



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:

Designated Conduct Authority, “K” Division

Conduct Authority

and

Constable Christopher Larsen

Regimental Number 65428

Subject Member

Conduct Board Decision

Sandra Weyand

November 19, 2024

Pierre-Olivier Lemieux, Conduct Authority Representative

Robb Beeman, Subject Member Representative

TABLE OF CONTENTS

SUMMARY	3
INTRODUCTION	5
ALLEGATIONS.....	6
Findings of fact.....	8
Decision on Allegations	11
Allegation 1	11
Allegation 2	12
Allegation 3	13
CONDUCT MEASURES.....	15
Applicable legal principles.....	16
Joint proposals	16
Assessing fit conduct measures	17
Analysis	18
Decision on conduct measures	22
CONCLUSION.....	25

SUMMARY

On November 2, 2023, Constable Christopher Larsen was served a *Notice of Conduct Hearing*, which contained three allegations under the RCMP Code of Conduct: one alleged contravention of section 2.1 for discourteous conduct, one alleged contravention of section 5.1 for using more force than reasonably necessary in the circumstances, and one alleged contravention of section 8.1 for failing to provide complete and accurate accounts.

The parties submitted an *Agreed Statement of Facts* and a Joint Proposal on conduct measures, which was accepted by the Conduct Board. Furthermore, all three Allegations were established.

The following conduct measures were imposed:

- a. for Allegation 1, a financial penalty of 4 days to be deducted from Constable Larsen's pay, made up of 3 days of pay and 1 day of leave;
- b. for Allegation 2, a financial penalty of 21 days to be deducted from Constable Larsen's pay, made up of 16 days of pay and 5 days of leave;
- c. for Allegation 3, a financial penalty of 20 days to be deducted from Constable Larsen's pay, made up of 16 days of pay and 4 days of leave;
- d. Complete the following trainings (in person or online) within 120 days of the Subject Member's return to work and the restoration of his Security Clearance:
 - i. Use of Force including IMIM, Reintegration (Enrollment with the National Reintegration Program), Block Training, Annual Firearm Qualification, Carbine and Taser;
 - ii. Critical Incident stress management (Agora Course 000771);
 - iii. Tactical Workshop (with a qualified public and police safety instructor); and
 - iv. Anger Management (with a qualified medical professional which may include ongoing psychological sessions with Ryan Thornley (Registered Psychologist) at Modern Solutions Counselling);
 - v. Constable Larsen shall provide confirmation of the completion of the training referenced in paragraph d) i) to iii) and confirmation of his ongoing attendance with his psychologist referenced in paragraph d) iv) to Sgt. Ronald Bumbry, who may extend the deadlines referenced above due to the unavailability of programs and/or courses.
- e. for 24 months, starting from the date of this written decision, full participation with the Health Services Office in accordance with disability management policies to ensure health, well-being and a timely return to work; and

- f. for 24 months, starting from the date of this written decision, ineligibility for promotion or supervisory acting assignments.

The Conduct Board also recommended for Constable Larsen to be transferred to a new work location.

INTRODUCTION

[1] On March 22, 2023, the Conduct Authority signed the *Notice to the Designated Officer*, in which they requested the initiation of a conduct hearing.

[2] 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*].

[3] On November 2, 2023, Constable Christopher Larsen was served a *Notice of Conduct Hearing*, dated September 19, 2023, which contained three Allegations under the RCMP Code of Conduct: one alleged contravention of section 2.1 for discourteous conduct, one alleged contravention of section 5.1 for using more force than reasonably necessary in the circumstances, and one alleged contravention of section 8.1 for failing to provide complete and accurate 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.

[4] On April 22, 2024, pursuant to subsection 15(3) of the *Commissioner's Standing Orders (Conduct)*, SOR/2014-291, Constable Larsen provided his response to the Allegations, admitting Allegations 1 and 2, with certain explanations, and denying Allegation 3.

[5] On July 18, 2024, the parties advised that they had reached an agreement on facts and on conduct measures. They also canvassed me on next steps and how to affect this potential resolution.

