



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, "D" Division

(Conduct Authority)

and

Constable Vincent Quirion

Regimental Number 63999

(Subject Member)

Conduct Board Decision

Louise Morel

April 12, 2024

Ms. Janice Calzavara, Conduct Authority Representative

Ms. Melissa Beaumont, Subject Member Representative

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SUMMARY

The *Notice of Conduct Hearing* contains one allegation under section 4.2 and one allegation under section 8.1 of the RCMP Code of Conduct. The first allegation involves Constable Quirion failing to execute an active warrant; the second pertains to him providing an inaccurate account of his interaction with the individual subject of the active warrant.

At the outset of the Conduct Hearing, Constable Quirion admitted both allegations. The Conduct Board found the two allegations to be established on a balance of probabilities. The following conduct measures were imposed: (a) a financial penalty of 35 days' pay, 20 days to be deducted from Constable Quirion's pay and 15 days to be deducted from his annual leave bank; (b) a direction to work under close supervision for a period of 1 year from the date he returns to full duties; and (c) ineligibility for promotion for 3 years from the date of the Conduct Board's oral decision.

INTRODUCTION

[1] The *Notice to the Designated Officer*, dated December 5, 2022, contains one allegation of neglect of duty in contravention of section 4.2 of the RCMP Code of Conduct and one allegation of failing to provide a complete, accurate and timely account pertaining to the carrying out of responsibilities and performance of duties in contravention of section 8.1 of the Code of Conduct.

[2] The allegations arose as a result of Constable Quirion's failure to execute an active warrant when dispatched to a call for service and subsequently inaccurately reporting in the Police Reporting and Occurrence System (PROS) that the subject of the warrant was not encountered during the call for service.

[3] On December 8, 2022, I was appointed as the Conduct Board in this matter, 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 the allegations are established on a balance of probabilities. In other words, I must determine whether it is more likely than not that Constable Quirion 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] On February 2, 2023, the Conduct Authority signed the *Notice of Conduct Hearing*, which was served on Constable Vincent Quirion on March 15, 2023, along with the Code of Conduct Investigation Report.

[5] On April 14, 2023, Constable Quirion provided his response to the *Notice of Conduct Hearing*, pursuant to subsection 15(3) of the *Commissioner's Standing Orders (Conduct)*, SOR/2014-291 [*CSO (Conduct)*]. Furthermore, he admitted both allegations.

[6] On July 31, 2023, during a Pre-Hearing Conference, it was agreed that the Conduct Hearing in this matter would be held virtually on November 16, 2023. The parties advised that there would be no witnesses called during the allegation phase of the Conduct Hearing.

[7] On November 16, 2023, I rendered my oral decision on the allegations finding both allegations established on a balance of probabilities.

[8] That same day, we proceeded to the conduct measures phase of the Conduct Hearing. The Conduct Authority Representative produced a witness to speak to the *McNeil* implications of the established allegations.¹ Thereafter, the parties presented submissions on conduct measures.

[9] On November 22, 2023, I provided my oral decision on conduct measures. This written decision incorporates and expands upon my oral decisions.

ALLEGATIONS

[10] The allegations as set out in the *Notice of Conduct Hearing* are as follows:

Allegation 1

On or about November 16, 2021, at or near Swan River, Manitoba, Constable Vincent Quirion failed to provide complete, accurate and timely accounts pertaining to the carrying out of his responsibilities, the performance of his duties and the conduct of investigations, contrary to section 8.1 of the *Code of Conduct of the RCMP*.

Allegation 2

On or about November 16, 2021, at or near Swan River, Manitoba, Constable Vincent Quirion failed to execute an active warrant on Mr. [B.P.], to which PROS occurrence 2021-1718833 refers contrary to section 4.2 of the *Code of Conduct of the RCMP*.

¹ *R. v McNeil*, 2009 SCC 3 [*McNeil*]. This decision imposes the obligation on police officers to disclose any established misconduct to the Crown and defence counsel in the context of any criminal proceedings against individuals.

