

Publication ban: Any information that could identify Ms. M.L. or her child in this decision may not be published, disseminated or transmitted in any way.



ROYAL CANADIAN MOUNTED POLICE

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

Between:

Designated Conduct Authority for “C” Division

(Conduct Authority)

and

Constable Frédéric Mongeau
Regimental Number 61862

(Subject Member)

Conduct Board Decision

Louise Morel, Conduct Board

March 18, 2025

Sabine Georges, Conduct Authority Representative

Gordon Campbell, Subject Member Representative

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SUMMARY

In the five *Notices of Conduct Hearing*, Constable Mongeau is charged with a total of eight alleged contraventions of the RCMP Code of Conduct. Six of the allegations are under section 7.1 of the of the RCMP Code of Conduct for discreditable conduct, while the last two allegations are under section 3.3 for disobeying a lawful direction.

The conduct hearing for this matter was held in Montréal, Quebec, from April 29, 2024, to May 2, 2024, inclusive. The eight allegations were established on May 1, 2024.

At the start of the conduct measures phase of the hearing, the Conduct Board heard the testimony of three witnesses, including Constable Mongeau, followed by the parties' oral submissions.

On May 9, 2024, by videoconference, the Board ordered Constable Mongeau to resign within 14 days or be dismissed.

INTRODUCTION

[1] Constable Mongeau faces eight allegations of contravening the RCMP Code of Conduct. The allegations are set out in five *Notices of Conduct Hearing*. All of the notices were signed by the Designated Conduct Authority for “C” Division between April 6, 2022, and November 11, 2023. Each notice was duly served on Constable Mongeau between May 19, 2022, and November 27, 2023.

[2] Constable Mongeau faces six allegations of discreditable conduct contrary to section 7.1 of the Code of Conduct and two allegations of disobeying a lawful directive contrary to section 3.3 of the Code of Conduct.

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

[4] Constable Mongeau provided his responses to the *Notices of Conduct Hearing*, pursuant to subsection 15(3) of the *Commissioner’s Standing Orders (Conduct)*, SOR/2014-291 [*CSO (Conduct)*]. He admits most of the relevant facts for the five *Notices of Conduct Hearing*, as well as Allegations 1 and 2 of File 1, Allegation 1 of File 3, Allegation 1 of File 4 and Allegation 1 of File 5. However, he denies Allegation 5 of File 1 and Allegations 1 and 2 of File 2.

[5] On March 6, 2024, I provided the parties with a *Determination of Established Facts* for their review and comments. During pre-hearing conference 8 on April 22, 2022, the Conduct Authority Representative asked that paragraph 66 of the Determination be amended. Therefore, on the same day, I made the following amendment:

Original version

[Translation]

66. On October 10, 2023, Constable Mongeau pleaded guilty to the charge of possessing 2 prohibited Glock-brand magazines with a 17-round capacity. [*Determination of Established Facts* dated March 6, 2024];

Amended version

[Translation]

66. On April 17, 2024, Constable Mongeau sent a “Will Say” statement to the parties. In this statement, he admits to possessing 2 prohibited Glock-brand magazines with a 17 -round capacity. [(*Amended*) *Determination of Established Facts* dated April 22, 2024]

[6] The (*Amended*) *Determination of Established Facts* represents the confirmed facts in the file and helps to identify the issues to be addressed at the conduct hearing.

[7] On May 1, 2024, I rendered an oral decision to the effect that the eight allegations were established. During the stage of determining the appropriate disciplinary measures, I heard the testimony of three witnesses, including Constable Mongeau, as well as the oral submissions of the parties’ representatives.

[8] On May 9, 2024, by videoconference, I rendered my decision on conduct measures: I ordered Constable Mongeau to resign within 14 days or be dismissed. Constable Mongeau resigned from the RCMP in accordance with my order.

Publication ban

[9] The parties requested a publication ban to protect the identity of Constable Mongeau’s ex-spouse Ms. M.L. and of their child.

[10] In accordance with paragraph 45.1(7)(a) of the *RCMP Act*, I order that any information that could identify Ms. M.L. or her child not be published, broadcast or transmitted in any way.