[6] On September 25, 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 a decision based solely on the Record, subject to any issues arising out of my review of

the *Agreed Statement of Facts*, the Joint Proposal and the accompanying documentary evidence, all of which were later presented on October 7, 2024.

[7] In the parties' October 7, 2024, written submissions, Constable Larsen also admits Allegation 3. The parties further agreed that the language set out in Particulars 5 and 6 in Allegation 1 cannot be attributed to Constable Larsen. As such, these two Particulars were withdrawn at the request of the Conduct Authority.

[8] On October 8, 2024, following my review of the materials, I sought clarification from the parties regarding the proposed conduct measures. The parties subsequently provided their final and revised Joint Proposal on October 17, 2024.

[9] For the reasons that follow, I find that Allegations 1, 2 and 3 are established. Furthermore, I accept the Joint Proposal on conduct measures.

[10] I also recommend that Constable Larsen be transferred to a new work location as, based on the findings in this decision, he is no longer suitably posted at Maskwacis First Nation. To be clear, any transfer remains at the discretion of the Commanding Officer.

ALLEGATIONS

[11] The three Allegations 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), posted to "K" Division, in the Province of Alberta.
2. On March 26, 2022, at Maskwacis, Alberta, while on duty, you escorted Mr. [K.L.], a prisoner under arrest and with his hands cuffed behind him, to a RCMP police truck, and while standing off to the side of the truck, you punched him in the face three (3) times, and yelled obscenities at him.

Allegation 1: On or about March 26, 2022, at or near Maskwacis, in the Province of Alberta, Constable Christopher LARSEN engaged in discourteous conduct, contrary to section 2.1 of the *Code of Conduct of the Royal Canadian Mounted Police*.

Particulars

3. While arresting Mr. [K.L.] you used offensive and discourteous language, including swearing at him and stating, “fuck you.”, as you punched him in the face.
4. You then punched Mr. [K.L.] a second time with your right, closed fist, and said, “Fuck you.”
5. [Particular withdrawn]
6. [Particular withdrawn]
7. As a result, you used language that was disrespectful, discourteous, unprofessional, and profane, in contravention of section 2.1 of the RCMP *Code of Conduct*.

Allegation 2: On or about March 26, 2022, at or near Maskwacis, in the Province of Alberta, Constable Christopher LARSEN used more force than was reasonably necessary in the circumstances, contrary to section 5.1 of the Code of Conduct of the Royal Canadian Mounted Police.

Particulars

8. On March 26, 2022, you were dispatched to a report of a firearm being discharged by two (2) males behind a residence at the Samson Cree Nation townsite near Maskwacis, Alberta. Two males were taken into custody, one of whom was identified as Mr. [K.L.]. As you held Mr. K.L., whose hands were cuffed behind him, with your left hand while standing off to the side of the RCMP police truck, you stated, “Do you understand me?” and Mr. [K.L.] replied, “Yeah, I understand you.”, and you then punched Mr. [K.L.] in the face with your right, closed fist and said, “Fuck you.”
9. You then punched Mr. [K.L.] a second time with your right, closed fist, and said, “Fuck you.”
10. You then punched Mr. [K.L.] a third-time with your right, closed fist.
11. You then pushed Mr. [K.L.] towards the back of the cab of the RCMP police truck, and in the process, his head hit the police vehicle’s “C” pillar, thereby causing the rear window of the vehicle to shatter.
12. Corporal Jesse Gawne, a Subject Matter Expert in the area of police use of force, reviewed the totality of your interactions with Mr. [K.L.] and authored an expert opinion. In his report, Coporal Gawne concluded that, in his opinion:
 - a. [Constable] Larsen did not use reasonable force against Mr. [K.L.]. [Constable] Larsen did three strikes with his fist to Mr. [K.L.]’s face, while Mr. [K.L.] was handcuffed behind his back unable to defend himself in any meaningful way.

b. The force used by [Constable] Larsen against Mr. [K.L.] during this incident was not reasonable, and not consistent with RCMP policy and training.

