



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:

Superintendent André Duval
Level III Conduct Authority

Conduct Authority

and

Corporal Alan Zimmer
Regimental Number 49841

Subject Member

Conduct Board Decision

Sandra Weyand

June 17, 2024

Mr. Dustin Kenall and Mr. Eric Blenkarn, Conduct Authority Representatives

Mr. Sandip Khehra, Subject Member Representative

TABLE OF CONTENTS

SUMMARY3
INTRODUCTION4
ALLEGATIONS.....5
 Findings of fact.....7
 Decision on allegations.....8
 Allegation 1.....8
 Allegation 4.....9
CONDUCT MEASURES10
 Applicable legal principles11
 Joint proposals.....11
 Assessing fit conduct measures.....12
 Analysis13
 Decision on conduct measures15
CONCLUSION.....17

SUMMARY

On August 21, 2023, Corporal Alan Zimmer was served a *Notice of Conduct Hearing*, dated July 19, 2023, which contained four allegations under the RCMP Code of Conduct: two alleged contraventions of section 7.1 for discreditable conduct (Allegations 1 and 2), one alleged contravention of section 3.2 for abuse of authority, power, and position (Allegation 3), and one alleged contravention of section 8.1 for failing to provide complete, accurate, and timely accounts (Allegation 4).

Following the withdrawal of Allegations 2 and 3 by the Conduct Authority, only Allegations 1 and 4 remained.

The parties submitted an *Agreed Statement of Facts* and Joint Proposal on conduct measures for the two remaining allegations, which was accepted by the Conduct Board. Allegation 1 was established but Allegation 4 was not.

The following conduct measures were imposed: (a) a demotion for an indefinite period of time to the rank of constable, at the highest pay scale of that rank and (b) the ineligibility for promotion or acting supervisory assignments for a period of 12 months, starting from the date of this decision.

INTRODUCTION

[1] I note that, during the course of this conduct process, the Conduct Authority changed. In this decision, I will make no distinction between the current and previous conduct authorities and refer to them collectively as “Conduct Authority”.

[2] On March 29, 2023, the Conduct Authority signed the *Notice to the Designated Officer*, in which they requested the initiation of a conduct hearing in relation to this matter.

[3] On April 18, 2023, I was appointed as the Conduct Board, pursuant to subsection 43(1) of the *Royal Canadian Mounted Police Act*, RSC, 1985, c R-10 [*RCMP Act*].

[4] On August 21, 2023, Corporal Alan Zimmer was served a *Notice of Conduct Hearing*, dated July 19, 2023, which contained four allegations under the RCMP Code of Conduct: two allegations of discreditable conduct in contravention of section 7.1; one allegation of abuse of authority, power and position in contravention of section 3.2; and one allegation of failing to provide complete, accurate and timely accounts pertaining to the carrying out of a member’s responsibilities, the performance of their duties, the conduct of investigations and the operation and administration of the Force in contravention of section 8.1.

[5] On November 6, 2023, and December 7, 2023, pursuant to subsection 15(3) of the *Commissioner’s Standing Orders (Conduct)*, SOR/2014-291, Corporal Zimmer provided his response to the allegations, admitting Allegation 1, with certain explanations, and denying the other three allegations.

[6] On March 26, 2024, the parties advised that they had reached an agreement on facts and conduct measures.

[7] On April 3, 2024, the parties requested that I exercise my authority under subsections 23(1) and 24(1) of the *Commissioner’s Standing Orders (Conduct)*, SOR/2014-291, to render my decision based solely on the Record, subject to any issues arising out of my review of the *Agreed Statement of Facts*, Joint Proposal, written submissions and accompanying documentary evidence, which were later presented to me on May 8, 2024.