Particulars of Allegations 1 and 2

1. At all material times, [Constable] Quirion was a member of the Royal Canadian Mounted Police (“RCMP”) posted to “D” Division, Swan River Detachment.
2. On November 16, 2021, [Mr. B.P.] asked staff at Scales Drug Store, located at 900 Main St. in Swan River, Manitoba to call the police, as he was being harassed by three (3) unknown males.
3. Two (2) of these males were later identified as [Mr. D.F.] and [...] [Mr. D.G.].
4. An occurrence bearing number 20211718833 (the Occurrence) was created in [PROS].
5. [Constable] Quirion was the dispatched officer and lead investigator on the call for service at Scales Drug Store.
6. [Constable] Quirion was driving the police car bearing number [redacted] when he attended the call for service.
7. [Constable] Quirion knew when he attended the call for service that there was an endorsed warrant for the arrest against Mr. [B.P.] (“Warrant”).
8. In his Occurrence Summary, [Constable] Quirion entered:

“[...] [Mr. B.P.] [gone on arrival]. Was advised by staff that [Mr. B.P.] had mentioned [Mr. D.G.], [Mr. D.F.] were after him prior to leaving.

Patrols completed, not located. [Subject of complaint] has active warrant for fail to appear as well. [No further action required] [Concluded here]”
9. On November 17, 2021, at 12:53 [p.m.], [Constable] Quirion changed the status of the Occurrence from “Open/still under investigation” to “insufficient evidence to proceed”.
10. On November 17, 2021, at 12:56 [p.m.], [Constable] Quirion marked the investigative task associated to the Occurrence as complete and indicated NFAR (no further action required).
11. On November 18, 2021, at [7:48 p.m.], [Corporal] Marnie Carvelli reviewed PROS and approved the task as complete.
12. Between November 18, 2021, and December 1, 2021, [Constable] Brian Lauridsen, from Yorkton Detachment, General Investigation Unit (“Yorkton GIS”), RCMP, was investigating a crime for which Mr [D.F.] and Mr. [D.G.] were suspects.
13. [Constable] Lauridsen had queried PROS and found the Occurrence. The events related in the Occurrence took place earlier in the day from the file he was investigating.

14. [Constable] Lauridsen had been at Scales Drug Store and had been told by the pharmacist that Mr. [B.P.] had been walked out of the pharmacy by the police.

15. [Constable] Lauridsen figured that [Constable] Quirion had talked to Mr. [B.P.] and that Mr. [B.P.] would have given details about Mr. [D.G.] and Mr. [D.F.] that could be of use for his investigation.

16. On December 1, 2021, [Constable] Lauridsen called [Constable] Quirion.

17. [Constable] Quirion initially told [Constable] Lauridsen that he did not see Mr. [B.P.] at Scales Drug Store as he was gone on arrival.

18. On December 1, 2021, after having talked to [Constable] Lauridsen, [Constable] Quirion asked to speak with [Corporal] Juanita Bettsworth in private.

19. [Constable] Quirion admitted to [Corporal] Bettsworth that he had lied in PROS with respect to what happened when he attended the call for service at Scales Drug Store on November 16, 2021.

20. [Constable] Quirion told [Corporal] Bettsworth that:

- a) While attending the call for service at Scales Drug Store on November 16, 2021, he met with Mr. [B.P.] and spoke to him.
- b) He knew about the Warrant before arriving at Scales Drug Store.
- c) He did not execute the Warrant.

21. [Constable] Quirion also indicated to [Corporal] Bettsworth that as Yorkton GIS was going to pull the video footage from Scales Drug Store, they would see that he had spoken to Mr. [B.P.] contrary to what he had indicated in PROS.

22. [Corporal] Bettsworth's ordered [Constable] Quirion to call [Constable] Lauridsen back to give him an accurate account of what had happened at Scales Drug Store and to advise the Information Manager to deal with the PROS changes in order to report what actually happened.

23. [Constable] Quirion explained to [Corporal] Bettsworth that he did not execute the Warrant and that he did not report his encounter with Mr. [B.P.] in PROS because he wanted to pitch Mr. [B.P.] as a source and maintain rapport.

24. RCMP officers must not ignore or withhold executable warrants, even if the warrant is for a source.

25. Operations Manual - ch. 47.1 – Management of PROS/[Secure Police Reporting and Occurrence System] stresses the importance of data accuracy at para. 6.1, as well as stipulates at para. 6.2 that the lead investigator must be responsible and accountable for the data in the PROS occurrences to which they are assigned.

26. At the time of these events:

- a) [Constable] Quirion had no experience with source handling.
- b) Despite taking the course introduction to Human Sources on December 19, 2017, [Constable] Quirion had not shown any interest with respect to source handling.
- c) [Constable] Quirion was in a transfer process.