13. Your use of three (3) closed-fist punches against Mr. [K.L.], while he was handcuffed with his hands behind his back and unable to defend himself in a meaningful way, was not reasonably necessary in the circumstances, and contrary to RCMP policy and training, on contravention of section 5.1 of the *RCMP Code of Conduct*.

Allegation 3: On or between March 26, 2022 and March 29, 2022 at or near Maskwacis, in the Province of Alberta, Constable Christopher LARSEN failed to provide complete and accurate 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 Royal Canadian Mounted Police.

Particulars

14. You completed three (3) Subject Behaviour Officer Response Reports (SB/OR): 1) March 26, 2022; 2) a revised SB/OR on March 28, 2023; and 3) a further revised SB/OR on March 29, 2023, in relation to the March 26, 2022 incident involving Mr. [K.L.], that forms the basis of Allegation 3. The three (3) SB/OR Reports you submitted concerning your interactions with Mr. [K.L.] do not accord with the [WatchGuard] video footage of the March 26, 2023 incident.

15. You failed to be accurate in your second revised SB/OR, dated March 28, 2022, by stating that, “Subject 1 was a larger built male approximately 200-250lbs standing at 6’ tall.”

16. The Prisoner Report indicated that Mr. [K.L.] was documented as weighing “68 kilograms”, or approximately 149.9 lbs, when he was lodged in cells at the Maskwacis RCMP Detachment, on March 26, 2023.

17. As a result of the above noted actions, you completed the SB/OR Reports in an inaccurate manner, in contravention of section 8.1 of the *RCMP Code of Conduct*.

[*Sic throughout*]

Findings of fact

[12] The *Agreed Statement of Facts* was signed by Constable Larsen and represents his admissions to the facts, which are as follows:

1. [Constable Larsen] joined the RCMP in 2018 and after the successful completion of his training at Depot he was posted to the Maskwacis detachment in Alberta.
2. The Maskwacis detachment is recognized as one of the most challenging detachments in K Division. It can be a very violent community, with members often required to respond to 20-30 calls a shift ranging from domestic violence, assault, structure fires and shootings.
3. On March 26th, 2022 members of the Maskwacis detachment, including [Constable Larsen], were dispatched to a call of two males shooting at a residence with a firearm within the Townsite of the Samson Cree Nation. Numerous officers responded to the call.
4. At [7:40 a.m., Constable Larsen] arrived at the dispatch location, [...], in an alley behind the residence where the males were last said to have been seen. [Constable Larsen] continued to make patrols of the area and ultimately was advised by another member that two males were seen running through a field, north of their location.
5. Multiple members converged on the scene. One of the officers, [Constable] Pettigrew, was able to provide a description of the subject. Officers were advised that at least one of the subjects had been seen concealing a firearm in his pants. [Constable Larsen] was advised that the males had split up and one of the males was seen running into an area of the town known as "D Block". [Constable Larsen] headed in that direction to cut the male off to prevent the subject from entering into the townsite, a residence or a vehicle which would have made the situation far more dangerous and volatile.
6. Other officers were able to locate and apprehend one of the subjects who had in his possession a loaded firearm. [Constable Larsen] observed [Constable] Epp with that subject on the ground. [Constable Larsen] ran to the location to assist and asked another officer, [Constable] Vaccaro, to stay with [Constable] Epp as there was a firearm on the scene and the other male had not been located.
7. Shortly thereafter, [Constable Larsen] was alerted by [Constable] Edward and [Constable] Pettigrew that the other male had been located hiding under a deck of a residence. [Constable Larsen] raced to that location, where members were maintaining a lethal overwatch on the subject, an individual later identified as [Mr. K.L.].
8. Mr. K.L. was not cooperative in his arrest. The officers struggled to get him handcuffed. The search revealed that Mr. K.L. was in possession of additional ammunition. Mr. K.L. made comments to the arresting officers, taunting and laughing at them.

9. [Constable Larsen] lost his composure. He punched Mr. K.L. on three occasions, swearing at him and using offensive language stating “fuck you” when he punched Mr. [K.L.] in the face.

