



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 for “K” Division

Conduct Authority

and

Constable Michael Macausland
Regimental Number 56428

Subject Member

Conduct Board Decision

Gina Lévesque

May 9, 2025

John MacLaughlan, Conduct Authority Representative

Travis Sylvestre, Subject Member Representative

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SUMMARY

On October 24, 2023, Constable Michael Macausland was served a *Notice of Conduct Hearing*, dated October 4, 2023. It contained two alleged contraventions of the RCMP Code of Conduct: the first under section 7.1 for discreditable conduct and the second under section 4.6 for failing to use government-issued property for authorized purposes and activities.

On May 1, 2024, Constable Macausland submitted a response to the Allegations, pursuant to subsection 15(3) of the *Commissioner's Standing Orders (Conduct)*, SOR/2014-291, in which he denied Allegation 1 but admitted Allegation 2 and all its Particulars.

On October 28, 2024, the Conduct Authority withdrew Allegation 1.

On December 5, 2024, the parties submitted a *Joint Proposal on Conduct Measures* in relation to Allegation 2, which was accepted by the Conduct Board.

The Conduct Board finds Allegation 2 of a contravention of section 4.6 of the Code of Conduct to be established on a balance of probabilities. The following conduct measures are imposed:

- a) a financial penalty of 8 days' pay to be deducted from Constable Macausland's pay and
- b) an ineligibility for promotion for 24 months starting upon Constable Macausland's return to full active duties.

INTRODUCTION

[1] On April 24, 2023, the Conduct Authority¹ signed the *Notice to the Designated Officer*, in which they requested the initiation of a conduct hearing in relation to this matter.

[2] On May 9, 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 October 24, 2023, Constable Michael Macausland was served a *Notice of Conduct Hearing*, dated October 4, 2023. It contained two alleged contraventions of the RCMP Code of Conduct: the first under section 7.1 for discreditable conduct and the second under section 4.6 for failing to use government-issued property for authorized purposes and activities.

[4] On May 1, 2024, pursuant to subsection 15(3) of the *Commissioner's Standing Orders (Conduct)*, SOR/2014-291 [*CSO (Conduct)*], Constable Macausland provided his response to the Allegations. He denied Allegation 1 in its entirety but admitted Allegation 2 and its Particulars. Constable Macausland also provided explanations for some of the Particulars contained in the *Notice of Conduct Hearing*.

[5] On October 28, 2024, I issued a *Determination of Established Facts* based on the information found in the investigation report, the supporting material and Constable Macausland's response to the Allegations.

[6] That same day, I was advised that the Conduct Authority wished to withdraw Allegation 1. I accepted the Conduct Authority's request.

[7] On October 29, 2024, in light of Constable Macausland's admission to Allegation 2, I advised the parties that there was no need to hold an in-person Conduct Hearing and that I would be exercising my authority to render a decision based solely on the record in respect of Allegation 2, in accordance with subsections 23(1) and 24(1) of the *CSO (Conduct)*.

¹ During the course of this conduct process, the Conduct Authority changed. No distinction will be made in this decision between the current and previous conduct authorities. They will collectively be referred to as the "Conduct Authority".

[8] On November 13, 2024, the parties advised of their intention to present a *Joint Proposal on Conduct Measures*, which they submitted on December 5, 2024. They jointly proposed a financial penalty of 8 days' pay to be deducted from Constable Macausland's pay and an ineligibility for promotion for 24 months starting upon Constable Macausland's return to full active duties.

[9] For the reasons that follow, I find that Allegation 2 is established. Additionally, I accept the *Joint Proposal on Conduct Measures*, and the conduct measures, as proposed, are imposed.

ALLEGATION

[10] Since Allegation 1 was withdrawn, I will only address Allegation 2 and its Particulars, which is set out in the *Notice of Conduct Hearing* as follows:

[...]

Particulars common to all Allegations:

At all material times you were a member of the Royal Canadian Mounted Police (RCMP) posted to "K" Division, in the Province of Alberta.

[...]

Allegation 2: On or about May 25, 2022, at or near Morinville, in the Province of Alberta, Constable Michael MACAUSLAND failed to use government-issued property only for authorized purposes and activities, contrary to Section 4.6 of the *Code of Conduct of the Royal Canadian Mounted Police*.

Particulars of Allegations 2:

4. On or about May 25, 2022, at or near Morinville, Alberta, you accessed the [Police Reporting and Occurrence System (PROS)] and checked the files related to the incident involving yourself and Ms. [L.]