[Sic throughout]

Evidence

[11] The Record before me includes transcribed statements from 3 interviewed witnesses; the May 6, 2022, Code of Conduct investigation report; and, twenty-four appendices. At the Conduct Hearing, Constable Quirion did not testify.

[12] In arriving at my findings of fact, I have considered the October 31, 2023, *Determination of Established Facts*, I arrived at based on the investigation report, supporting material and Constable Quirion's April 14, 2023, Response to the allegations.

Summary of established facts by Conduct Board

[13] On October 31, 2023, pursuant to *Administration Manual* XII.1.11.10.3, I provided the parties with my *Determination of Established Facts*.

[14] I will not reproduce the established facts in this decision, as they are identical to all of the particulars found in the *Notice of Conduct Hearing*, with the exception of Particulars 13 to 15 and 23 to 26, which were either irrelevant, contextual or conclusory instead of factual.

Decision on allegations

[15] In his April 14, 2023, response and at the outset of the Conduct Hearing on November 16, 2023, Constable Quirion admitted both allegations and all of the particulars, as reflected in the *Determination of Established Facts*. Constable Quirion's admissions are consistent with the materials before me.

[16] There was no oral evidence, nor did the representatives present any submissions during the allegation phase of the Conduct Hearing. Consequently, in arriving at my decision on the allegations, I considered the documentary evidence before me as well as Constable Quirion's admissions.

Allegation 1

[17] Section 8.1 of the Code of Conduct provides:

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

[18] In order to establish a contravention of section 8.1 of the Code of Conduct, the Conduct Authority must prove each of the following on a balance of probabilities:

- a. The identity of the subject member;
- b. The statement or account of actions on a file in question;
- c. That the statement or account provided was false, misleading or inaccurate;
- d. That the subject member:
 - i. Knew the statement or account was false, misleading or inaccurate; or
 - ii. Was reckless or careless as to the validity of the statement or account.

[19] The identity of the subject member is not in dispute, the other three elements require comment.

[20] In his response to the allegations, Constable Quirion admitted to providing an inaccurate account of what transpired when he completed his police report regarding the call for service on November 16, 2021, at the Scales Drug Store. He admitted that contrary to his account, he did, in fact, see and speak to Mr. B.P. Therefore, elements b), c) and d) are also established.

[21] In addition, Constable Quirion admitted to lying to Constable Lauridsen when Constable Lauridsen initially called him on December 1, 2021, enquiring about his contact with Mr. B.P. on November 16, 2021, when he said that he did not see Mr. B.P. that day.

[22] Consequently, I find that the Conduct Authority has established on a balance of probabilities that Constable Quirion failed to provide a complete and accurate account of his interaction with Mr. B.P. during the November 16, 2021, call for service to the Scales Drug Store, contrary to section 8.1 of the Code of Conduct.

Allegation 2

[23] Section 4.2 of the Code of Conduct provides:

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

[24] There are two ways to establish an allegation under section 4.2 of the Code of Conduct. Once the Conduct Authority has established the identity of the subject member, they must establish on a balance of probabilities either:

- a) That there is an element of willfulness to the conduct, as the *Conduct Measures Guide* (November 2014) recognizes in suggesting that “neglect occurs when a member knows he or she has a duty to carry out, but omits to do so”²; or
- b) That there is a degree of neglect that distinguishes the conduct from a mere performance issue to an issue of misconduct.

[25] Constable Quirion has admitted that he met with Mr. B.P. and spoke to him while attending the call for service at Scales Drug Store on November 16, 2021. He has also admitted that, before arriving at the call for service, he knew of the active arrest warrant for Mr. B.P. but he did not execute the warrant.

² *Conduct Measures Guide* (November 2014), at page 20.

[26] Constable Quirion knew that he had to execute the arrest warrant and omitted to do so. I accept his admission that he neglected his duties by ignoring an executable warrant.

[27] Therefore, I find Allegation 2 to be established on a balance of probabilities.

CONDUCT MEASURES

[28] Since I found the two allegations to be established, subsection 45(4) of the *RCMP Act* mandates that I impose conduct measures. In accordance with the *Conduct Measures Guide* (November 2014) at page 3, 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.”

