Both B.G. and Constable Deroche agreed that their relationship was tumultuous from the beginning. They both pointed to trust issues, specifically of B.G.'s trust in Constable Deroche. They argued frequently, rarely going for more than a few days without arguing.

[30] Notwithstanding their frequent arguments, Constable Deroche reports that B.G. was a tremendous support to him after his colleague's son, with whom he had a personal bond, was killed in an accident in January 2019. Constable Deroche described, in some detail, the impact that this event had on him and on his overall mental health.

[31] Constable Deroche testified that he and B.G. ended their relationship again in May 2019 and reconciled in July 2019.

[32] B.G. and her children moved in with Constable Deroche in August 2019. They both reported that, while they still argued from time to time, things were fairly stable for several months thereafter. Constable Deroche had a positive relationship with B.G.'s children, essentially taking on a co-parenting role. In her statement, T.B. noted that she developed a trusting relationship with Constable Deroche.

[33] Constable Deroche became a full-time member of the General Investigation Section in November 2019. In December 2019, a complex arson investigation was initiated. Over the next several months, this investigation, along with other files, required long work hours, often six days a week. Constable Deroche testified that, in light of their conflicting work schedules, he and B.G. could go a few days without seeing much of each other. This exacerbated the trust issues in their relationship. Their arguing intensified and increased in frequency.

[34] In December 2019, B.G. began keeping notes about their arguments. While not specifically addressed in the *Agreed Statement of Facts*, I rely on B.G.'s uncontested evidence in her statement and in her oral evidence, together with the statements of T.B. and C.O., in finding that Constable Deroche exhibited increased levels of anger over the next several months and that he used abusive language, including insults such as calling B.G. a "cunt", in the course of their arguments.<sup>5</sup> In addition, there is uncontroverted evidence that Constable Deroche also called T.B., then 12 years old, a "bitch" or a "dumb bitch" on occasion.<sup>6</sup>

[35] B.G.'s evidence suggests that Constable Deroche was not himself and seemed, in her words, to be depressed at times over the course of 2019 and 2020.<sup>7</sup>

[36] In April 2020, three incidents took place. In the first, Constable Deroche and B.G. had a heated verbal argument about Constable Deroche's interactions with other women. At the time, they were in their bedroom in the basement of Constable Deroche's house.

[37] B.G.'s uncontroverted evidence is that Constable Deroche wanted to see her phone, to validate information relevant to their argument. As indicated in the *Agreed Statement of Facts*,

---

<sup>5</sup> Statement of T.B., at page 7, line 178; Statement of C.O., at page 3, line 43.

<sup>6</sup> Statement of T.B., at page 4, lines 71 and 72; Statement of C.O., at page 4, lines 87 to 89; Statement of B.G., at page 7, line 209.

<sup>7</sup> Statement of B.G., at page 13, lines 382 to 388.

Constable Deroche was holding B.G.'s phone. He became frustrated and threw the phone to the ground, causing visible damage. Constable Deroche testified that they later tried to have the phone repaired, to no avail. He expressed remorse that B.G. lost many pictures of her children as a result.

[38] In the second incident, Constable Deroche was clearing the data on B.G.'s Apple watch, which she had previously loaned to him, since it was to be given to B.G.'s daughter T.B. An argument ensued, because B.G. felt that Constable Deroche was concealing communications with other women. In the course of that argument, he threw the Apple watch to the ground, breaking it.

[39] Constable Deroche testified that he does not recall the specifics of how the Apple watch came to be broken. However, he admitted that he broke it, in his words, out of frustration. He expressed remorse for having done so, particularly since it impacted T.B.

[40] In the third incident, B.G. and Constable Deroche were arguing on the main floor of the house. Constable Deroche testified that he was tired, worn out and wanted to sleep. He went down to the basement in an attempt to leave the argument. However, B.G. followed, and it continued. Constable Deroche became increasingly frustrated and eventually lost control. He slapped B.G. across the face with his open right hand, leaving swelling and a red mark on the left side of her face. He threw his coffee at B.G. and told her to leave him alone. Constable Deroche then chased B.G. up the stairs and pushed her, causing her to trip and hit her head and shoulder on the wall. Of note, B.G. is considerably smaller than Constable Deroche.

[41] There is some discrepancy regarding the time at which the third incident occurred. Constable Deroche testified that it was in the evening, after the children were in bed. In both her statement and her oral evidence, B.G. reported that it was earlier in the day. On the preponderance of the evidence before me, including T.B.'s uncontested statement and the dated photograph of B.G.'s face, I find that, at a minimum, T.B. and C.B. were awake at the time. T.B. reported hearing the argument and the sound of her mother tripping on the stairs. C.B., approximately eight years old at the time, asked B.G. whether Constable Deroche hit her. B.G. stated lying to her child since she did not want C.B. to know what happened.

[42] Constable Deroche testified that, after slapping B.G., he felt terrible and could not believe that he had done that to someone he loved. He did not recall pushing B.G., but he did not deny that it happened, or question her account of the events.

[43] Constable Deroche expressed remorse over his actions in all three of these incidents and acknowledged that he was wrong to have acted in this manner.

[44] In May or June of 2020, B.G.'s children were involved with the Ministry of Children's Services as a result of an incident at her ex-husband's house. Constable Deroche testified that, in the course of that investigation, B.G.'s children expressed concerns about the arguments between B.G. and him. All of the parental figures (B.G., her ex-husband and his new partner, as well as Constable Deroche) were required to engage in counselling. Constable Deroche began a domestic violence program. Due to his profession, he was extended the courtesy of completing the sessions on a one-on-one basis rather than in the traditional group setting.

[45] Constable Deroche testified as to the material covered in that course. It included the nature and types of acts that may constitute domestic violence, how violence escalates, how to modify reactions to conflict, the negative impact of domestic violence on children and how to recognize when it may be best to end a relationship. He completed the course in November 2020.