5. On or about May 25, 2022, at or near Morinville, Alberta, you attended the Morinville RCMP Detachment and admitted to Constable Darren Ryan that you accessed PROS and checked the files related to the incident involving Ms. [L.]

6. As a result, you failed to use government-issued property only for authorized purposes and activities, contrary to Section 4.6 of the RCMP Code of Conduct.

Findings of fact

[11] As previously mentioned, Constable Macausland admitted Allegation 2 and its Particulars in his response to the Allegations. As a result, the Particulars relevant to Allegation 2 as set out in the *Notice of Conduct Hearing* were adopted as my findings of fact and incorporated into the *Determination of Established Facts* that I issued on October 28, 2024.

Decision on Allegation

[12] Section 4.6 of the Code of Conduct provides that “Members use government-issued equipment and property only for authorized purposes and activities.”

[13] Under this section of the Code of Conduct, the Conduct Authority must prove the following elements on a balance of probabilities:

- a) the identity of the subject member;
- b) that the subject member used government-issued equipment or property; and
- c) that the subject member used the equipment or property for an activity or purpose that was not authorized or for an operational purpose.

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

[15] It is established that on or around May 25, 2022, Constable Macausland accessed PROS. Per *Operational Manual*, Chapter 47.1 “Management of PROS and Secure Police Reporting and Occurrence System” (September 21, 2023, version), section 1.1, PROS is the electronic database “used by RCMP operational units to manage operational occurrences involving statutory or regulatory offences and related intelligence” and, as such, constitutes government-issued equipment. Therefore, the second element of the test is also satisfied.

[16] Constable Macausland admits that on May 25, 2022, he accessed PROS to check a file associated with the ongoing investigation of a sexual assault involving himself as the subject of the complaint. In his response to the Allegations, he explains:

[...]

In the days following May 22, 2022, I became very concerned with respect to the allegations Ms. [L.] was making against me and how such allegations could impact my life. From my own experience as an officer, I knew the serious impact false sexual assault allegations could have on someone's life. I was very concerned that Ms. [L.]'s allegations might have a similar impact on my life.

Although I knew it was wrong at the time, I accessed PROS in order to check files related to myself and Ms. [L.] in an attempt to put my mind at ease.

My access to PROS was very brief and I immediately took steps to report my conduct to Constable Darren Ryan.

[...]

[17] Therefore, I am satisfied that the third and final element of the test is also satisfied. Constable Macausland accessed PROS for a purpose that was neither authorized nor operational. Furthermore, I note that on March 17, 2008, Constable Macausland had signed a *Statement of Agreement – Classified Environment* in which he undertook to use RCMP systems and data only for the performance of his duties and not for his benefit.²

[18] I find that Constable Macausland failed to use government-issued property only for authorized purposes and activities, contrary to section 4.6 of the Code of Conduct. Therefore, Allegation 2 is established on a balance of probabilities.

CONDUCT MEASURES

[19] Having found Allegation 2 established, I am now required to impose conduct measures that are proportionate to the nature and circumstances of the contravention of the Code of Conduct, per subsection 45(4) of the *RCMP Act* and subsection 24(2) of the *CSO (Conduct)*.

[20] The parties have presented a *Joint Proposal on Conduct Measures* signed by both Constable Macausland and the Conduct Authority. The fact that the parties reached this agreement demonstrates that the Conduct Authority considered that dismissal was no longer a proportionate measure following the withdrawal of Allegation 1. I agree.

² *Part IV Code of Conduct Investigation Report*, dated December 12, 2022, Appendix Z "Statement of Agreement – Classified Environment".

[21] The *Joint Proposal on Conduct Measures* includes brief written submissions that outline the public interest test applicable to assessing a joint proposal. It also explains how the five foundational principles on crafting a fit conduct measure³ support the proposed conduct measures as well as contains the parties agreed upon aggravating and mitigating factors. The parties propose the following conduct measures:

- a) a financial penalty of 8 days' pay to be deducted from Constable Macausland's pay and
- b) an ineligibility for promotion for 24 months starting upon Constable Macausland's return to full active duties.