[29] Additionally, subsection 24(2) of the *CSO (Conduct)* states: “The conduct board must impose conduct measures that are proportionate to the nature and circumstances of the contravention of the Code of Conduct.”

Applicable legal principles

[30] I note that in making their submissions on conduct measures, both representatives referenced the three-part test articulated by the RCMP External Review Committee to arrive at the appropriate conduct measure. That is, determining the appropriate range of conduct measures followed by a review of both mitigating and aggravating factors and, finally, considering “parity of sanction”.

[31] However, I will be relying on the more comprehensive test found in the *Ceyssens and Childs Report* on conduct measures,³ which identifies five principles that serve as a foundation for the process of creating a fit conduct measure.

³ Ceyssens, 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 [Ceyssens and Childs Report]*.

[32] Principle 1 indicates that a “conduct measure must fully accord with the purposes of the police complaint and discipline process.”⁴

[33] Furthermore, “[t]he 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.”⁵ The Supreme Court of Canada has placed emphasis on the public interest by stating that “[t]he purposes of disciplinary bodies are to protect the public, to regulate the profession and to preserve public confidence in the profession”.⁶

[34] The main objective of the RCMP discipline process is “public interest” in ensuring a high standard of conduct in the police service and public confidence in the service.

[35] I note that the powers granted to a police officer are considerable. Thus, the public justifiably expects members of the RCMP to observe the highest ethical and professional standards.

[36] As referenced by the Subject Member Representative, I find section 36.2 of the *RCMP Act*, paragraph (e) in particular, to be instructive in that 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.”

[37] Furthermore, paragraph 36.2(e) of the *RCMP Act* refers to the Principle 2 of the *Ceyssens and Childs Report*—that is, corrective and remedial dispositions should be imposed where appropriate.

[38] Principle 3 to be used in crafting a fit conduct measure is the presumption that one should impose the least onerous disposition. However, this presumption will be displaced if the public interest or other specified considerations should prevail.

⁴ *Ceyssens and Childs Report*, at page 17, section 4.1.

⁵ *Commanding Officer, “K” Division and Deroche*, 2022 CAD 13, at paragraph 82.

⁶ *Law Society of Saskatchewan v Abrametz*, 2022 SCC 29, at paragraph 53.

[39] The *Ceyssens and Childs Report* articulates that Principle 4 is proportionality. This requires a conduct board to “(i) *identify* the relevant proportionality consideration, (ii) *assess* whether each relevant proportionality consideration is *mitigating* or *aggravating* or *neutral* in the circumstances, and then (iii) appropriately *balance* (or weigh) those various considerations.”⁷

[40] Principle 5, as articulated by the Supreme Court of Canada and courts of appeal, is that a higher conduct expectation applies to police officers.⁸

[41] The *Conduct Measures Guide* (November 2014), while not prescriptive, is intended to promote parity of sanction. However, it is a “guide” and it must be read in the context of evolving societal standards, as established by jurisprudence or applicable policies and legislation.

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

[43] I will begin by briefly summarizing the representatives’ submissions and then set out the appropriate range of measures. I will then go through the mitigating and aggravating factors. Finally, I will briefly set out how I have weighed those factors, and balanced the interests of the public, the RCMP, the subject member and the affected parties, in arriving at my decision.

Conduct Measures Phase

[44] On November 16, 2023, at the outset of the conduct measures phase of the Conduct Hearing, the Conduct Authority Representative called Inspector Adele McNaught, the “D” Division Career Development and Resourcing Officer, to address the implications of members having to disclose established police misconduct records pursuant to *McNeil*. She specifically addressed the staffing challenges encountered when administering a transfer or promotion and the process that needs to be undertaken, including consultation with the receiving line officer.

⁷ *Ceyssens and Childs Report*, at page 21, section 7.1.

⁸ *Montreal (City) v Quebec (Commission des droits de la personne et des droits de la jeunesse)*, 2008 SCC 48, at paragraph 86.

[45] The Conduct Authority Representative then entered three exhibits into evidence—two prior Records of Decision, dated June 5, 2021, and September 10, 2021, which included established contraventions of the Code of Conduct against Constable Quirion, as well as Constable Quirion’s Employee Profile Information report, dated of October 12, 2023.

[46] Constable Quirion then read an apology letter, dated November 8, 2023. He apologized to his fellow police officers, the RCMP as an organization, the general public and all those involved in the incident.