[46] On or around August 10, 2020, Constable Deroche, B.G. and her children were in a vehicle. Constable Deroche was trying to teach B.G. how to hook up a tent trailer and drive while towing it. While driving on the highway on their way to a friend's property to store the tent trailer, B.G. became extremely overwhelmed and started panicking. The speed limit at that location was 80 kilometres per hour. However, B.G. was driving at approximately 30 kilometres per hour. Constable Deroche repeatedly told B.G. to pull over so that he could drive, but she refused to do so. Yet, she continued to be overwhelmed and drive at an extremely low speed.

[47] Constable Deroche became increasingly frustrated. He and B.G. got into an argument, which eventually culminated in Constable Deroche threatening to punch B.G. in the face. He told her "shut up, do you want me to punch you in the face", or words to that effect.

[48] They drove the rest of the way in silence. Constable Deroche testified that he eventually apologized.

[49] Constable Deroche also testified that, in hindsight, he should not have tried to teach B.G. when he was tired and frustrated. Nor should the children have been in the car while he did so.

[50] At the time of the tent-trailer incident, the children were on summer break. Constable Deroche was responsible for cooking the children's meals and supervising them while B.G. was at work. He did not perceive that the children were afraid of him. B.G. testified that they were. There is insufficient evidence before me to determine the extent to which the children were afraid of Constable Deroche at this point in time. That said, it is not contested that the children bore witness to their arguments generally, and to this incident in particular. Nor is it contested that they were negatively impacted as a result.

[51] In August 2020, Constable Deroche and B.G. ended their relationship and B.G. moved out of his home. She moved to a friend's home until she found her own place in September 2020.

[52] B.G. testified that, while they had ended their relationship, they continued to see each other after she moved out. Constable Deroche testified that he communicated with B.G. solely with the aim of resolving their differences so that he could maintain a relationship with her children. At many points in his testimony, he noted that the end of their relationship was the end of a family life as he had come to know it. Constable Deroche noted that while they were not his biological children, he had come to love B.G.'s children and wanted to remain in their lives.

[53] Whatever the motives behind their interactions, it is not contested that the two communicated regularly after B.G. moved out.

[54] On the night of September 12, 2020, B.G. repeatedly called and messaged Constable Deroche. In her messages, she stated, among other things, that she was never good enough for him and that he never loved her. B.G. testified that she felt used by Constable Deroche.

[55] Constable Deroche initially ignored her calls and messages. However, he eventually spoke to her on the phone. During their conversation, tempers flared and they argued.

[56] Constable Deroche testified that he became frustrated that the arguments were continuing and that B.G. would not leave him alone. Constable Deroche admitted saying words to the effect of "the only way you are going to leave me alone is if I get a shotgun and kill you or kill me". He

acknowledged that this was an entirely inappropriate thing to say. He also stated that it was a poor reaction due to his frustration.

[57] On September 13, 2020, Constable Deroche and B.G. spoke on the phone and the argument continued. Constable Deroche repeated the same phrase he had said the night before, being words to the effect of, “the only way you are going to leave me alone is if I get a gun and kill you or kill me”.

[58] On September 14, 2020, Constable Deroche showed up unannounced at B.G.’s residence. He brought a tea for B.G. and an ice cream for T.B.

[59] Upon arriving at the house, Constable Deroche was invited in. He sat at the kitchen table with B.G. He insisted that T.B. also sit at the table to witness their conversation. B.G.’s other children were not home.

[60] Constable Deroche testified that his intention was to resolve their conflict, to give B.G. closure, so that he could remain friendly with her and maintain a relationship with the children. He seemed to suggest he came over in a calm manner. However, his stated intent does not align with the preponderance of the evidence, namely B.G.’s and T.B.’s account of how he actually approached the conversation upon his arrival. They describe a more aggressive approach to the interaction. For example, B.G. testified that, when she objected to Constable Deroche’s direction that T.B. bear witness to their conversation, he stated words to the effect of “I don’t give a crap, we’re dealing with this now”.<sup>8</sup>

[61] When asked why he thought it appropriate to require T.B. to witness their conversation, Constable Deroche testified that he thought it might keep things calm since he believed that B.G. had previously shared many details of their arguments with T.B. Constable Deroche acknowledged that it was not appropriate to have required T.B. to observe his conversation with B.G. and that he could only imagine the harm that it has caused her, particularly in light of the difficulties she had already been facing in her relationship with her father.<sup>9</sup> In her statement, T.B. spoke directly to the

---

<sup>8</sup> Transcript, Volume 1, at page 28, lines 19 and 20.

<sup>9</sup> Transcript, Volume 1, at page 81, lines 16 to 19.

harm she has suffered. B.G. also spoke to this in her statement and in her oral evidence. I will address this further in my analysis of the conduct measures.

[62] Constable Deroche and B.G. argued about the same issues as before. Constable Deroche testified that he became increasingly frustrated by this.

[63] At one point in the argument, Constable Deroche told B.G. “the only way you are going to leave me alone is if I get a pistol and blow my brains out or if I kill you”, or words to that effect. He then slammed his paper coffee cup on the table, kicked B.G.’s chair to push her away from him, and got up to leave. The evidence does not support that Constable Deroche made direct contact with, or caused any injury to B.G. in so doing.

[64] B.G. followed him. She testified that she did so because she didn’t know what he was going to do, and in particular, if he was going to get a gun. She was afraid that he would hurt her or himself. She stood in the doorway, refusing to let him leave.

[65] Constable Deroche screamed at B.G. to leave him alone, placed his hand on her shoulder to move her out of the way and went outside. Both he and B.G. noted that he was hyperventilating at this point. He then got in his truck and drove away.

[66] B.G. contacted Constable Orton as she feared for her own safety and for the safety of Constable Deroche.

[67] Following this incident, Constable Deroche blocked B.G. from all forms of communication.

[68] In the days that followed, Constable Deroche was ordered to report to Health Services, where he met with a Force psychologist and a Health Services Officer. He was provided with a list of psychologists and began treatment with Mr. Bateman shortly thereafter.

[69] On September 18, 2020, Constable Deroche was charged with assault, mischief and two counts of uttering a threat. He contacted the Crown on his own initiative and entered into a Peace Bond. In so doing, he admitted that B.G. had reason to fear for her safety from him. He completed the terms of his probation on May 16, 2022. I acknowledge that he was identified as low risk for the purposes of supervision during his probationary period.