[8] As part of the parties' May 8, 2024, submissions, Allegation 2 (discreditable conduct under section 7.1 of the Code of Conduct) and Allegation 3 (abuse of authority, power, and position contrary to section 3.2 of the Code of Conduct) were withdrawn at the request of the Conduct Authority. In addition, Particular 16, which forms part of Allegation 4, was also withdrawn at the request of the Conduct Authority. As such, the remaining allegations before me are Allegations 1 and 4, save for Particular 16.

[9] Following my review of the materials, I wrote to the parties on May 14, 2024, to discuss points of clarification of the agreed facts and proposed measures. The parties subsequently provided their final and revised *Agreed Statement of Facts*, Joint Proposal and accompanying documentary evidence on May 21, 2024.

[10] For the reasons that follow, I find that Allegation 1 is established but that Allegation 4 is not. Furthermore, I accept the joint proposal on conduct measures, namely: (a) a demotion for an indefinite period of time to the rank of constable, at the highest pay scale of that rank and (b) the ineligibility for promotion or acting supervisory assignments for a period of 12 months, starting from the date of this decision.

ALLEGATIONS

[11] Since Allegations 2 and 3 were withdrawn, I will address only the remaining allegations and their particulars. Allegations 1 and 4 are set out in the *Notice of Conduct Hearing* as follows:

Particulars common to all Allegations:

1. At all material times, you were a member of the Royal Canadian Mounted Police [(RCMP)]. You were a member of the Cornwall Regional Task Force assigned to the Quick Response/Marine Team located at the Cornwall Detachment in O Division, in the Province of Ontario. You held the rank of Corporal.

Allegation 1: On or about January 24, 2022, at or near the City of Cornwall, in the Province of Ontario, Corporal Alan Zimmer behaved in a manner that is likely to discredit the force contrary to section 7.1 of the *Code of Conduct of the* [RCMP].

Particulars

2. On January 24, 2022, you were on duty at the Cornwall Detachment. You left the Cornwall Detachment at 12:14:50 PM via the Vehicle East Out

Gate. You attended the James and Jenn's No-Frills grocery store [No-Frills grocery store] located at 1380 2nd Street East in Cornwall, Ontario at 12:35:00 PM. You were wearing a black mask, black toque, and a black hooded sweater with the logo "carhartt" on the front in white letters.

3. You placed various items in your basket. You also took a price reduction sticker roll from the bakery area of No-Frills grocery store. This price reduction sticker roll contains stickers that, when placed on items in the No-Frills grocery store, makes the item reduced from the retail price. You proceeded to reduce items in your basket by placing the reduction stickers on them.
4. You were approached by No-Frills grocery store owner [J.G.], who confirmed that the items in your basket contained discount stickers improperly applied and that the items with these stickers did not qualify for a store discount. You acknowledged that you had put stickers on items that should not have been reduced.
5. [J.G.] asked you to leave the store and informed you that you were not allowed to shop there anymore. You left your basket and proceeded to leave the store.
6. You did not have authority to lower the price of the items in your basket. Your actions in applying the reduction stickers sought to defraud No-Frills grocery store of the full retail price of the items.
7. As a result of the above actions, you breached section 7.1 of the RCMP *Code of Conduct*.

[...]

Allegation 4: On or between April 2, 2022 and April 3, 2022 at or near the City of Cornwall, in the Province of Ontario, Corporal Alan Zimmer failed to provide complete, accurate, and timely accounts pertaining to the carrying out of his responsibilities, the performance of his duties, the conduct of investigations, and the operation and administration of the force contrary to section 8.1 of the *Code of Conduct of the* [RCMP].

Particulars

16. [Withdrawn]
17. On April 3, 2022 you were on duty at the Cornwall Detachment. You left the detachment area without authorization while on duty to attend your daughters basketball game in Ottawa, at AY Jackson High school from 02:30 pm to 04:15 pm. You did not have permission to attend the basket ball game or leave the detachment area during your shift. You failed to report that you left the detachment area.