[47] The Subject Member Representative submitted two positive forms 1004 – *Performance Log* issued June 2, 2022, and August 18, 2022, while Constable Quirion was on administrative duties awaiting the outcome of the Code of Conduct investigation as well as seven letters of reference, three of which were from his supervisors (his Staff Sergeant, Sergeant and Corporal) at Portage la Prairie Detachment, in Manitoba, where he was transferred in February 2022.

[48] The Conduct Authority Representative confirmed that the Conduct Authority continued to seek a direction for Constable Quirion to resign from the RCMP within 14 days or be dismissed.

[49] The Subject Member Representative argued that a sanction less than dismissal was appropriate based on the facts of the case and that dismissal would be disproportionate to the circumstances. Instead, she submitted that the appropriate global conduct measures should be 30 to 35 days’ forfeiture of pay with part of this being taken as a forfeiture of annual leave.

Analysis

[50] I have considered the representatives’ submissions as well as the cases⁹ presented with respect to the range of conduct measures. I find that the appropriate range for a global conduct measure in this case is a forfeiture of pay of 30 days or more, in combination with other conduct measures, up to and including dismissal.

⁹ See Appendix A of this decision.

Aggravating Factors

[51] *Black's Law Dictionary*¹⁰ defines “aggravation” as follows:

Any circumstance attending the commission of a crime or tort which increases its guilt or enormity or adds to its injurious consequences, but which is above and beyond the essential constituents of the crime or tort itself.

[52] I find the following circumstances to be aggravating:

[53] First, Constable Quirion’s actions have a component of deceitfulness or lack of honesty.

[54] Second, Constable Quirion who is a junior member has prior misconduct: two incidents in 2020 for which he was sanctioned in June and September of 2021. The latest conduct measure was administered only 2 months before the events giving rise to this Conduct Hearing. In addition, the misconduct was similar in that it involved, amongst other things, two established allegations of lying to a supervisor. In the *Record of Decision* for this incident, the Conduct Authority warned Constable Quirion that further misconduct could lead to more serious measures up to and including dismissal.

[55] However, I take in consideration the fact that these two prior incidents occurred at a time when Cst. Quirion was struggling with an anxiety disorder and alcohol abuse. The *Records of Decision* specifically refer to this and note that during this time frame he sought and completed in-patient and out-patient treatment for his medical concerns and had signed an “Abstention Agreement” with the Health Services Officer. For this reason, the weight that I attribute to this previous misconduct as an aggravating factor is tempered.

[56] Third, Constable Quirion now has additional *McNeil* disclosure obligations which will place an administrative staffing burden on the RCMP.

[57] I note that Inspector McNaught’s evidence on the “*McNeil*” implications of established misconduct was of limited use as she could only speak to “administrative” difficulties from a staffing perspective. It was apparent that these difficulties are not insurmountable as there are a

¹⁰ *Commanding Officer, “E” Division and Vellani*, 2017 RCAD 3, at paragraph 117.

significant number of members throughout the Force that continue to serve effectively despite established misconduct.

[58] The Conduct Authority Representative argued that an aggravating factor is the loss of confidence of the Commanding Officer. However, as noted by the conduct board in *Vellani*¹¹:

[117] [...] I think the time has come, once and for all, to dispense with this antiquated concept. To begin with, the decision to dismiss an employee cannot be based upon the subjective evaluation of an employee's worth by any one individual. It is an objective, legal analysis. Besides, under the current legislation, the concept of loss of confidence is a tautology: the only cases a conduct board has the jurisdiction to decide are cases in which the Commanding Officer, as the conduct authority, has lost confidence and is seeking dismissal. It is not so much an aggravating factor as it is a precondition to the conduct board hearing the case at all.

[59] The Conduct Authority Representative noted that the misconduct involved Constable Quirion lying in PROS and initially lying to Yorkton GIS as well as failing to execute his duties and letting a wanted person walk away. She argued that his "multiple lies" are an aggravating factor. With respect, and as noted by the Subject Member Representative, these are not aggravating factors—they are constituent elements of the allegations of misconduct.

[60] I do not accept the Conduct Authority Representative's submission that Constable Quirion's actions jeopardized an ongoing criminal investigation, put the public at risk or that his assertion that he "wanted to pitch Mr. [B.P.] as a source" was another lie constituting an aggravating factor. There is simply no evidence to support this.