[70] Constable Deroche testified that he does not own any personal firearms. In the context of the threats uttered, he was referring to firearms that were accessible to him as a police officer.

## **FINDINGS ON THE ALLEGATIONS**

[71] Section 7.1 of the Code of Conduct states: “Members behave in a manner that is not likely to discredit the Force.”

[72] The test for “discreditable conduct” under section 7.1 of the Code of Conduct requires that the Conduct Authority establish the following four elements on a balance of probabilities:

- a) the acts that constitute the alleged behaviour;
- b) the identity of the member who is alleged to have committed these acts;
- c) that the member’s behaviour is likely to discredit the Force; and
- d) that the member’s actions are sufficiently related to their duties and functions as to provide the Force with a legitimate interest in disciplining them.

[73] As a result of Constable Deroche’s admissions and my findings of fact, I find that the first two elements of the test are satisfied. Therefore, I will turn my attention to determining whether the third and fourth elements of the test are established.

[74] With respect to Allegation 1, Constable Deroche threw and broke B.G.’s phone and Apple watch in the course of their arguments. He physically assaulted B.G. by slapping her in the face, pushing her up the stairs, causing her to trip and hit her head and shoulder on the wall. The slap caused minor injury to B.G., namely swelling and a red mark on her face.

[75] With respect to Allegation 2, Constable Deroche threatened to punch B.G. in the face, in front of her three young children.

[76] With respect to Allegations 3 and 4, Constable Deroche threatened to shoot B.G. and/or himself on three occasions, over three consecutive days. He uttered the final threat in front of B.G.’s then 12-year-old daughter, whom he had directed to sit with them at the table in order to bear witness to their exchange.

[77] Constable Deroche’s actions resulted in criminal charges, which were resolved when he entered into a Peace Bond. A necessary component of a Peace Bond is that the victim has a



reasonable fear of violence. Furthermore, Constable Deroche did acknowledge that B.G. had reason to fear for her safety.

[78] It is well established that members must adhere to the Code of Conduct both on- and off-duty. As a member, Constable Deroche is called upon to enforce the law as well as to respond to calls and conduct investigations into allegations of family violence, including intimate partner violence.

[79] For each of the four allegations, Constable Deroche concedes, and I find, that a reasonable person, with knowledge of all the relevant circumstances, including the realities of policing in general and of the RCMP in particular, would view his actions as likely to bring discredit to the Force.

[80] Constable Deroche engaged in intimate partner violence, the severity of which escalated over time. I find that his actions, as set out for each of the four allegations, may impair his ability, or the public's confidence in his ability, to impartially perform the duties of a member of the RCMP. The public would undoubtedly lose confidence in a member's ability to enforce laws that he himself does not respect. In addition, I find that the threats uttered by Constable Deroche involved the use of weapons available to him by virtue of his duties. As such, I find that his behaviour is sufficiently related to his duties and functions as to provide the Force with a legitimate interest in disciplining him. Consequently, I find that all four allegations are established.

## **CONDUCT MEASURES**

[81] Having found Allegations 1, 2, 3 and 4 established, as well as in accordance with subsection 45(4) of the *RCMP Act* and with the *RCMP Conduct Measures Guide*, I am required to impose "a fair and just measure that is commensurate to the gravity of the contravention, the degree of blameworthiness of the member, and the presence of mitigating and aggravating factors."

[82] The determination of an appropriate sanction involves, at its core, a balancing of interests: that of the public, of the RCMP as an employer, of the member to be treated fairly and of those affected by the misconduct at issue. Fairness to the member requires, in part, that the conduct measures imposed are proportionate.

[83] As noted by counsel, section 36.2 of the *RCMP Act*, and in particular paragraphs (b), (c) and (e), is instructive. It provides the following guiding principles:

- The conduct system is integral to maintaining the public trust in the administration of the RCMP.
- Members must be responsible and accountable for the promotion and maintenance of good conduct in the Force.
- Conduct measures are to be proportionate to the nature and circumstances of the contravention, and where appropriate, are to be educative and remedial rather than punitive.

[84] There is also the parity principle. The *Conduct Measures Guide*, while not prescriptive, is intended to promote parity of sanctions. It has its limitations, as examined below. What is clear is that the *Conduct Measures Guide* must be read in the context of evolving societal standards, as established by the jurisprudence or applicable policies and legislation.

[85] Similarly, while I am not bound by prior conduct decisions, they can provide some guidance with respect to the appropriate sanctions for a particular category of behaviour.

[86] In determining the appropriate conduct measures, I must start by determining the appropriate range of measures. I must then identify the aggravating and mitigating factors. Finally, I must weigh those factors as well as balance the interests of the public, the RCMP, the subject member and the affected parties to arrive at my decision.

[87] Before starting this analysis, two issues with respect to the interpretation of the *Conduct Measures Guide* and the consideration of prior conduct decisions must be addressed:

- a) the interpretation of the *Conduct Measures Guide* when discreditable conduct involves acts of family violence; and
- b) the consideration of prior conduct board decisions resolved by joint proposals on conduct measures.

**Interpretation of the Conduct Measures Guide when discreditable conduct involves acts of family violence**

[88] The *Conduct Measures Guide* is a useful reference in determining the appropriate conduct measures. However, it is important to note that the *Conduct Measures Guide* is just that, a guide. It is not meant to be prescriptive.

[89] Discreditable conduct, as defined under section 7.1 of the Code of Conduct, encompasses a broad range of behaviours. While not exhaustive, the *Conduct Measures Guide* seeks to provide guidance with respect to the assessment of appropriate conduct measures for several types of discreditable behaviour, including section 7.21 “Assault/Domestic Violence” and section 7.22 “Uttering Threats”.

[90] While the *Conduct Measures Guide* provides a starting point for the analysis of the appropriate conduct measures, it is somewhat dated. The term “domestic violence” in and of itself is not reflective of the broad understanding of the scope of abusive behaviours that may arise in family or intimate partner relationships. The courts have, in recent years, expressly recognized the full scope of abusive behaviours and their impact on victims as well as other family members, and on children in particular. Since I must interpret the *Conduct Measures Guide* in a manner that is consistent with the current state of the law, I requested submissions from counsel on this point.