18. As a result of the above actions, you breached section 8.1 of the RCMP
Code of Conduct.

[*Sic throughout*]

Findings of fact

[12] As mentioned, on May 21, 2024, I received the parties' final *Agreed Statement of Facts*, Joint Proposal on conduct measures, and written submissions along with supporting documentary evidence. The *Agreed Statement of Facts* was signed by Corporal Zimmer and represents his admissions to those facts, which are as follows:

1. At all material times, Corporal Zimmer was a member of the [RCMP] posted to the Cornwall Regional Task Force assigned to the Quick Response/Marine Team located at the Cornwall Detachment, "O" Division, in the Province of Ontario.
2. On January 24, 2022, Corporal Zimmer was on duty at the Cornwall Detachment. He left the Cornwall Detachment at 12:14:50 PM via the Vehicle East Out Gate. He attended the [No-Frills grocery store] located at 1380 2nd Street East in Cornwall, Ontario at 12:35:00 PM. He was wearing a black mask, black toque, and a black hooded sweater with the logo "Carhartt" on the front in white letters.
3. Corporal Zimmer placed various items in his basket. He also took a price reduction sticker roll from the bakery area of No-Frills grocery store. This price reduction sticker roll contains stickers that, when placed on items in the No-Frills grocery store, makes the item reduced from the retail price. He proceeded to reduce items in his basket by placing the reduction stickers on them.
4. Corporal Zimmer was approached by No-Frills grocery store owner [J.G.], who confirmed that the items in his basket contained discount stickers improperly applied and that the items with these stickers did not qualify for a store discount. Corporal Zimmer acknowledged that he had put stickers on items that should not have been reduced.
5. [J.G.] asked Corporal Zimmer to leave the store. Corporal Zimmer left his basket and proceeded to leave the store. He returned to the store on April 2, 2022, without first apologizing or seeking permission.
6. Corporal Zimmer did not have authority to lower the price of the items in his basket. His actions in applying the reduction stickers sought to defraud No-Frills grocery store of the full retail price of the items.

7. As a result of his actions on January 24, 2022, Corporal Zimmer behaved in a manner that is likely to discredit the Force and, thus, breached section 7.1 of the RCMP's *Code of Conduct*.
8. On April 3, 2022, Corporal Zimmer was on duty at the Cornwall Detachment. He left the detachment area without authorization while on duty to attend his daughter's basketball game in Ottawa, at AV Jackson High School from 02:30 pm to 04:15 pm. He did not have permission to attend the basketball game or leave the detachment area during his shift. He failed to report that he left the detachment area.
9. As a result of the above actions, Corporal Zimmer breached section 8.1 of the RCMP's *Code of Conduct*.

[*Sic throughout*]

[13] I have thoroughly reviewed the *Agreed Statement of Facts* and determined that it accurately reflects the relevant materials in the Record before me, with the exception of paragraph 9 in the *Agreed Statement of Facts*, as I will explain further in my analysis hereafter. Consequently, I adopt the *Agreed Statement of Facts*, except for paragraph 9, as my findings of facts.

Decision on allegations

Allegation 1

[14] Section 7.1 of the Code of Conduct provides that “[m]embers behave in a manner that is not likely to discredit the Force.”

[15] Under section 7.1 of the Code of Conduct, the Conduct Authority must establish the following elements on a balance of probabilities:

- a) the identity of the subject member;
- b) the act or acts constituting the alleged conduct;
- c) whether a reasonable person in society, who is aware of all the relevant circumstances, including the realities of policing in general and the RCMP in particular, would consider the conduct to be discreditable; and
- d) whether the conduct is sufficiently related to the subject member's duties and functions as to provide the Force with a legitimate interest in disciplining them.

[16] Corporal Zimmer's identity is uncontested. As such the first element of the test is satisfied.

[17] Corporal Zimmer admits to attending the No-Frills grocery store and placing price reduction stickers on items in his basket, even though the items did not qualify for a store discount. Therefore, the second element of the test, the acts constituting the alleged conduct, is also satisfied.