Applicable legal principles

Joint proposal

[22] The parties submit that the jointly proposed conduct measures constitute a fit disposition in this matter and its imposition is not contrary to the public interest and would not otherwise bring the administration of justice into disrepute.⁴

[23] When a conduct board is presented with a joint proposal on conduct measures, there are very narrow circumstances in which they may reject the proposed measures. The Supreme Court of Canada has recognized the value of settlement discussions and directed 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."⁵

[24] The public interest test is a stringent one. It has been adopted by other professional disciplinary bodies⁶ 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,

³Paul 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), at pages 17 to 50.

⁴ *Joint Proposal on Conduct Measures*, dated December 4, 2024, at paragraph 3.

⁵ *R. v Anthony-Cook*, 2016 SCC 43, at paragraph 32.

⁶ *Rault v Law Society of Saskatchewan*, 2009 SKCA 81 (CanLII), at paragraph 19.

unreasonable or contrary to the public interest. A conduct board must ultimately weigh whether the public interest test is met when the proposed measures are viewed in the context of the benefits articulated by the parties in support of a joint proposal.⁷

[25] I also note the following observation made by an RCMP conduct board:

[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 [...]⁸

Conduct Measures Guide *and range of conduct measures*

[26] On November 14, 2024, the RCMP released a modernized version of the *Conduct Measures Guide*. This updated version replaces and incorporates relevant content from the November 2014 version, the *Annotated Code of Conduct* (2014) and the *Conduct Measures Guide Supplement* (May 2019).

[27] The review of the *Conduct Measures Guide* was necessary to align RCMP conduct measures with current case law, societal values and expectations regarding police accountability. Specifically concerning the misuse of police databases, the 2024 *Conduct Measures Guide* supports a more serious position for this type of misconduct and provides that it will no longer be addressed under section 4.6 of the Code of Conduct (misuse of government-issued equipment and property), but rather under section 9.1 (access and disclosure of confidential and classified information).

[28] In their December 4, 2024, *Joint Proposal on Conduct Measures*, the parties refer to the 2014 *Conduct Measures Guide* as applicable in this case considering that it was the one in effect at the time they reached the agreement on measures.⁹ I do not agree.

⁷ *R v Naslund*, 2022 ABCA 6 (CanLII), at paragraph 94.

⁸ *Commanding Officer for "K" Division and Deroche*, 2022 CAD 13, at paragraph 103.

⁹ *Joint Proposal on Conduct Measures*, dated December 4, 2024, at paragraph 2.

[29] Although I acknowledge that the majority of this conduct process took place while the 2014 *Conduct Measures Guide* was still in effect and that Allegation 2 was advanced under section 4.6. of the Code of Conduct, as indicated in that version of the Guide, I find that the principles found in the 2024 *Conduct Measures Guide* should be used in the determination of the appropriate conduct measures for cases decided after its release on November 14, 2024.

[30] It is important to note that the role of the *Conduct Measures Guide* is just that, a guide. It is a useful reference when determining the appropriate range of conduct measures for a particular category of behaviour, along with ensuring parity of measures. However, it is not determinative and offers only limited assistance in evaluating the public interest sufficiency.

[31] In addition, I note that the conduct measures proposed by the parties align with the range of measures found in the 2024 *Conduct Measures Guide*. The parties agree that the behaviour described in Allegation 2 falls in the aggravated range set out in the 2014 version, which, at page 32, provides for a financial penalty between 6 and 20 days' pay. Indeed, the *Joint Proposal on Conduct Measures* provides for a financial penalty of 8 days' pay and an ineligibility for promotion for 24 months.

[32] As for the 2024 *Conduct Measures Guide*, at page 229, it provides a spectrum of conduct measures for unauthorized access or use of police databases of a financial penalty between 5 and 10 days' pay at the lower end; an ineligibility for promotion and a financial penalty between 10 and 15 days' pay at the mid-range; and for a demotion, a financial penalty between 20 and 45 days' pay up to dismissal at the higher end.

[33] To determine what would have been the appropriate conduct measures in this case, it is necessary to apply the five foundational principles that guide the assessment of a fit conduct measure as set out in the 2024 *Conduct Measures Guide*.

Assessing fit conduct measures

[34] The 2024 *Conduct Measures Guide*, at pages 20 to 30, describes the five foundational principles on crafting a fit conduct measure as follows:

[...]

Conduct measures should fully accord with the four purposes of the police complaint and discipline process:

Purpose 1: **Public** interest in ensuring a high standard of conduct and public confidence in the RCMP;

Purpose 2: **Employer's** interest in maintaining discipline in the police workplace (dual capacity);

Purpose 3: Interests of the **member** in being treated fairly (procedural fairness); and

Purpose 4: Interests of the **persons affected** by the misconduct.