[91] In particular, I drew their attention to the “K” *Division Operational Manual*, which the Conduct Authority Representative had submitted as an authority during the allegations phase of the hearing. The “K” *Division Operational Manual*, at Part 2, Chapter 2.4 “Violence in Relationships”, in turn refers to the *Operational Manual*, Chapter 2.4 “Violence/Abuse in Relationships”. Per *Operational Manual* 2.4.1.1, violence in relationships is defined as follows:

Violence in Relationships means the use of abusive behaviour by an individual in a relationship to control and/or harm the other individual in the relationship, including, but not limited to, different forms of physical neglect and/or emotional abuse. For forms and types of violence, refer to the Department of Justice website.

[92] The section includes an embedded hyperlink to the definition of “family violence” on the Department of Justice website, which provides:<sup>10</sup>

[...]

Family violence is when someone uses abusive behaviour to control and/or harm a member of their family, or someone with whom they have an intimate relationship.

Family violence includes many different forms of physical and emotional abuse, as well as neglect carried out by family members or intimate partners. It may include a single act of violence, or a number of acts that form a pattern of abuse. Family violence can have serious and sometimes fatal consequences for victims and for those who see or hear the violence.

[...]

**Family violence is not just physical violence. A person can be the victim of one or more forms of violence or abuse including:**

- **physical abuse**
- **sexual abuse**
- **emotional abuse**
- **financial abuse**
- **neglect**

[...]

Emotional abuse happens when a person uses words or actions to control, frighten or isolate someone or take away their self-respect. [...]

Intimate partner violence or abuse that happens:

- within a marriage, common-law or dating relationship
- in an opposite-sex or same sex relationship
- **at any time during a relationship, including while it is breaking down, or after it has ended.**

Not all intimate partner violence is the same. In some cases, one person may want power and complete control over their partner and will use different ways (including physical violence) to get it. [...]

This type of abuse almost always gets worse over time. It often leads to serious physical violence and can cause you to have lasting health problems, including post-traumatic stress disorder (PTSD).

[...]

**Children who witness family violence are at risk for both short and long-term harm. Even if they don’t see or hear the violence, they can be**

---

<sup>10</sup> Government of Canada, “About Family Violence” (March 2022), <<https://www.justice.gc.ca/eng/cj-jp/fv-vf/about-apropos.html>>

**affected by hearing or seeing the results of the violence.** They can have emotional, behavioural and developmental problems. These problems can last a long time. They are also at risk of developing post-traumatic stress disorder.

[...] [Emphasis added]

[93] With this broader understanding of what constitutes family violence, including intimate partner violence, I asked counsel to provide submissions on the impact, if any, that this broader understanding has on the interpretation I should give to the *Conduct Measures Guide*, and in particular to sections 7.21 and 7.22, in which “domestic violence” only appears to contemplate “physical assault”.

[94] The Conduct Authority Representative submitted that, as acknowledged in *Whalen*,<sup>11</sup> “domestic violence” is not limited to acts of physical violence. He highlighted that the Department of Justice definition of family violence was recognized in *Whalen* and that it is proper to reflect the more recent recognition of what family violence entails. Consequently, the Conduct Authority Representative argued that it would be proper to consider the full scope of behaviours that may constitute family violence.

[95] The Conduct Authority Representative further submitted that it is disconcerting that the *Conduct Measures Guide*, which was approved in 2014, does not speak to the impact of “domestic violence” on victims. He further submitted that this impact was recognized as early as 2001 by the Federal Court in *Rendell*.<sup>12</sup> The Conduct Authority Representative drew particular attention to pages 23 and 24 of the Commissioner’s decision, which was upheld by the Federal Court, and in which the Commissioner notes that, while the member’s mental state must be considered, a decision maker must also consider the impact of the member’s actions on the victim, on the integrity of the organization and on the societal expectations around domestic violence. Consequently, the Conduct Authority Representative argued that I must give considerable weight to the impact of Constable Deroche’s actions on his victims, namely B.G. and her children.

[96] Finally, the Conduct Authority Representative submitted that the reference, in section 7.21 of the *Conduct Measures Guide*, of a “prolonged pattern of spousal abuse” should be understood

---

<sup>11</sup> *Commanding Officer “H” Division and Constable Whalen*, 2021 CAD 17 [*Whalen*], at paragraph 14.

<sup>12</sup> *Rendell v Canada (Attorney General)*, 2001 FCT 710 [*Rendell*].

to include the full scope of behaviours that may constitute family violence. He further argued that Constable Deroche perpetrated acts of intimate partner violence over a period of five to six months, and that this would constitute a “prolonged” pattern of abuse.

[97] The Subject Member Representative agreed with much of the Conduct Authority Representative’s submission on this issue. He noted that while the *Conduct Measures Guide* is simply a guide, its wording is often imprecise. The Subject Member Representative agreed that the Department of Justice definition of family violence, as incorporated in the *Operational Manual*, is applicable. He submitted that the RCMP has recognized, in *Whalen*, that emotional abuse falls within this definition. Therefore, while the wording may be imprecise, the Subject Member Representative submitted that the intent is clear that domestic violence in any form is very serious.

[98] I find that the RCMP has, in incorporating the Department of Justice definition of family violence in its *Operational Manual*, clearly acknowledged that its members must consider the full spectrum of behaviours that may constitute family violence when enforcing the law. The fact that the *Operational Manual* provides a hyperlink to that definition demonstrates an awareness that it may evolve and that the RCMP’s enforcement activities must align with the most current understanding of this complex issue. It would be illogical for the RCMP to apply a different standard in disciplining its own members for the same behaviour.

[99] I further find that sections 7.21 and 7.22 of the *Conduct Measures Guide*, to the extent that they suggest a narrow definition of “domestic violence” as describing acts of physical violence and that they fail to recognize the impact of this violence on its victims, are inconsistent with the current law and societal standards. I have accordingly applied the Department of Justice definition of family violence, including its description of the impact on victims, in my interpretation and application of these provisions.