[18] Corporal Zimmer further admits that the purpose for his actions was to defraud the No-Frills grocery store. A reasonable person, with knowledge of the relevant circumstances, would find attempted fraud to be discreditable. Thus, the third element of the test is satisfied.

[19] Finally, given that police officers are to conduct themselves with honesty and integrity and Corporal Zimmer may be called upon to attend and investigate matters of fraud or theft, his actions are clearly linked to his duties and the Force has an interest in disciplining him. I also note that Corporal Zimmer was on duty at the time he attempted to defraud the No-Frills grocery store, providing a further and clear nexus to employment. As a result, the fourth element of the test is satisfied.

[20] Consequently, I find that Corporal Zimmer behaved in a manner that is likely to discredit the Force. Therefore, Allegation 1 is established.

Allegation 4

[21] Section 8.1 of the Code of Conduct states that “[m]embers provide complete, accurate and timely accounts pertaining to the carrying out of their responsibilities, the performance of their duties, the conduct investigations, the actions of other employees and the operation and administration of the Force.”

[22] Under section 8.1 of the Code of Conduct, the Conduct Authority must establish the following elements on a balance of probabilities:

- a) the identity of the subject member;
- b) the statement or account of actions in question;
- c) that the statement or account provided was false, misleading or inaccurate; and
- d) that the member:
 - i. knew the statements were false, misleading or inaccurate; or
 - ii. was reckless or careless as to the validity of the statements.

[23] Corporal Zimmer's identity is uncontested. As such the first element of the test is satisfied.

[24] Corporal Zimmer also admits to attending his daughter's basketball game, while on duty, without reporting that he left the detachment area and without receiving authority to do so.

[25] Having said that, the evidence in the Record does not support that Corporal Zimmer provided a false statement with respect to his whereabouts on April 3, 2022, as is required for me to find an allegation under section 8.1 of the Code of Conduct established.

[26] The only account from April 3, 2022, is Corporal Zimmer submitting a log sheet, showing his shift schedule. There is no evidence in the Record that shows that he submitted a statement in which he was dishonest about his whereabouts or about what his schedule was that day. Corporal Zimmer's shift schedule was stated correctly, though he did not remain in the detachment area, as he was supposed to have done. Consequently, I cannot find that he made a false report or statement.

[27] Corporal Zimmer admits to being absent from duty without authorization. That fact pattern is consistent with a contravention of section 4.1 of the Code of Conduct. However, given the formulation of the infringement under section 8.1 of the Code of Conduct in the *Notice of Conduct Hearing*, I must follow the test for that section. Despite Corporal Zimmer's admission, the Conduct Authority has failed to persuade me that the elements of that test have been met.

[28] Given the foregoing analysis, the second and third elements of the test under section 8.1 of the Code of Conduct are not satisfied. As such, I need not consider the remainder of the test.

[29] Consequently, I find that Allegation 4 is not established.

CONDUCT MEASURES

[30] Having found Allegation 1 established, I am required, by virtue of subsection 45(4) of the *RCMP Act*, to impose at least one of the conduct measures set out under that subsection.

[31] The parties have presented me with a Joint Proposal on conduct measures, which was signed by both Corporal Zimmer and the Conduct Authority. The parties have also provided brief written submissions detailing how the five foundational principles set out in the *Phase 1 Final*

*Report*¹ support the proposed conduct measures along with their agreed upon aggravating and mitigating factors and supporting documentary evidence. The parties propose the following conduct measures:

- a) a demotion for an indefinite period of time to the rank of constable, at the highest pay scale at that rank; and
- b) the ineligibility for promotion or acting supervisory assignments for 12 months, starting from the date of this decision.