10. [Constable Larsen] admits that this language was disrespectful, discourteous, unprofessional and profane and that it contravened section 2.1 of the RCMP Code of Conduct.

Allegation 2

11. [Constable Larsen] pushed Mr. K.L. towards the back of the cab. Mr. K.L.’s head came in contact with the C-pillar which resulted in the window shattering. [Constable Larsen] acknowledges that his three strikes to Mr. K.L.’s face and pushing his head into the C-pillar were not reasonable or consistent with RCMP policy or training. [Constable Larsen] acknowledges that he contravened section 5.1 of the RCMP Code of Conduct.

Allegation 3

12. [Constable Larsen] acknowledges preparing, in draft, three [SB/ORs] on March 26th, 2022, March 28th, 2022 and March 29th, 2022 in relation to the March 26th, 2022 incident.

13. In relation to the March 26th, 2022 incident, [Constable Larsen] acknowledges that some of the statements in the [SB/ORs] do not accord with what transpired from the [WatchGuard] Video and its audio transcription, such as [Constable Larsen’s] description of Mr. K.L.’s resistant behavior while standing handcuffed at the back of the cab. In addition, [Constable Larsen] acknowledges that he was inaccurate in his description of Mr. K.L.’s weight and built.

14. Therefore, [Constable Larsen] acknowledges that the [SB/ORs] were completed in an inaccurate manner and he contravened section 8.1 of the RCMP Code of Conduct.

15. The [Constable Larsen] has no disciplinary history. All of his Performance Reviews, which are attached at Appendix “A” [to the *Agreed Statement of Facts*], speak to his reliability, dependability, confidence, work ethic and his knowledge of community and cultural issues.

16. Over and above the positive comments in his Performance Evaluation and Learning Plans, [Constable] Larsen was the recipient of a number of positive Performance Logs which are attached hereto at Appendix “B” [to the *Agreed Statement of Facts*].

17. Notwithstanding the conduct allegations, [Constable Larsen] continues to have the support of management and his supervisors. As is reflected in the references letters written by Superintendent Leanne MacMillan and [Staff Sergeant] Travis McKenzie which are attached hereto as Appendix

“C” and “D” [to the *Agreed Statement of Facts*]. Letters of reference which are attached hereto as Appendix “E” [to the *Agreed Statement of Facts*] also speak to his character and dedication to the community of Maskwacis.

18. All of these incidents occurred when [Constable Larsen] was dealing with undiagnosed Post Traumatic Stress Disorder and other mental health issues. Since the incident, [Constable Larsen] has been diagnosed and is receiving ongoing treatment to address his mental health.

[*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.

Decision on Allegations

Allegation 1

[14] Section 2.1 of the Code of Conduct provides that “Members treat every person with respect and courtesy and do not engage in discrimination or harassment.”

[15] Under section 2.1 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; and
- c. whether the acts are indicative of a lack of respect and courtesy amounting to harassment.

[16] To establish the third part of the test, one must consider whether a reasonable person, with knowledge of all of the facts of the case, and knowledge not only of policing in general but of policing in the RCMP in particular, would have known or ought to have known the acts or words were belittling, degrading or humiliating or would give offence or harm.

[17] Constable Larsen’s identity is uncontested. As such, the first element of the test is satisfied.

[18] Constable Larsen admits to attending a call of two males shooting at a residence with a firearm on March 26, 2022, and to arresting Mr. K.L., who was not cooperative in his arrest. He

further admits to losing his composure, punching Mr. K.L., swearing at him and using offensive language, stating “fuck you” while punching him in the face. Therefore, the second element of the test, the acts constituting the alleged conduct, is also satisfied.

[19] Constable Larsen further admits that his language was disrespectful, discourteous, unprofessional and profane. Furthermore, I agree that a reasonable person, with knowledge of the relevant circumstances, would find that using offensive language, such as “fuck you”, during an arrest, while punching a handcuffed individual, would be degrading and belittling as well as give offence and amount to a lack of respect towards Mr. K.L. Thus, the third element of the test is satisfied.