#### **Consideration of prior conduct board decisions resolved by joint proposals on conduct measures**

[100] At issue in this hearing was the extent to which prior conduct board decisions are instructive in assessing parity of sanctions. Most of the prior conduct board decisions cited by the

parties involved joint proposals on conduct measures. The parties disagreed as to the weight that I should ascribe to these decisions.

[101] A particular challenge in the RCMP conduct process is the number of cases that are resolved by joint proposals on conduct measures. I heard submissions with respect to the relative severity of the incidences of family violence in these decisions in which conduct measures less than dismissal were imposed pursuant to joint proposals to the conduct boards. The Subject Member Representative drew my attention to such prior conduct board decisions.<sup>13</sup> Furthermore, he argued that those cases involved more egregious acts of family violence did not result in dismissal. He provided:

[...] the law is pretty clear that normally a joint submission is to be accepted, unless it's contrary to the public interest.

But in my view, that cuts both ways, is that clearly, in each case, the Conduct Board looked at the facts and concluded, weighing the aggravating and mitigating circumstances, **that the public interest was served by that sanction.**

So in my view, [a joint proposal] does have some weight. And given the principle of parity of sentence, these decisions require consideration. [...] <sup>14</sup>

[Emphasis added]

[102] The reasons for and the factors that lead Commanding Officers<sup>15</sup> and subject members to agree to a particular joint proposal on conduct measures are several and varied. There are very limited circumstances in which a conduct board may refuse to accept a joint proposal. Furthermore, the proposed measures are often not what a conduct board would have imposed. However, that is not the test. The test, as set out by the Supreme Court of Canada in *Anthony-Cook*,<sup>16</sup> is whether the proposed measures are **against** the public interest. This is a very high test, which requires that the proposed measures are:

[...] so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the circumstances, including the importance of promoting certainty in resolution

---

<sup>13</sup> *Commanding Officer "D" Division and Constable El Aste*, 2018 RCAD 18; *Commanding Officer "F" Division and Constable Elek*, 2021 CAD 13; *Commanding Officer "O" Division and Constable Ozimko*, 2021 CAD 15.

<sup>14</sup> Transcript, Volume 3, at page 66.

<sup>15</sup> or Designated Conduct Authorities

<sup>16</sup> *R. v Anthony-Cook*, 2016 SCC 43 [*Anthony-Cook*], at paragraph 34.

discussions, to believe that the proper functioning of [in this case the conduct process] had broken down. [...]

[103] The acceptance of a joint proposal by a conduct board cannot be viewed as its endorsement of the proposed measures as those that best serve the interests of the public. Rather, it reflects a compromise that does not offend the public interest. Consequently, while the previous conduct board decisions may provide an indication of an acceptable range of conduct measures for a category of misconduct, they are of little assistance to me in my analysis of how the aggravating and mitigating factors in this case are to be weighed.

### **Range of conduct measures**

[104] The Subject Member Representative submitted that a global sanction is appropriate in this case as the allegations should be viewed as a “single circumstance”.<sup>17</sup> In this case, each instance was listed as a separate allegation. However, he argued that in other cases, for example in *Whalen*, multiple instances of violence are included within a single allegation of discreditable conduct.

[105] While the Subject Member Representative did not acknowledge that Constable Deroche’s behaviour demonstrated a pattern of abuse, he conceded that, on the totality of the circumstances, Constable Deroche’s behaviour falls in the aggravated range. However, he submitted that the mitigating factors outweigh the significant aggravating factors in this case and justify a sanction less than dismissal.

[106] The Conduct Authority Representative did not provide submissions on the appropriateness of a global sanction. However, by virtue of having sought the appointment of a conduct board, the Conduct Authority indicated his intent to seek Constable Deroche’s dismissal, which is effectively a global sanction. The Conduct Authority Representative did clarify that the Conduct Authority is seeking the imposition of a direction to resign within 14 days and not a direct dismissal.

[107] While I do not agree with the Subject Member Representative’s rationale, I acknowledge that there is some inconsistency in the manner in which allegations of family violence are framed, as evidenced by the conduct board decisions cited by the parties. I further acknowledge that I must

---

<sup>17</sup> Transcript, Volume 3, at pages 48 and 49.



consider the parity principle, namely the potentially differential impact of imposing conduct measures for each allegation. While I do not find that I am precluded from doing so on this basis, I find that, on the facts of this case, the imposition of global conduct measures is appropriate. In particular, the allegations took place over a five-month period, and involved a pattern of escalating instances of family violence.

[108] Constable Deroche's actions, as set out in Allegations 1, 2, 3 and 4, fall within the high end of the aggravated range of 15 days to dismissal, per sections 7.21 and 7.22 of the *Conduct Measures Guide*. He perpetrated multiple incidents of physical and emotional abuse, including threats on B.G.'s life over a five-month period. When the totality of the evidence is considered, these facts establish a prolonged pattern of intimate partner violence that escalated over time. On one occasion, B.G. suffered an injury as a direct result of Constable Deroche's actions. Constable Deroche's threats, as set out in Allegations 3 and 4, involved the threatened use of weapons and arose in the context of intimate partner violence. His actions unquestionably fall at the high end of the aggravated range.

[109] Constable Deroche has engaged in very serious misconduct. Consequently, I find that the range of possible conduct measures in this case is of a very high financial penalty of no less than 30 days of pay, alone or in combination with other measures, to dismissal. I note that a financial penalty, alone or in combination with other measures, would only be appropriate in the presence of highly mitigating factors.

### **Aggravating factors**

[110] Of the aggravating factors identified by the parties, I have retained the following:

#### *Seriousness of the misconduct*

[111] The first aggravating factor is the seriousness of the misconduct, namely family violence, and, in particular, intimate partner violence, which includes emotional and physical abuse. The *Conduct Measures Guide* recognizes this as inherently more serious misconduct. This is consistent with the sentencing principles for acts of family violence, as summarized in *Dunlop*.<sup>18</sup> These

---

<sup>18</sup> *R. v Dunlop*, 2014 ONCJ 44 [*Dunlop*], at paragraphs 14 to 68.

principles explicitly recognize the gravity and the public interest in the denunciation of acts of family violence.