[11] Finally, I note that the allegations in this decision have been amended in accordance with the publication ban.

FILE 1

Allegations

[12] In accordance with *Notice of Conduct Hearing* 1, dated April 6, 2022, the allegations and determinations of this first file are as follows:

[Translation]

Facts relevant to all the allegations

1. Constable Frédéric Mongeau has been a regular member of the RCMP since August 17, 2015.
2. At all relevant times, he was assigned to the Airport and Federal Investigations Detachment (AFID) in Dorval, Quebec.
3. On March 26, 2021, at 9:17 p.m., the Sûreté du Québec received a call from a person who reported that a suspicious individual, dressed in black, was hiding under the balcony of the residence located at [location redacted] in Saint-Lin-Laurentides.
4. On March 26, 2021, at about 9:30 p.m., officers of the Sûreté du Québec (SQ) responded to a service call after a neighbour had reported having seen an individual in the backyard of the residence located at [location redacted] in Saint-Lin-Laurentides (the residence). The backyard of the residence contained, among other things, a hot tub owned by [Constable] Mongeau.
5. The residence, however, belongs to Ms. [M.L.], [Constable] Mongeau's ex-spouse.
6. Ms. [M.L.] and [Constable] Mongeau were married and have a child. They separated about three years ago, and had attempted to reconcile in the summer of 2020.
7. [Constable] Mongeau therefore moved into Ms. [M.L.]'s residence from June to September 2020. It was during that period that [Constable] Mongeau purchased the hot tub that is located in the backyard of the residence.
8. After a second separation, [Constable] Mongeau and Ms. [M.L.] tried in vain to agree on the amount that Ms. [M.L.] should pay to purchase the hot tub from [Constable] Mongeau.
9. [Constable] Mongeau kept a key to the house to facilitate parenting responsibilities.
10. However, in December 2020, Ms. [M.L.] told [Constable] Mongeau that he no longer needed to come to the house because she had lost her job and that this made things easier with respect to the children.

11. Ms. [M.L.] has [translation] “a new boyfriend”.
12. [Constable] Mongeau’s residence is located about 25 kilometres from his ex-spouse’s residence.
13. [Constable] Mongeau’s ex-spouse was not at home at the time the events took place.
14. The SQ officers found [Constable] Mongeau in the backyard.
15. [Constable] Mongeau was attempting to render the hot tub inoperative.
16. The SQ officers arrested [Constable] Mongeau.
17. After his arrest, [Constable] Mongeau was transported to and held at the SQ station in the [Regional County Municipality (RCM)] of Montcalm.
18. On March 27, 2021, at about 8:30 a.m., [Constable] Mongeau was released with conditions and a promise to appear on June 16, 2021, at the courthouse in Joliette, Quebec.
19. On June 15, 2021, six charges were filed against [Constable] Mongeau in file number [redacted] at the Court of Québec, Criminal and Penal Division, all relating to the incidents of March 26, 2021:
 - a) One count of harassment against his ex-spouse (subsections 264(1) and (3) of the [*Criminal Code*, RSC 1985, c C-46 [*Criminal Code*]).
 - b) One count of prowling at night on the property of another person (s. 177 of the *Criminal Code*).
 - c) One count of possessing a prohibited weapon without being the holder of a licence permitting such possession, namely, a high-capacity .233 REM magazine fitting Swiss Arms semi-automatic rifles (ss. 91(2) and (3)(b) of the *Criminal Code*).
 - d) One count of carrying or possessing a weapon for a purpose dangerous to the public peace (s. 88(2)(b) of the *Criminal Code*).
 - e) One count of possessing a Smith & Wesson firearm, VEC2391, at a place other than a place indicated on the authorization or licence, while holding an authorization or licence (s. 93(2)(b) of the *Criminal Code*).
 - f) One (1) count of carrying a Smith & Wesson firearm, VEC2391, in a careless manner or without reasonable precautions for the safety of other persons (ss. 86(1) and (3)(b) of the *Criminal Code*)).