[...]

Educative and remedial conduct measures should prevail, where appropriate

[...]

Presumption of the least onerous conduct measure

[...]

Proportionality

[...]

A higher conduct-standard applies to police officers

[...]

[35] I will apply these principles to the circumstances of this case to determine whether the conduct measures submitted by the parties are contrary to the public interest. I will start by examining proportionality because it is the most comprehensive. I will then examine the other principles in the order they appear in the 2024 *Conduct Measures Guide*.

Analysis

Proportionality

[36] Per paragraph 36.2(e) of the *RCMP Act* and subsection 24(2) of the *CSO (Conduct)*, conduct measures must be proportionate to the nature and circumstances of the contravention. This requires conduct boards to identify the relevant proportionality considerations; assess whether they are mitigating, aggravating or neutral; and, finally, appropriately balance and weigh these considerations in light of the circumstances of the case.

[37] At pages 25 to 28, the 2024 *Conduct Measures Guide* lists 13 proportionality factors that may constitute mitigating, aggravating or neutral considerations depending on the evidence of each case. I will only assess the factors that I find relevant to the circumstances of this matter.

Mitigating factors

[38] 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 consideration to reduce the severity of the measure imposed to appropriately deal with the misconduct.

[39] In support of the *Joint Proposal on Conduct Measures*, the parties identified four proportionality considerations as having a mitigating effect on the determination of the appropriate measures:

- a) Constable Macausland's admissions have avoided a contested conduct hearing.
- b) Constable Macausland has admitted Allegation 2 and acknowledged his misconduct.
- c) Constable Macausland joined the Force approximately 16 years ago and has no prior discipline.
- d) Constable Macausland self-reported the misconduct.¹⁰

[40] I have assessed the first and second factors agreed upon by the parties as a single mitigating consideration since they both relate to Constable Macausland admitting Allegation 2. I acknowledge that Constable Macausland admitted the misconduct at the first opportunity in the conduct process. I agree with the parties that these admissions prevented the necessity of holding a contested conduct hearing. I find that when combined with the fourth consideration advanced by the parties, namely the fact that Constable Macausland immediately self-reported his misconduct, it demonstrates that Constable Macausland recognized the seriousness of his misconduct. I retain this as a significant mitigating factor.

[41] I was not provided with any information with respect to Constable Macausland's performance in the RCMP, such as his performance assessments or letters of recommendation, that would have allowed me to assess any potential for rehabilitation as another mitigating

¹⁰ *Joint Proposal on Conduct Measures*, dated December 4, 2024, at paragraph 30.

consideration. However, the fact that Constable Macausland admitted that his behaviour was wrong¹¹ and took responsibility for his actions is, in my view, an indicator of rehabilitative potential that should be considered as another mitigating factor.

[42] I also recognize that Constable Macausland's unblemished disciplinary record throughout his 16-year career constitutes a mitigating consideration.

Aggravating factors

[43] I note that, in accordance with *Black's Law Dictionary* (11th edition, 2019), aggravating factors are any circumstance attending to the commission of the misconduct that increases its guilt or enormity or adds to its injurious consequences.

[44] In the *Joint Proposal on Conduct Measures*, the parties identified three aggravating proportionality considerations:

- a) Constable Macausland's conduct occurred when he was on duty.
- b) Constable Macausland's conduct was objectively serious Macausland.
- c) Constable Macausland's conduct presented an opportunity for personal gain and had the potential to compromise aspects of an active investigation.¹²

[45] I find that the first two considerations advanced by the parties both relate to the seriousness of the conduct, which is a fundamental consideration in every conduct proceeding. Constable Macausland accessed confidential information for no law enforcement purpose, with no right to know and no need to know. While there is no evidence that Constable Macausland accessed PROS more than once, or that he disclosed any information to others, his conduct is serious because he violated the public trust when he accessed the personal information of the affected individual. This is a serious breach of the Code of Conduct that undermines his role as a police officer. Given the foregoing, I find the seriousness of Constable Macausland's conduct to be a significant aggravating consideration.

¹¹ *Member's response to the allegations*, dated May 1, 2024, at page 5.

¹² *Joint Proposal on Conduct Measures*, dated December 4, 2024, at paragraph 31.

[46] I agree that the considerations identified under c) are aggravating.