[112] There are several aspects to the circumstances surrounding Constable Deroche's actions that further augment the seriousness of the misconduct itself. It is without question the most aggravating factor in this case.

### ***Escalation of violence***

[113] I have found that B.G. suffered a minor injury as a result of Constable Deroche's slap to her face. I have also found that the allegations demonstrate an escalation of this violence, ultimately culminating in three threats to kill B.G. and/or himself over a period of three days. The fact that these threats involved the threatened use of firearms is further aggravating.

### ***Breach of trust***

[114] As noted by both parties, and as recognized in *Dunlop*<sup>19</sup>, family violence inherently involves a breach of trust and the vulnerability of intimate partners and children. In this case, it is clear that Constable Deroche was in an intimate partner relationship with B.G. and in a parenting role with her children. Furthermore, T.B.'s statement refers to her bond with Constable Deroche and that she had viewed him as a father figure.

[115] The seriousness of the misconduct is further aggravated by the fact that the children bore witness to the violence, namely:

- a) T.B. and C.B. heard the argument that resulted in Constable Deroche slapping her across the face and pushing her up the stairs.
- b) T.B. and C.B. observed the red mark and swelling to her face.
- c) All three children were in the car when Constable Deroche threatened to punch B.G. in the face.

[116] Most troubling is Constable Deroche's direction to T.B., only 12 years old at the time, to sit at the table and bear witness to the argument that ultimately culminated in his threat to use a

---

<sup>19</sup> *Dunlop*, at paragraphs 66 and 67.

pistol to kill himself and/or her mother. In her statement, T.B. spoke directly to the fear that she subsequently felt in her own home, a place in which she should feel safe and secure.<sup>20</sup>

*Attempt to control*

[117] Constable Deroche testified that his intent, on September 14, 2020, was to clear the air and seek to maintain some relationship with the children. Given the relationship that Constable Deroche had with the children, and B.G.'s evidence that Constable Deroche had called her earlier that day about arranging a ride for T.B.,<sup>21</sup> I do not agree with the Conduct Authority Representative that this rationale lacks an air of reality. That said, I have found that Constable Deroche's actions, upon arriving at B.G.'s home, were inconsistent with this stated intent.

[118] I do not agree with the Subject Member Representative's submission that Constable Deroche's actions were purely emotional outbursts and not motivated by an intention to bully or control. Constable Deroche testified that he wanted to have someone bear witness to his conversation with B.G. He explained that he did not think it was problematic to have T.B. do so because B.G. had already shared much about their conflict with her. He further testified that he thought having T.B. present would help to keep him grounded as well as to keep both he and T.B. calm. This demonstrates a gross lack of judgment and a decision that, ultimately, as submitted by the Conduct Authority Representative, was made in an attempt to control the situation. In each of the instances described in Allegations 3 and 4, Constable Deroche sought to bring about an end to arguments he did not wish to continue by threatening to kill B.G. and/or himself.

[119] Similarly, Constable Deroche's prior actions demonstrate an attempt to control. The smashing of the phone and the watch in April 2020 was done when he was demanding, or was refusing to provide, information. When she persisted in their argument, he slapped B.G. across the face, pushed her up the stairs, causing her to trip and hit her head and shoulder on the wall. In the August 2020 incident in the car, Constable Deroche threatened to punch B.G. in the face, in front of her children, when she was not heeding his instructions. Consequently, I find that his actions constitute a clear attempt to control, bully or intimidate.

---

<sup>20</sup> Statement of T.B., at page 6, lines 145 to 160 and at page 11, at lines 302 to 316.

<sup>21</sup> Statement of B.G., at page 11, lines 308 to 317.

***Impact of the violence on B.G. and her children***

[120] The seriousness of the misconduct is further aggravated by the impact of the violence on B.G. and her children, in particular T.B. As set out in *Rendell* and *Dunlop*, the impact of family violence on the victim and children who bear witness to this violence is well established. I agree with the Conduct Authority Representative that it is a significant aggravating factor.

[121] B.G. spoke to the lasting impact this experience has had on her in both her oral evidence and in her written victim impact statement. She referenced the public scrutiny which continues to this day, and which led her to take time off work and ultimately to move away from the town she had lived in for 18 years. She spoke to the significant negative impact on her mental health, which continues to this day, and for which she has sought treatment. Finally, she described how the impact on her mental health negatively impacts her children, who bear witness to her distress.

[122] T.B. spoke directly to the impact of bearing witness to the arguments between B.G. and Constable Deroche in her statement:

[...]

**T.B.:** I don't know he's just gotten really really physical really really fast. It just takes him the slightest little explosion and you know he breaks something like... and this is my apple watch, he broke that. He broke my mom's phone. He has chucked her shoes outside and he's grabbed her. He's done a lot of things to her that has very well scared me and you know scares my safety, scares on how well protected I am from him. And I'm scared that he will hurt me [...] or my other siblings or my mom.

**[Investigator]:** Okay.

**T.B.:** Or my other siblings or my mom.

**[Investigator]:** Okay.

**B.G.:** Can you think of anything else over the past while?

**T.B.:** Um... I know that you guys have like gone through a lot of... like a lot of relationships like through like on and off, and on and of and on an off and he's gotten like really, really angry and you know it starts... as it went on it kind of like, he got louder, he got more scary and it just kept getting worse, to the point where he has done certain things like say he's wanting to put his gun here, he's wanting to harm her and himself. And he's done a lot of that stuff where it's... it's only to the point where it's the littlest thing that can tick him off.

**[Investigator]:** Mmm-hmm. (affirmative)

**T.B.:** That my mom could say to him in person and he could go off the charts and just go suicide and kill her and do something like that. Um, I don't necessarily think of anything else. I don't know there's been a lot that has happened between them two, and I've heard a lot of it, so it's hard to think of a lot of it.<sup>22</sup>

[...] [*Sic throughout*]

[123] Then:

[...]