Allegation 1

On or about March 26, 2021, at Saint-Lin-Laurentides, Quebec, while off duty, Constable Frédéric Mongeau trespassed on his ex-spouse’s property at night without lawful excuse.

It is therefore alleged that Constable Frédéric Mongeau engaged in discreditable conduct, contrary to section 7.1 of the *RCMP Code of*

Conduct, which requires that members behave in a manner that is not likely to discredit the Force.

Facts relevant to Allegation 1

20. On March 26, 2021, at about 9:17 p.m., the SQ received a call concerning an individual dressed in black, hidden under the balcony of a residence [location redacted] in Saint-Lin-Laurentides, Quebec.
21. This individual was [Constable] Mongeau.
22. As stated above, the residence belongs to Ms. [M.L.], [Constable] Mongeau's ex-spouse.
23. [Constable] Mongeau did not have Ms. [M.L.]'s permission to be at her residence.
24. [Constable] Mongeau had left his own residence at about 8:30 p.m., dressed in his uniform and carrying his service weapon. He told his new spouse, Ms. [V.B.], that he had to go to work and would be gone for about an hour and a half.
25. [Constable] Mongeau was wearing part of his uniform, specifically, a blue shirt with RCMP patches and blue cargo pants. He wore a belt with a holster, but it was not his duty belt with his intervention tools.
26. [Constable] Mongeau's service weapon is a Smith & Wesson Model 5906, serial number VEC2391.
27. March 26, 2021, at about 9:36 p.m., Officer Jordan Brousseau and Sergeant Louis-Philippe Tessier of the SQ arrived on the scene. A neighbour directed them to the back of the residence.
28. [Constable] Mongeau had entered the backyard by going around the side of the house.
29. He walked [translation] "discreetly, glancing to his left and to his right", while looking toward the patio door, through which light was visible. He crawled under the patio.
30. He emerged from under the patio and walked around the balcony [translation] "discreetly", somewhat crouched over, but quickly, next arriving below a dark-coloured tarp that covered the hot tub.
31. Upon arriving on the scene, the SQ officers went around to the back of the residence.
32. Sergeant Tessier of the SQ spotted the silhouette of [Constable] Mongeau, who was lying face down. [Constable] Mongeau's upper body was covered by the dark tarp that lay over the hot tub, while both of his legs extended completely beyond the edge of the tarp.
33. On the ground, near the hot tub, there were a Petzl-brand head lamp, a pair of Terra-brand gloves and a Robertson screwdriver.

34. [Constable] Moreau [*sic*] admitted that the equipment was his.
35. Sergeant Tessier gave [Constable] Mongeau verbal instructions. The latter turned on his side and emerged completely from underneath the tarp.
36. [Constable] Mongeau then said, [translation] “This is a little bit awkward. I have to tell you that I am armed; I am an RCMP officer”.
37. [Constable] Mongeau informed the SQ officers that he had his badge in his wallet, which was in his left pocket.
38. [Constable] Mongeau was dressed in black and was wearing a tuque.
39. [Constable] Mongeau had a backpack. In the backpack, there was a small black toolbox containing a cell phone, a knife, a flashlight and tools, including a screwdriver, pliers and hex keys.
40. On March 26, 2021, at about 9:44 p.m., Officer Brousseau of the SQ informed [Constable] Mongeau that he was being detained for the purposes of an investigation into trespassing at night. The SQ officer read him his rights.
41. [Constable] Mongeau then made the following statements:
 - a) He was part of the Border Integrity Program, Dorval Detachment.
 - b) The residence belongs to his ex-spouse, Ms. [M.L.], but he was the one who paid for the hot tub when he was living with her.
 - c) They had been separated since the fall of 2020, and now that he is no longer living with her, he does not want her to use the hot tub.
 - d) He had come with the intention of removing a part from the hot tub to render it inoperative.
 - e) He knew that Ms. [M.L.] was not at home and that she was at the home of her spouse, who lived in [redacted].
42. On March 26, 2021, at about 10:10 p.m., Ms. [M.L.] told [Sergeant] Tessier of the SQ that she was at her spouse’s home in [redacted], that she had not known that [Constable] Mongeau would go to her residence and that she had not authorized him to do so either.
43. [Constable] Mongeau had used his personal vehicle, a grey Honda Accord, to drive to his ex-spouse’s house.
44. [Constable] Mongeau had parked his personal vehicle about 200 metres from the house.
45. The car was parked in a spot with no streetlights.
46. On March 26, 2021, at about 9:34 p.m., [Constable] Mongeau was arrested for “trespassing at night”. [Constable] Mongeau stated that he understood his rights, and in that moment, he declined to exercise his right