[20] Consequently, I find that Constable Larsen behaved in a manner that contravenes section 2.1 of the Code of Conduct. Therefore, Allegation 1 is established.

Allegation 2

[21] Section 5.1 of the Code of Conduct provides that “Members use only as much force as is reasonably necessary in the circumstances.”

[22] To establish a contravention of section 5.1 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 member’s actions, which constitute the use of force; and
- c. that the use of force was not reasonably necessary, for one of the following reasons:
 - i. the member was not acting within the scope of his lawful duties;
 - ii. the member did not have reasonable grounds for using force; or
 - iii. the amount of force used was not objectively reasonable.

[23] As previously stated, Constable Larsen's identity is uncontested. As such, the first element of the test is satisfied.

[24] Constable Larsen admits to pushing Mr. K.L. towards the back of the cab of the police vehicle and that, when doing so, Mr. K.L.'s head hit the C-pillar (the structural support of a vehicle between the door and the rear window) of the police vehicle, resulting in the window shattering. Constable Larsen also admits to striking Mr. K.L. three times during the arrest. Therefore, the second element of the test, the acts constituting the alleged conduct, is also satisfied.

[25] Constable Larsen further acknowledges that the three strikes and Mr. K.L.'s head hitting the C-pillar were not reasonable or consistent with RCMP policy or training. In addition, the Record contains a report by a use of force subject-matter expert. Moreover, the report concludes that Constable Larsen did not use reasonable force when striking Mr. K.L. three times with a closed fist while Mr. K.L. was handcuffed behind his back and unable to defend himself.

[26] Given the foregoing, I find that the amount of force used was not objectively reasonable and the third part of the test has been met.

[27] Consequently, I find that Constable Larsen behaved in a manner that contravenes section 5.1 of the Code of Conduct. Therefore, Allegation 2 is established.

Allegation 3

[28] Section 8.1 of the Code of Conduct states that "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."

[29] 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 statement was false, misleading or inaccurate; or
 - ii. was reckless or careless as to the validity of the statement.

[30] Constable Larsen's identity is uncontested. As such the first element of the test is satisfied.

[31] Constable Larsen admits to preparing three SB/ORs on March 26, 28 and 29, 2022, in relation to the March 26, 2022, incident. These constitute the statements in question.

[32] Constable Larsen further admits that some of the statements in the SB/ORs do not accord with the video evidence from the WatchGuard camera in the police vehicle. Constable Larsen also specifically acknowledges that he was inaccurate in his description of Mr. K.L.'s weight and build. As such, the statements provided by Constable Larsen were false and inaccurate, which satisfies the third part of the test.

[33] The fourth element of the test is also satisfied by Constable Larsen's admission that the statements were inaccurate. Specifically, there is a significant discrepancy between Constable Larsen's description of Mr. K.L. in the SB/OR and Mr. K.L.'s actual weight and stature. I further note that Constable Larsen only added these inaccurate descriptors into his summary when he revised the SB/OR on March 28, 2022. These descriptors are clearly contradicted by the information found under the "Subject Information" section in the same SB/OR recorded on March 26, 2022, indicating Mr. K.L.'s actual height and weight. As such, Constable Larsen knowingly entered inaccurate information in the SB/OR.

[34] Consequently, I find that Allegation 3 is established.

CONDUCT MEASURES

[35] Having found all three Allegations 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.

[36] The parties have presented me with a Joint Proposal on conduct measures, which was signed by both Constable Larsen 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. Furthermore, the parties propose the following conduct measures:

- (a) a financial penalty of 4 days to be deducted from the member's pay on Allegation 1, made up of 3 days' pay and 1 day leave;
- (b) a financial penalty of 21 days to be deducted from the member's pay on Allegation 2, made up of 16 days' pay and 5 days leave;
- (c) a financial penalty of 20 days to be deducted from the member's pay on Allegation 3, made up of 16 days' pay and 4 days leave;
- (d) completion of training, namely Use of Force including [Incident Management/Intervention Model], Reintegration, Block Training, Annual Firearm Qualification, Carbine and Taser, Critical incident stress management, Tactical Workshop (with a qualified public and police safety instructor), and Anger Management;
- (e) for the period of 24 months, starting from the date of the Board's decision, participate fully with the [Health Services Office] in accordance with disability management policies to ensure health, well-being, and a timely return to work; and
- (f) ineligibility for promotion or acting on supervisory assignments for 24 months, starting from the date of this decision.