**T.B.:** I'm scared. I'm scared he can harm me.

**[Investigator]:** Okay.

**T.B.:** I'm scared of the things that he said. I'm worried that it's possible at anytime he can just come in and hurt us. I'm worried, I'm scared, I'm traumatized you know life was hard enough, like I fractured my knee and I was on crutches that was like, I got a depression with that, because I honestly couldn't do anything and it just made me go down and then you know me and my dad have... there's, uh things aren't the best with him right now.

**[Investigator]:** Mmm-hmm. (affirmative)

**T.B.:** And on top of you know [Constable Deroche] doing all that stuff it just, adds up to all that anxiety and just gets worse and worse and worse and it just...it's that, that scares me. That scares me I get so stressed and so much anxiety, and so much stuff from all of it and honestly I shouldn't have to take this as my age of child [...] <sup>23</sup>

[*Sic throughout*]

[124] T.B.'s statement clearly demonstrates that she feared Constable Deroche after the September 14, 2020, incident and that, in conjunction with the prior incidents, she was stressed and anxious. B.G. testified to the impact that this experience continues to have on her children, and in particular on T.B., namely in her anxiety and need to know where B.G. is at all times.

---

<sup>22</sup> Statement of T.B., at page 10, lines 252 to 265.

<sup>23</sup> Statement of T.B., at page 11, lines 302 to 316.

*Threatened use of weapons*

[125] The second aggravating factor is that the threats referenced the use of firearms. Furthermore, the Conduct Authority Representative argued, in part, that the fact that Constable Deroche's threats involved the threatened use of weapons, to which he had access as an RCMP member, heightens the public interest in this matter.

[126] I acknowledge the Subject Member Representative's point that Constable Deroche did not actually take steps to access those weapons. However, I do not agree that this positive action is required in order for this to be an aggravating factor. The threatened use of weapons is, in and of itself, an aggravating factor. Constable Deroche referenced these weapons in the context of threats to kill B.G. The fact that he had access to those weapons ultimately made the threats more credible to B.G. and T.B., thereby compounding their harmful impact. I note that B.G.'s uncontroverted evidence is that she tried to stop Constable Deroche from leaving her house on September 14, 2020, in part because she did not know if he was intending to go get his firearm. Additionally, T.B. clearly articulates the trauma she experienced in her statement.

**Mitigating factors**

[127] Of the mitigating factors identified by the Subject Member Representative, I have retained the following:

*Expression of remorse*

[128] First, Constable Deroche has clearly and repeatedly taken responsibility for his actions and has demonstrated remorse. I do not doubt that his expressions of remorse are sincere. Additionally, he has accepted responsibility for his actions and has acknowledged their impact on B.G. and her children. He proactively sought to resolve the criminal charges, has admitted to the allegations and has provided an *Agreed Statement of Fact*, thereby eliminating the need for B.G. and her children, and in particular T.B., to provide evidence (B.G.'s decision to testify was her own). I also acknowledge that, in doing so, Constable Deroche was seeking to mitigate any further damage to B.G. and her children as a result of his actions. I have given considerable weight to this factor.

*Employment history*

[129] Second, Constable Deroche has a strong employment history with the RCMP and no prior discipline. I did question the Subject Member Representative on this point as Constable Deroche's performance assessments were not submitted. The Conduct Authority Representative conceded that Constable Deroche has no prior discipline and that he is a strong performer. This factor was further supported by the letters of support provided by Constable Deroche.

*Letters of support and community involvement*

[130] Third, Constable Deroche has submitted letters of support that speak to his reputation, demonstrate his contributions to the community and show that he has the support of his immediate supervisors to return to work. However, I agree with the Conduct Authority Representative that their mitigating effect is significantly tempered by the authors' limited knowledge regarding the incidents at issue. Constable Deroche testified that he had informed Corporal Mathieson that he had slapped B.G. but that he did not go into detail about the other elements of the misconduct. Staff Sergeant Delisle's letter only references the events of September 2020; even then, he indicates that his knowledge of those events is limited. Inspector King had left his position as detachment commander almost a year before the incidents giving rise to the allegations came to light. Furthermore, his letter does not reference the allegations.

[131] Several of the letters refer to Constable Deroche's role as a leader to junior members and to youths in the community. While I acknowledge this recognition, its mitigating effect is somewhat tempered by the fact that Constable Deroche's behaviour serves as a very poor example to the junior members that may have looked up to him.

*Medical conditions*

[132] Fourth are Constable Deroche's medical conditions. Mr. Bateman's report references three diagnoses. Of particular concern to these proceedings is his November 23, 2021, diagnosis of PTSD. The timing of that diagnosis and whether Constable Deroche was impacted by PTSD at the time of the incidents at issue were explored by both counsel over the course of Mr. Bateman's oral evidence, and in their submissions.

[133] Constable Deroche began seeing Mr. Bateman in the fall of 2020. However, Constable Deroche was not diagnosed with PTSD until November 23, 2021. According to Mr. Bateman's December 8, 2021, letter and his June 6, 2022, report, the delayed diagnosis was because Constable Deroche did not report symptoms that would meet the diagnostic criteria for PTSD when he first sought treatment. Mr. Bateman opined that Constable Deroche may have initially minimized his symptoms, since they became more evident as they continued working together.

[134] The Subject Member Representative argued that there was a causative link between Constable Deroche's PTSD and his behaviour. Mr. Bateman testified that the presentation of symptoms consistent with PTSD may vary over the course of the illness and provided a summary of possible symptoms in his June 6, 2022 report.<sup>24</sup> At the time of his diagnosis, Constable Deroche was not exhibiting symptoms of "irritable behaviour and angry outburst (with little or no provocation) typically expressed as verbal or physical aggression toward people or objects". Mr. Bateman did not provide any evidence with respect to the nature and extent of symptoms experienced by Constable Deroche in the fall of 2020.

[135] Mr. Bateman opined, both in his June 6, 2022, report and in his oral evidence, that Constable Deroche was likely experiencing symptoms of PTSD between April 2020 and August 2020. He opined that Constable Deroche's ability to cope with interpersonal conflict could have been compromised as a result.