[61] As pointed out by the Subject Member Representative, there was no evidence presented that Constable Quirion's actions impeded the Yorkton GIS criminal investigation in any way.

[62] Furthermore, regarding the "public being put at risk", the warrant for Mr. B.P.'s arrest was endorsed and authorized his release upon arrest. Of note, as of January 13, 2022, when Corporal Bettsworth was interviewed in the context of the Code of Conduct investigation, she was unaware

¹¹ *Commanding Officer, "E" Division and Vellani*, 2017 RCAD 3, at paragraph 117.

of the status of the warrant, which leads to the inference that if Mr. B.P. was not a significant risk to the public since she did follow up on the warrant.

[63] Additionally, I do not accept the Conduct Authority Representative's submission that one does not apply progressive discipline in a police discipline process. My reading of the *Furlong* decision¹² does not support that assertion and, if I am wrong on that point, I take the position that *Furlong* is limited to the police discipline process under the Alberta *Police Services Act*, RSA 2000, c P-17.

[64] The Conduct Authority Representative argued that the misconduct occurred over an extended period of time, that Constable Quirion "doubled down" on the lie when Yorkton GIS called him and that this constitutes an aggravating factor. I disagree. The incident occurred on November 16, 2021, and on December 1, 2021, Constable Quirion received the call from Yorkton GIS.

[65] Within 30 minutes of that phone call, Constable Quirion went to Corporal Bettsworth, admitted the misconduct and called Yorkton GIS back to set the record straight. We are looking at a 14-day period and a proactive disclosure of the misconduct.

[66] All of the case law brought forward by the Conduct Authority Representative dealt with cases where a misconduct took place over months,¹³ involved ongoing and prolonged deception,¹⁴ personal gain,¹⁵ criminal convictions,^{16,17} or the misconduct arose in the context of a Code of Conduct investigation.¹⁸

Mitigating factors

[67] From the outset, I note that mitigating circumstances do not constitute a justification or an excuse for the misconduct, but in fairness to the subject member, these may be taken into

¹² *Edmonton (Police Service) v Furlong*, 2013 ABCA 121 [*Furlong*].

¹³ *Commanding Officer "E" Division and Goodyer*, 2018 RCAD 13.

¹⁴ *Commanding Officer, "O" Division and Khol*, 2019 RCAD 18.

¹⁵ *Commanding Officer, "E" Division and Rasmussen*, 2018 RCAD 14.

¹⁶ *Commanding Officer, "J" Division and Cormier*, 2016 RCAD 2.

¹⁷ *Commanding Officer, "E" Division and Rasmussen*, 2018 RCAD 14.

¹⁸ *Commanding Officer, "O" Division and Kohl*, 2019 RCAD 18.

consideration to reduce the severity of the sanction imposed, in order to appropriately deal with the misconduct.

[68] With all due respect to the Subject Member Representative's submission, I note that being bilingual is not a mitigating factor and it is not taken in consideration to reduce the severity of the conduct measures imposed.

[69] With that said, I find the following circumstances to be mitigating.

[70] First, Constable Quirion did accept responsibility for his actions and admitted the misconduct at the first opportunity in the conduct process. His admissions dispensed with the necessity of having a contested hearing.

[71] Second, I note that Constable Quirion proactively disclosed his misconduct to Corporal Bettesworth 14 days after the incident. Without this disclosure, the RCMP would not have been aware of the incident as the video footage from the Scales Drug Store was non-recoverable.

[72] Third, Constable Quirion provided an apology letter during the conduct measures phase, acknowledging the impact of his misconduct on his peers, the RCMP, the public in general and those directly involved in the incident. His apology was sincere and he showed evidence of remorse.

[73] Fourth, I accept the Subject Member Representative's submission that the letters of support from the Staff Sergeant, Sergeant, Corporal and Detachment Service Manager at Portage la Prairie are evidence of Constable Quirion's rehabilitative potential, which he was able to demonstrate during the 11 months prior to his suspension. This is an important mitigating circumstance.

[74] Finally, there was no malicious intent involved with this misconduct nor was there any personal gain.

Decision on conduct measures

[75] Having considered the Record before me, the nature of the misconduct, the mitigating and aggravating factors as well as the case law referenced by the parties,¹⁹ I find the measure being sought by the Conduct Authority to be disproportionate to the gravity of Constable Quirion's misconduct.