The Parties also seek the Board to make a recommendation that the Subject Member be transferred to a new work location as follows:

As a result of findings of this Code of Conduct process, it has been determined that Cst. Christopher Larsen is no longer suitably posted at Maskwacis First

¹ Paul Ceyssens and W. Scott Childs, *"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 Act*, Report to the Royal Canadian Mounted Police (February 24, 2022) [*Phase 1 Final Report*].

Nation. As such, the subject member will be interviewed by a K Division Career Development and Resourcing Advisor (CDRA) and succession planned for an ordered transfer. A final suitable posting will be determined by the K Division Career Development and Resourcing Officer based on the information obtained in the CDRA interview and operational needs of the Division.

Applicable legal principles

Joint proposals

[37] 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 conduct 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

[38] 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 proposal 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.

[39] 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 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

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 of "K" Division and Deroche*, 2022 CAD 13 [*Deroche*].

⁵ *Deroche*, at paragraph 103.

[40] Similarly, the conduct measures set out in the RCMP *Conduct Measures Guide* (November 2014) simply provide a suitable range of conduct measures, which is not determinative and offers only limited assistance in evaluating which conduct measures to impose in a given file.

[41] To determine whether the proposed conduct measures submitted by the parties are contrary to 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

[42] The first foundational principle states that conduct measures “must fully accord with the purposes of the police complaint and discipline process”, which requires the balancing of four interests: 1) the public; 2) the RCMP in its dual role as an employer and as a government body to ensure the security of the public; 3) the subject member in being treated fairly; and 4) those affected by the misconduct at issue, where applicable.⁶

[43] 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. They also set out the member’s responsibility and accountability for the promotion and maintenance of good conduct in the Force.

[44] The Supreme Court of Canada has also highlighted the importance of the public interest by stating that “[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

[45] 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 for conduct measures to be proportionate to the nature and circumstances of the individual case and,

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.

where appropriate, to be educative and remedial rather than punitive. However, both principles will be displaced if the public interest or other considerations, such as the seriousness of the misconduct, triumph.

[46] 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 and assess whether they may be mitigating, aggravating or neutral. Finally, the conduct board must 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

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

Analysis

[48] The *Conduct Measures Guide*, 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.

[49] Specifically, for Allegation 1, a contravention of section 2.1 of the Code of Conduct, when related to discourtesy and the use of profanity or rudeness towards a member of the public, the identified range of conduct measures is a financial penalty of 2 to 10 days on the aggravated end of the spectrum and remedial measures (less than a reprimand) on the mitigated end.

[50] In relation to Allegation 2, a contravention of section 5.1 of the Code of Conduct, the *Conduct Measures Guide* indicates remedial measures for the mitigated range, a financial penalty of 2 to 20 days for the normal range, and 21 days to dismissal for aggravated offences such as

⁹ *Phase 1 Final Report*, at page 21.

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

unprovoked or gratuitous assault, restraining a victim, vulnerable victims, the needless use of intervention equipment or an assault that causes serious injury.

[51] Lastly, with respect to Allegation 3, a contravention of section 8.1 of the Code of Conduct, actions that fall within the aggravated range warrant dismissal. These are thought to be actions that cause the actual miscarriage of justice, compromise an investigation or involve the fabrication of evidence. The mitigated range is a financial penalty from 11 to 29 days and further describes this range to be applicable to actions that have no effect on investigations and do not adversely affect the rights of a third party. I note that the normal range is rather vast, stretching from 30 days of pay to dismissal.

[52] In their Joint Proposal, the parties submit that incidents involving police intervention are complex and that officers must make split-second decisions. They urge me to grant Constable Larsen a certain level of deference on the scene where he does not have the ability to analyze behaviour on video to determine the perfect course of action. A member's perception of risk may be different from what a careful analysis of video and audio recordings later reveals.