Applicable legal principles

Joint Proposals

[32] When a conduct board is presented with a Joint Proposal on conduct measures, there are very narrow circumstances in which they may refuse to accept the proposed measures. The Supreme Court of Canada has recognized the value of settlement discussions and provides that under the public interest test “a trial judge should not depart from a joint submission on sentence unless the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest.”²

[33] The public interest test is a stringent one. It has been adopted by other professional disciplinary bodies³ and applied in several recent RCMP conduct decisions. Specifically, a conduct board has an obligation to give serious consideration to a joint submission unless it is unfit, unreasonable or contrary to the public interest. In addition, when departing from a joint submission, a conduct board must give good and cogent reasons as to why it is inappropriate.

[34] As did the conduct board in *Deroche*,⁴ I also note the following:

[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

¹ Ceyskens, Paul and Childs, Scott, *Report to the Royal Canadian Mounted Police “Phase 1” Final Report Concerning Conduct Measures, and the Application of Conduct Measures to Sex-Related Misconduct under Part IV of the Royal Canadian Mounted Police*, February 24, 2022 [*Phase 1 Final Report*].

² *R. v Anthony-Cook*, 2016 SCC 43, at paragraph 32.

³ *Rault v Law Society of Saskatchewan*, 2009 SKCA 81 (CanLII), at paragraph 19.

⁴ *Commanding Officer, “K” Division and Constable Ryan Deroche*, 2022 CAD 13 [*Deroche*].

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 [...]⁵

[35] Similarly, the conduct measures set out in the *RCMP Conduct Measures Guide* (November 2014) simply provide an indication of suitable measures, are not determinative and offer only limited assistance in evaluating the public interest sufficiency.

[36] To determine whether the proposed conduct measures submitted by the parties are against the public interest, I will begin my analysis by applying the five foundational principles that guide the assessment of a fit conduct measure, as set out in the *Phase 1 Final Report*.

Assessing fit conduct measures

[37] The first foundational principle states that conduct measures “must accord with the purposes of the police complaint and discipline process”, which requires the balancing of four interests: the public, the RCMP as an employer, the subject member in being treated fairly and those affected by the misconduct at issue, where applicable.⁶

[38] Paragraphs 36.2(b) and (c) of the *RCMP Act* provide for the establishment of a Code of Conduct that emphasizes the importance of maintaining public trust and reinforcing the high standard of conduct expected of RCMP members. It also sets out the member’s responsibility and accountability for the promotion and maintenance of good conduct in the Force.

[39] The Supreme Court of Canada has also highlighted the importance of the public interest by stating: “[t]he purposes of disciplinary bodies are to protect the public, to regulate the profession and to preserve the public confidence in the profession”.⁷

[40] The second and third principles provide that remedial and corrective measures should prevail, where appropriate, and that the presumption of the least onerous disposition should be imposed.⁸ These principles are reflected at paragraph 36.2(e) of the *RCMP Act*, which requires

⁵ *Commanding Officer, “K” Division and Constable Ryan Deroche*, 2022 CAD 13, at paragraph 103.

⁶ *Phase 1 Final Report*, at pages 17 to 19.

⁷ *Law Society of Saskatchewan v Abrametz*, 2022 SCC 29, at paragraph 53.

⁸ *Phase 1 Final Report*, at pages 19 to 21.

that conduct measures be proportionate to the nature and circumstances of the individual case and, where appropriate, be educative and remedial rather than punitive. However, both of these principles will be displaced if the public interest or other considerations, such as the seriousness of the misconduct, triumph.

[41] The fourth principle is that the conduct measures imposed must be proportionate to the nature and circumstances of the contravention. This requires the conduct board to identify the relevant proportionality considerations, assess whether they may be mitigating, aggravating or neutral and finally, appropriately balance and weigh these in consideration of the circumstances of the case and of the four purposes of the police complaint and discipline process.⁹

[42] The fifth principle is that police officers are expected to adhere to a higher standard of conduct.¹⁰

Analysis

[43] The *Conduct Measures Guide* (November 2014), while not prescriptive, is intended to promote parity of sanction. It is a useful reference when determining the appropriate range of sanctions for a particular category of behaviour.