[76] Misconduct falls on a spectrum and each case should be assessed on its own facts.

[77] As submitted by the Subject Member Representative, it is evident that Constable Quirion had a "bad start" in Swan River, which was his first posting after basic training. When he arrived in Swan River in November 2017, he was 21 years old and had moved there from Montreal. Furthermore, he had no friends, no family and no support system. Additionally, this was exacerbated in March 2020 with the lockdowns due to the COVID-19 pandemic.

[78] The Subject Member Representative submitted that Constable Quirion developed an anxiety disorder and alcohol dependency. This is the context within which the first misconduct incidents occurred in September 2020 and December 2020. This submission is supported by the narrative of the Records of Decision submitted to me by the Conduct Authority Representative.

[79] In February 2022, Constable Quirion was transferred to Portage la Prairie where he worked for 11 months, doing administrative duties, until his suspension in January 2023. The Subject Member Representative noted that Portage la Prairie was a clean start for Constable Quirion and that he has demonstrated that he can be professional as well as an asset to the RCMP. I agree, and this statement is supported by the four letters of reference from members of Portage la Prairie Detachment and the two positive forms 1004 – *Performance Logs* issued in June 2022 and August 2022.

[80] While acknowledging the foregoing, I note that Constable Quirion is young in service and, at this stage in his career, he already has three incidents of established misconduct involving honesty. However, as previously noted, the two prior incidents of 2020 can be attributed to specific

¹⁹ See Appendix A of this decision.

mental health challenges and to the circumstances of the day. Furthermore, they did not relate to operational matters.

[81] When I weigh the aggravating circumstances against the mitigating circumstances in this case, particularly the sincerity of Constable Quirion's remorse, his acceptance of responsibility for his actions and the rehabilitative potential evidenced over the 11-month period at Portage la Prairie, I believe that it is appropriate to impose a penalty that is educative and remedial, and that satisfies the goal of individual and general deterrence.

[82] Bearing in mind the parity of sanction principle and the ranges suggested by the *Conduct Measures Guide* (November 2014), I impose the following conduct measures in accordance with subsections 3(1) and 5(1) of the *CSO (Conduct)*:

- a. A financial penalty consisting of a forfeiture of 35 days' pay, 20 to be deducted from Constable Quirion's pay and 15 to be taken from his annual leave bank pursuant to paragraphs 5(1)(i) and (j) of the *CSO (Conduct)*;
- b. Ineligibility for promotion for a period of 3 years, starting on the date of my oral decision, pursuant to paragraph 5(1)(b) of the *CSO (Conduct)*; and
- c. A direction to work under close supervision for a period of 1 year, starting on the date that Constable Quirion returns to active duty, pursuant to paragraph 3(1)(b) of the *CSO (Conduct)*.

CONCLUSION

[83] The allegations are established and conduct measures are imposed per paragraph 82 of this Decision.

[84] I remind the parties that 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.

[85] Either party may appeal this decision by filing a statement of appeal with the Commissioner within 14 days of the service of this decision on Constable Quirion as set out in section 45.11 of the *RCMP Act* and section 22 of the *Commissioner's Standing Orders (Grievances and Appeals)*, SOR/2014-289.

April 12, 2024

Louise Morel

Conduct Board

Ottawa, Ontario

APPENDIX A – CASE LAW SUBMITTED BY THE PARTIES

Conduct Authority Representative’s authorities

Edmonton (Police Service) v Furlong, 2013 ABCA 121

Commanding Officer “E” Division and Goodyer, 2018 RCAD 13

Commanding Officer, “O” Division and Khol, 2019 RCAD 18

Commanding Officer, “E” Division and Rasmussen, 2018 RCAD 14

Subject Member Representative’s authorities

Commanding Officer “C” Division and Gervais, 2018 RCAD 6

Commanding Officer “E” Division and Ternan, 2021 CAD 20

Commanding Officer “J” Division and Cormier, 2016 RCAD 2

Designated Conduct Authority “E” Division and Dongriah, 2020 CAD 24

Commanding Officer “J” Division and Cormier, 2017 RCAD 11

Commanding Officer “K” Division and Clarke, 2019 RCAD 24

Commanding Officer “D” Division and Ens, 2019 RCAD 1