[53] Having said that, the parties are clear in outlining that Constable Larsen is not attempting to excuse his behaviour.

[54] The parties submit that a financial penalty of 45 days of pay in conjunction with other remedial measures are appropriate given the circumstances. They also refer to page 7 of the *Conduct Measures Guide*, which speaks to a financial penalty of 31 to 45 days being "employed in situations where the conduct authority is 'on the fence' about retaining or terminating a member but decides, in light of all the aggravating and mitigating factors, to continue to employ the member."

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

- a. Constable Larsen's admissions have avoided a contested conduct hearing. This prevents multiple witnesses from travelling and testifying as well as expenses from being incurred

by the Force. It further demonstrates Constable Larsen's willingness to resolve this matter quickly, which is indicative of his remorse.

- b. Constable Larsen has admitted to the underlying facts of Allegations 1, 2 and 3 as well as has acknowledged his misconduct and accepted responsibility.
- c. Constable Larsen has no prior discipline.
- d. Constable Larsen's conduct was an isolated incident, which was out of character, and represents a momentary lapse of judgment. The March 26, 2022, incident, to which Constable Larsen responded was a highly dangerous event involving a shooting with a firearm at a residence and individuals having a concealed weapon.
- e. Constable Larsen has an outstanding work record that is reflected in several positive Performance Reviews, which are attached to the *Agreed Statement of Facts*. Additionally, Superintendent Leanne MacMillan provided a letter of support, dated January 11, 2024, in relation to this conduct process, which demonstrates that Constable Larsen has the support of senior management. He also provided several letters of support from his peer officers and a community member, confirming his engagement and dedication to the Cree Nation community.
- f. Constable Larsen, at the time of the incident, was suffering from an undiagnosed medical condition. Constable Larsen provided medical records confirming that he has been diagnosed with an operational stress injury and an adjustment disorder. They also confirm that he has been seeing a psychologist since November 30, 2023, and that his prognosis is excellent.
- g. The incident occurred while Constable Larsen was working in a remote and violent community, the Maskwacis First Nation.
- h. Constable Larsen has made the best of his suspension by diligently pursuing treatment, counselling and seeking medical help.

[56] I accept that Constable Larsen has admitted the 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.

[57] Regarding Constable Larsen'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.

[58] Constable Larsen has had no prior discipline, which is mitigating; however, I place limited weight on this factor as his service has been short at just over five years to date. I do place significant weight on his likelihood of rehabilitation, both given that this incident was seemingly out of character in volatile circumstances and because he has been seeking treatment for his previously undiagnosed operational stress injury and adjustment disorder.

[59] That said, I have not been provided any evidence to lead me to conclude that Constable Larsen was suffering from an operational stress injury and an adjustment disorder at the time of the incident and that these disorders affected his actions at that time. As such, I am not retaining this as a mitigating factor in that sense. As outlined, I do retain the fact that Constable Larsen has now been diagnosed, has sought treatment and is actively pursuing counselling, which will help to ensure that he approaches any future situations with more measured actions.

[60] I also recognize that Constable Larsen is still able to make valuable contributions to the Force given the many letters of support. I view the support extended by senior management as outlined in Superintendent MacMillan's letter to be a significant mitigating factor.

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

- a. Constable Larsen was involved in misconduct when the complainant was handcuffed and vulnerable. The complainant suffered minor injuries.
- b. The complainant is Indigenous.

- c. Constable Larsen will now be subject to McNeil disclosure for providing inaccurate information in the SB/ORs.

[62] I agree that all of the aforementioned factors represent aggravating factors.

Decision on conduct measures

[63] 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.

[64] I find that the public interest is served. Constable Larsen is being disciplined for his actions. He is receiving a significant financial penalty. He is ineligible for promotion or supervisory acting positions for a period of 24 months from the date of this decision. Moreover, this decision will be publicly available, demonstrating that the RCMP does not tolerate such actions, especially actions that amount to using offensive language, excessive force and providing inaccurate details of an incident. It further demonstrates the RCMP's commitment to maintaining public trust and being held accountable.