[44] Specifically, for a contravention of section 7.1 of the Code of Conduct, when related to theft or fraud, the identified range of conduct measures is dismissal on the aggravated end of the spectrum (for planned and deliberate actions or those involving high monetary value) and forfeiture of 30 days' pay on the mitigated end. I note that the normal range also indicates dismissal as an appropriate conduct measure.

[45] In their Joint Proposal, the parties advance that Corporal Zimmer's actions are egregious and show a lack of judgment and an inability to act as a leader. They submit that a demotion is an appropriate sanction within the normal range of conduct measures. The parties submit that

⁹ *Phase 1 Final Report*, at page 21.

¹⁰ *Phase 1 Final Report*, at page 22.

demotion is the most serious sanction short of dismissal and constitutes an appropriate “stand-in measure in lieu of dismissal”.¹¹

[46] In support of this, the parties identify five proportionality factors that may have a mitigating effect on sanction:

- a) Corporal Zimmer’s admissions have avoided a contested hearing. This prevents multiple witnesses from travelling and testifying as well as expenses from being incurred by the Force. It further demonstrates Corporal Zimmer’s willingness to resolve this matter quickly.
- b) Corporal Zimmer has admitted to the underlying facts of allegations 1 and 4 and has acknowledged his misconduct.
- c) Corporal Zimmer has apologized to the No-Frills grocery store owner in writing, and J.G. expressed appreciation for the apology.
- d) Corporal Zimmer joined the Force on January 20, 2003, and has gone approximately 20 years with no other discipline issues.¹²
- e) Corporal Zimmer has the support of his Staff Sergeant, who provided a letter, dated October 4, 2023, to detail Corporal Zimmer’s effectiveness in tactical assignments and his trust in him in matters of professional responsibilities, which supports a finding that Corporal Zimmer can still serve with integrity and add value to the Force.¹³

[47] I accept that Corporal Zimmer has admitted the remaining allegations and has cooperated throughout the conduct hearing process, which avoids a contested hearing and witnesses needing to travel to testify; however, I view this as a neutral factor.

[48] Regarding Corporal Zimmer’s acceptance of responsibility, I note that he has shown remorse and recognition of the seriousness of his actions from the outset of the conduct process. Moreover, I accept this as a significant mitigating factor.

¹¹ Joint Proposal on Conduct Measures (Revised per Board comments), page 7.

¹² Final Investigation Report, Appendix 57: Zimmer Employee Profile Information.

¹³ Letter dated October 4, 2023, from Staff Sergeant Darwin Tetreault.

[49] I also retain Corporal Zimmer's 20-year service without any prior discipline as mitigating. Additionally, I place significant weight on his Staff Sergeant's assessment of his likelihood of rehabilitation and recognition of the value he is still able to bring to the Force.

[50] Lastly, I accept the apology that Corporal Zimmer has provided to the No-Frills grocery store owner as mitigating.

[51] Turning to the aggravating proportionality considerations, the parties submit:

- a) Corporal Zimmer is in a supervisory position and is expected to act as a role model for his subordinates.
- b) Corporal Zimmer's misconduct had a negative impact on the No-Frills grocery store employees and owner, who had to confront him to stop his behaviour and ask him to leave the store.
- c) Corporal Zimmer's misconduct occurred while he was on duty.
- d) Corporal Zimmer's misconduct was serious and pertains to breach of trust. Moreover, trustworthy is a core attribute of a police officer as they are entrusted with powers and authorities that are beyond the average person.

[52] I agree that all of the aforementioned factors represent aggravating factors. Additionally, I wish to emphasize that I retain the seriousness of the conduct, coupled with Corporal Zimmer's responsibilities in a supervisory role, as significant aggravating factors.

Decision on conduct measures

[53] When balancing the four interests of the police complaint and discipline process with my analysis of the applicable proportionality factors, I find that the proposed conduct measures serve as a fair warning and reminder to other members of their obligation to conduct themselves in a manner that is not discreditable.