[136] Mr. Bateman also opined that Constable Deroche was particularly reactive to interpersonal conflict with B.G. as a result of his exposure to family violence in the course of his duties as a member. However, I cannot give much weight to this aspect of Mr. Bateman's opinion. There is nothing in Mr. Bateman's report to suggest that Constable Deroche reported particular difficulty responding to calls related to family violence. Moreover, Constable Deroche testified at length about the traumatic incidents that impacted him, but at no point did he describe responding to calls involving family violence. He spoke to this aspect of his duties only when cross-examined on his prior knowledge about the negative impact of family violence. While I do not doubt that it is difficult to respond to these types of calls, Constable Deroche did not identify them as a primary

---

<sup>24</sup> Report of Mr. Bateman, dated June 6, 2022, at pages 3 to 5.



source of trauma or something that came to mind when he found himself in conflict with B.G. Consequently, I do not find that this aspect of Mr. Bateman's opinion is supported by the evidence.

[137] After considering the evidence before me, including Constable Deroche's testimony about the traumatic events he experienced, B.G.'s statement and testimony regarding Constable Deroche's demeanour, as well as Mr. Bateman's report and oral evidence, I accept that Constable Deroche was experiencing some symptoms of PTSD at the time these incidents took place. I also acknowledge that his ability to cope or respond to conflict could have been diminished as a result. However, I do not have sufficient evidence before me to determine the specific nature, scope or severity of his symptoms at the relevant time. Nor do I have enough evidence to determine the extent to which they could have compromised his ability to cope. Consequently, I cannot ascribe significant weight to this factor.

*Rehabilitative potential*

[138] Fifth, Constable Deroche has demonstrated some rehabilitative potential. He has sought and has been an active and diligent participant in his treatment with Mr. Bateman. He has taken responsibility for his actions and has demonstrated remorse. He has demonstrated several insights with respect to his behaviour. He has completed the terms of his probation. I also acknowledge Mr. Bateman's opinion, while not definitive, that these factors, together with the fact that Constable Deroche has a good support network and connection to the community through his volunteer work, reduce his risk of recidivism.

[139] That said, I remain troubled by the fact that Constable Deroche was at least halfway through the domestic violence program that he had been directed to attend, for reasons external to the criminal process, when he threatened to punch B.G. in the face, in front of her children. Approximately one month later, while still actively engaged in that program, he threatened to kill B.G. on three consecutive days, the last incident of which was in front of T.B., B.G.'s 12-year-old daughter, whom Constable Deroche had directed to bear witness to their conversation.

[140] The Subject Member Representative suggested that Constable Deroche's then undiagnosed PTSD impaired his ability to apply the concepts from the program. Given my findings with respect to Constable Deroche's medical conditions, and in particular the lack of evidence with respect to

the nature, scope and severity of his symptoms at that time, I do not accept this explanation. I also agree with the Conduct Authority Representative that, if anything, participation in this course should have brought Constable Deroche's professional knowledge of the negative impact of family violence on children to the fore.

### **Decision on conduct measures**

[141] It is well established that police officers are held to a higher standard than the general public. Members of the RCMP must adhere to the Code of Conduct both on- and off-duty. Where they fail to live up to that standard, they must be held accountable. This is essential in maintaining public confidence in the RCMP. The conduct process serves as a check and balance on the vast powers conferred on police officers.

[142] While I am very mindful that rehabilitation is a primary objective in the discipline process, as noted in *Vellani*<sup>25</sup>, the rehabilitative objectives of the conduct process cannot override dismissal where the employment relationship is fundamentally breached.

[143] Intimate partner violence has significant long-term impacts on victims and their families. Like many police forces, the RCMP has recognized the profound societal impact and risks associated with intimate partner violence, and with family violence more generally.

[144] There is a strong public interest component in this case. The extensive powers granted to police officers necessarily make their misconduct a matter of public interest. The courts have long recognized that family violence is not a private matter. This public interest requires that denunciation and deterrence be given considerable weight in determining the appropriate sanction.<sup>26</sup>

[145] As noted in *Rendell*<sup>27</sup> and *Whalen*<sup>28</sup>, it is appropriate for me to consider the RCMP zero-tolerance policy with respect to the enforcement of these types of offences, as set out in the *Operational Manual*. The public reasonably expects that the RCMP will apply the same approach

---

<sup>25</sup> *Commanding Officer "E" Division v Constable Fareez Vellani*, 2017 RCAD 03, at paragraphs 126 to 130.

<sup>26</sup> *Dunlop*, at paragraphs 20 to 27.

<sup>27</sup> *Rendell*, at paragraph 20.

<sup>28</sup> *Whalen*, at paragraphs 14, 103 and 104.

in addressing misconduct of this nature by its members. To do otherwise would compromise the public's confidence in the administration of the RCMP.

[146] The seriousness of the misconduct is a highly aggravating factor in and of itself. I have outlined many factors that significantly augment the seriousness of the misconduct. The impact that Constable Deroche's actions have had on B.G. and her children, most notably on T.B., is profound. Both specific and general deterrence are required.

[147] I have highlighted several areas of concern with respect to the mitigating factors identified. Without diminishing the sincerity of Constable Deroche's remorse, or of his efforts to address his mental health issues and the root causes of his behaviour, the collective weight of these factors is not sufficient to offset the profound seriousness of the misconduct. It would not be appropriate, in these circumstances, to impose a penalty that is educative and remedial rather than punitive.

[148] Consequently, in accordance with subsection 45(4) of the *RCMP Act*, I direct Constable Deroche to resign within 14 days, failing which he will be dismissed from the Force.

## CONCLUSION

[149] Allegations 1, 2, 3 and 4 are established.

[150] I direct Constable Deroche to resign from the Force within 14 days. If he fails to do so, I direct his dismissal.

[151] Either party may appeal this decision by filing a statement of appeal with the Commissioner in accordance with section 45.11 of the *RCMP Act*.

---

Christine Sakiris  
Conduct Board

---

September 23, 2022  
Date