[65] The interests of the RCMP are served because Constable Larsen will be ineligible for promotion or supervisory acting roles for 24 months from the date of this decision. Furthermore, he will be completing several relevant trainings in addition to forfeiting a significant amount of his pay. This sends a strong message of general deterrence within the Force that conduct amounting to excessive use of force, inaccurate accounts and discourteous behaviour is not tolerated and will result in severe repercussions.

[66] Constable Larsen is being treated fairly by the imposition of the proposed 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 that the Joint Proposal is unfair to Constable Larsen.

[67] The interests of other affected individuals have also been addressed by way of Mr. K.L. having been given the opportunity to provide a victim impact statement, though he declined to do so. It is my understanding that Mr. K.L. also did not have any interest in participating in the conduct process. Therefore, the matter being resolved without the need for a conduct hearing is a favourable way to proceed for Mr. K.L.

[68] The Joint Proposal recognizes that a higher standard applies to a police officer's conduct. Although no criminal charges were laid at the time of this decision, Constable Larsen did not meet the expected higher standard for police officer's conduct in a situation involving highly volatile circumstances.

[69] I agree with the parties' assessment that the proposed measures are both remedial and corrective. They also fall within the ranges provided in the *Conduct Measures Guide*.

[70] The presumption of the least onerous disposition is met. I find that the financial penalty, period of ineligibility for promotion, and additional training are proportionate to Constable Larsen's actions. These measures are neither trivial nor punitive and meet the expectation of both specific and general deterrence, all while holding Constable Larsen accountable.

[71] Thus, I do not find that accepting the Joint Proposal would be considered intolerable and result in the loss of public confidence in the RCMP conduct process.¹¹ 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. for Allegation 1, a financial penalty of 4 days to be deducted from Constable Larsen's pay, made up of 3 days of pay and 1 day of leave;
- b. for Allegation 2, a financial penalty of 21 days to be deducted from Constable Larsen's pay, made up of 16 days of pay and 5 days of leave;

¹¹ *R. v Albert*, 2022 QCCS 3934, at paragraph 60.

- c. for Allegation 3, a financial penalty of 20 days to be deducted from Constable Larsen's pay, made up of 16 days of pay and 4 days of leave;
- d. Complete the following trainings (in person or online) within 120 days of the Subject Member's return to work and the restoration of his Security Clearance:
 - i. Use of Force including IMIM, Reintegration (Enrollment with the National Reintegration Program), Block Training, Annual Firearm Qualification, Carbine and Taser;
 - ii. Critical Incident stress management (Agora Course 000771);
 - iii. Tactical Workshop (with a qualified public and police safety instructor); and
 - iv. Anger Management (with a qualified medical professional which may include ongoing psychological sessions with Ryan Thornley (Registered Psychologist) at Modern Solutions Counselling);
 - v. Constable Larsen shall provide confirmation of the completion of the training referenced in paragraph d) i) to iii) and confirmation of his ongoing attendance with his psychologist referenced in paragraph d) iv) to Sgt. Ronald Bumbry, who may extend the deadlines referenced above due to the unavailability of programs and/or courses.
- e. for the period of 24 months, starting from the date of this decision, full participation with the Health Services Office in accordance with disability management policies to ensure health, well-being and a timely return to work; and
- f. ineligibility for promotion or supervisory acting assignments for 24 months, starting from the date of this decision.

[72] In addition, and as requested by the parties, I recommend for Constable Larsen to be transferred to a new work location as, based on the findings in this decision, he is no longer suitably

posted at Maskwacis First Nation. Any such transfer remains at the discretion of the Commanding Officer.

CONCLUSION

[73] Allegations 1, 2 and 3 are established on a balance of probabilities, and the aforementioned conduct measures are imposed.

[74] My acceptance of the Joint Proposal provides Constable Larsen 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 act in accordance with 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.

[75] 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.

[76] 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 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.

<hr/>	<hr/>
Sandra Weyand	November 19, 2024
	Date

Conduct Board