[47] Additionally, I find that the public interest is another aggravating circumstance in this case. Law enforcement collects a wide range of confidential information about people, which is stored in various government databases. Police officers' access to this information is essential to law enforcement. Any misuse of these databases, even on a casual basis, erodes the public trust in the police. This could lead to restrictions being imposed on the power of the police to acquire and retain information, which could ultimately undermine operational effectiveness.

Balancing proportionality factors

[48] I have found the seriousness of the misconduct, the potential for personal gain and the possibility of compromising an active investigation as well as the public interest to be aggravating in this case. I have found Constable Macausland's recognition of the seriousness of his misconduct and the fact that he has no prior discipline to be mitigating considerations.

[49] I consider Constable Macausland's behaviour to fall in the middle of the spectrum of conduct measures provided for in the 2024 *Conduct Measures Guide* for this type of behaviour, which entails measures between an ineligibility for promotion and a financial penalty between 10 and 15 days' pay. I am satisfied that this aligns with the conduct measures proposed in this case, namely a financial penalty of 8 days' pay and an ineligibility for promotion for 24 months.

Accordance with RCMP conduct process purposes

[50] The first foundational principle provides that conduct measures must accord with the four purposes of the conduct process identified at paragraph 34 of this decision.

Public interest

[51] Paragraphs 36.2(b) and (c) of the *RCMP Act* state:

Purposes

36.2 The purposes of this Part are

[...]

(b) to provide for the establishment of a Code of Conduct that emphasizes the importance of maintaining the public trust and reinforces the high standard of conduct expected of members;

(c) to ensure that members are responsible and accountable for the promotion and maintenance of good conduct in the Force;

[...]

[52] Additionally, the Supreme Court of Canada has highlighted the importance of the public interest in disciplinary proceedings by stating that “The purposes of disciplinary bodies are to protect the public, to regulate the profession and to preserve public confidence in the profession [...]”.¹³

[53] The parties submit that the proposed conduct measures promote public trust and accountability because Constable Macausland is being disciplined for his actions with measures that go beyond brief inconveniences.¹⁴

[54] The public has a strong interest in ensuring that Constable Macausland is held accountable for his actions to ensure the integrity of the RCMP conduct process and to protect the public. Given the nature of Constable Macausland’s conduct and the direct relationship between his actions and his law enforcement duties, the public interest militates in favour of significant conduct measures.

[55] Constable Macausland exploited his role as a member of the RCMP by accessing PROS for his personal use. I find that the public interest is served with the proposed conduct measures. He is receiving a financial penalty of 8 days’ pay, which is a corrective conduct measure per page 35 of the 2024 *Conduct Measures Guide*, and he will be ineligible for promotion for a period of 24 months, which is a serious measure per page 35 of the 2024 *Conduct Measures Guide*. These measures demonstrate the RCMP’s efforts to maintain public trust and ensure accountability by not tolerating this type of behaviour.

RCMP’s interest

[56] The RCMP’s interest relates to its dual role as an employer and a public institution.

¹³ *Law Society of Saskatchewan v Abrametz*, 2022 SCC 29, at paragraph 53.

¹⁴ *Joint Proposal on Conduct Measures*, dated December 4, 2024, at paragraph 23.

[57] As an employer, the RCMP must maintain integrity and discipline in the workplace. RCMP management has signalled its intention to treat conduct measures involving the misuse of police databases by its members more seriously. On July 5, 2023, RCMP senior management issued a Force-wide communication that clearly identified the seriousness of the misuse of RCMP databases and warned employees that this type of behaviour could jeopardize their career.¹⁵

[58] As a public institution, the RCMP is responsible for the security of the public. As such, the RCMP must ensure its members adhere to the public's expectations regarding the vast amount of confidential information about the population that Canadian police services collect and retain for law enforcement purposes.

[59] I am satisfied that the interests of the RCMP are served by the *Joint Proposal on Conduct Measures*. The proposed conduct measures are significant enough to address Constable Macausland's misconduct and hold him accountable for his actions. Furthermore, the proposed measures send a strong message of general deterrence within the Force that this type of behaviour is not tolerated and will result in severe repercussions.

Constable Macausland's interest

[60] Constable Macausland's interest is essentially to be treated fairly.

[61] The parties indicate that Constable Macausland had sought a settlement in this case. They also submit that the proposed conduct measures take into account that Constable Macausland promptly admitted his misconduct both in the workplace and during this conduct process.¹⁶ I agree.