[54] I find that the public interest is served. Corporal Zimmer is being disciplined for his actions. He is losing his non-commissioned officer rank. He is ineligible for acting or supervisory positions for a period of 12 months from the date of this decision and is also receiving a significant financial penalty as a result of the demotion in terms of his future salary. The decision in this case will be

publicly available, demonstrating that the RCMP does not tolerate deceitful actions, especially actions that amount to attempted fraud, and maintains public trust and accountability.

[55] The RCMP interests are served because Corporal Zimmer will be demoted to the rank of constable. Demotion is the most serious measure available, short of dismissal. This sends a strong message of general deterrence within the Force that deceitful actions or conduct amounting to attempted fraud is not tolerated and will result in severe repercussions.

[56] Corporal Zimmer is being treated fairly by the imposition of the conduct measures. He has been represented by able counsel throughout these proceedings and these proposed measures were jointly agreed upon between the parties during settlement discussions. I have no reason to believe the settlement is unfair to Corporal Zimmer, who has signed the *Agreed Statement of Facts* and the Joint Proposal on conduct measures.

[57] The interests of other affected individuals have also been addressed by way of the owner of the No-Frills grocery store having received an apology letter from Corporal Zimmer on May 16, 2024. The owner of the No-Frills grocery store indicated that an apology was welcome and he expressed appreciation for the apology when it was delivered by Corporal Zimmer. The owner of the No-Frills grocery store also expressed that he appreciated the matter being resolved without the need for a hearing.

[58] The Joint Proposal recognizes that a higher standard applies to a police officer's conduct. Although no criminal charges were laid and the attempted price reduction sticker fraud was not fully executed, Corporal Zimmer will lose his non-commissioned officer rank and will return to constable status.

[59] I agree with the parties' assessment that the proposed measures are both remedial and corrective as well as fall within the range provided in the *Conduct Measures Guide* (November 2014).

[60] The presumption of the least onerous disposition is met. I find that the demotion and period of ineligibility for promotion are proportionate to Corporal Zimmer's actions. These measures are

neither trivial nor punitive and meet the expectation of both specific and general deterrence, all while holding Corporal Zimmer accountable.

[61] In light of the foregoing, I do not find that acceptance of the Joint Proposal would be considered intolerable and result in the loss of public confidence in the RCMP conduct process.¹⁴ Consequently, I find that the Joint Proposal is not against the public interest, nor would it bring the administration of justice into disrepute. As such, I accept the proposed conduct measures and hereby impose the following:

- a) a demotion for an indefinite period of time to the rank of constable, at the highest pay scale of that rank; and
- b) the ineligibility for promotion or acting supervisory assignments for a period of 12 months, starting from the date of this decision.

CONCLUSION

[62] Allegation 4 is not established.

[63] Allegation 1 is established and the aforementioned conduct measures are imposed.

[64] My acceptance of the Joint Proposal provides Corporal Zimmer with the opportunity to continue his career with the RCMP. In doing so, I trust that he will uphold the standards set by the Code of Conduct and the RCMP core values. Any future contravention of the Code of Conduct will be seriously reviewed by the appropriate conduct authority and could lead to his dismissal from the Force.

[65] Any interim measures in place should be resolved, in a timely fashion, in accordance with paragraph 23(1)(b) of the *Royal Canadian Mounted Police Regulations, 2014*, SOR/2014-281.

[66] This constitutes my written decision, as required by subsection 45(3) of the *RCMP Act*. Either party may appeal this decision by filing a statement of appeal with the Commissioner within

¹⁴ *R. v Albert*, 2022 QCCS 3934, at paragraph 60.

14 days of the service of this decision as set out in section 45.11 of the *RCMP Act* and section 22 of the *Commissioner's Standing Order (Grievances and Appeals)*, SOR/2014-289.

Sandra Weyand
Conduct Board

June 17, 2024
Date