[62] Constable Macausland has been afforded all the procedural fairness opportunities provided for in the RCMP conduct process. Moreover, his personal circumstances were considered in the joint proposal. He has been represented by counsel throughout these proceedings. The proposed measures were jointly agreed upon between the parties during settlement discussions. I have no

¹⁵ Professional Responsibility Officer broadcast, *Misuse of RCMP databases is a serious breach of the RCMP Code of Conduct/Public Service Code of Conduct*, RCMP Infoweb, modified: July 6, 2023, online <<https://infoweb.rcmp-grc.gc.ca/prof/pro-arp/news-nouvelles/2023/misuse-databases-utilisation-inappropriée-bases-eng.htm>>.

¹⁶ *Joint Proposal on Conduct Measures*, dated December 4, 2024, at paragraph 25.

reason to believe the settlement is unfair to Constable Macausland, who has signed the *Joint Proposal on Conduct Measures*.

Interest of person affected by misconduct

[63] In this case, there is no evidence of any impact on the affected person, as there is no indication that Ms. L. is aware that Constable Macausland accessed PROS to check the file associated with the sexual assault she reported against him. Nevertheless, it is worth mentioning that misconduct of this nature could have a chilling effect on those who have been victims of crime and this should be considered in the determination of the appropriate conduct measures.

[64] As a result, I find that the proposed conduct measures adequately address all four purposes of the conduct process.

Predominance of corrective and remedial conduct measures

[65] Paragraph 36.2(e) of the *RCMP Act* requires that conduct measures be “proportionate to the nature and circumstances of the contravention and, where appropriate, [be] educative and remedial rather than punitive.” However, this presumption will be displaced if the public interest or other considerations, such as the seriousness of the misconduct, prevail.

[66] Constable Macausland’s behaviour is a serious breach of the Code of Conduct. However, when I balance the aggravating circumstances against the mitigating circumstances, particularly Constable Macausland’s acceptance of responsibility for his actions and the fact that he has no prior discipline, I do not find that the seriousness of his action overrides the ordinary prevalence of corrective and remedial conduct measures. An ineligibility for promotion for a period of 24 months combined with a financial penalty of 8 days’ pay are serious conduct measures. I accept the parties’ submissions that “The promotional-ineligibility period affords [Constable Macausland] time to reflect on his choices and learn from the consequences of his behaviour.”¹⁷

¹⁷ *Joint Proposal on Conduct Measures*, dated December 4, 2024, at paragraph 28.

Presumption of least onerous disposition

[67] There is a presumption that the least onerous conduct measure should apply. However, the presumption can be displaced if the public interest or other considerations prevail.

[68] I find nothing in the circumstances of this case to displace this presumption. The proposed conduct measures are appropriate to address Constable Macausland's misconduct. I am satisfied that these measures are not trivial and meet the expectation of both specific and general deterrence, all while holding Constable Macausland accountable.

Application of higher standards to police officers

[69] The courts and RCMP conduct boards¹⁸ have long recognized that police officers are held to a higher standard of conduct than the general public. The public has a right to expect that RCMP members will not improperly access and use police databases. Respecting the privacy of citizens is crucial to policing services and maintaining the trust and confidence of the public. Constable Macausland's behaviour breached that trust in a significant way. I am satisfied that the proposed conduct measures recognize that a higher standard applies to a police officer's conduct as they send a clear and unequivocal message when it comes to this type of behaviour.

Decision on conduct measures

[70] In light of the foregoing, and after applying the five foundational principles to the proposed conduct measures, I find that the conduct measures are appropriate in the circumstances. Consequently, I do not find that the acceptance of the *Joint Proposal on Conduct Measures* goes against the public interest, nor that it would bring the administration of justice into disrepute. As such, I accept the proposed conduct measures and hereby impose the following:

- a) a financial penalty of 8 days' pay to be deducted from Constable Macausland's pay;
and
- b) an ineligibility for promotion for 24 months starting upon Constable Macausland's return to full active duties.

¹⁸ *Commanding Officer for "H" Division v Whalen*, 2021 CAD 17, at paragraph 189.

CONCLUSION

[71] Allegation 2 is established, and the aforementioned conduct measures are imposed.

[72] My acceptance of the *Joint Proposal on Conduct Measures* provides Constable Macausland 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.

[73] 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.

[74] 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 on Constable Macausland, 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.

Gina Lévesque
Conduct Board

May 9, 2025
Date