to counsel. He said that [Corporal] Éric Sylvain was his supervisor and provided the latter's telephone number.

47. On March 27, 2021, at 3:43 a.m., [Constable] Mongeau was questioned by [Detective Sergeant] Lapierre of the SQ. [Constable] Mongeau refused to make a statement, but he answered [Detective Sergeant] Lapierre's questions. He made the following assertions, among others:

- a) He was on call. Both he and his supervisor were on call.
- b) He works on standby about once a month, starting on Friday at 3:30 p.m. and ending the following Friday.
- c) When asked whether he was wearing his uniform, he answered [translation] "yes and no..." and specified that he had decided to wear it for comfort and that he was wearing other clothing over it.
- d) He was carrying his service weapon because he was on standby. If he were called, he would be ready to go to work.
- e) He did not have a contentious relationship with his ex-spouse, but they were having a disagreement over the value of property that was still located at Ms. [M.L.]'s home. He said, [translation] "I want to recover what's mine, what I'm owed".
- f) Ms. [M.L.] ended the relationship in September: [translation] "I left in September, just as the hot tub was delivered. I was not able to take it with me. It was *my* purchase."
- g) He had given Ms. [M.L.] permission to use the hot tub.
- h) Two weeks earlier, he had told Ms. [M.L.] that he wished to come and recover the hot tub, which did not suit Ms. [M.L.]. They could not agree on a price for the hot tub.
- i) He admitted to having gone to Ms. [M.L.]'s home for the purpose of rendering the hot tub inoperative, by [translation] "attacking the pump, the fuse", and he began by unscrewing the control panel.
- j) He suspected that Ms. [M.L.] might not be home, [translation] "given her routine", and he denied having gone to her new spouse's house to confirm that she was there.
- k) He had parked his vehicle away from the residence [translation] "to avoid attracting attention".
- l) Ms. [M.L.] would have denied him access to the hot tub if he had sought her permission.
- m) He confirmed that he had not received a call to go into work that evening.
- n) He confirmed that he was not returning from work.

- o) He repeated that he had taken his weapon in case he received a call: [translation] “I had my weapon because I knew I might be called into work and have to change location”.
 - p) When [Detective Sergeant] Lapierre again asked him to explain why he had been carrying his weapon, he answered, [translation] “I’ve already said too much”.
48. On March 27, 2021, at 4:15 a.m., [Constable] Mongeau was again questioned by [Detective Sergeant] Lapierre. [Constable] Mongeau asserted the following:
- a) He had not gone into work (that evening), and he had taken his weapon in order to be ready to work if he were called.
 - b) This [translation] “may not have been the brightest idea”.
 - c) Wearing his weapon while on call was not done with any criminal intent.
 - d) He refused to answer the questions about the RCMP’s policies on carrying service weapons.

Allegation 2

On or about March 26, 2021, in Saint-Lin-Laurentides, Quebec, while off duty, Constable Frédéric Mongeau donned part of his police uniform and carried his service weapon, without lawful excuse, before committing a criminal offence or engaging in unlawful activities.

It is therefore alleged that Constable Frédéric Mongeau engaged in discreditable conduct, contrary to section 7.1 of the *RCMP Code of Conduct*, which requires that members behave in a manner that is not likely to discredit the Force.

Allegation 3

[Allegation 3 was withdrawn on September 14, 2022.]

Facts relevant to Allegations 2 and 3

- 49. Following his arrest, the SQ officers escorted [Constable] Mongeau to their police vehicle.
- 50. The SQ officers noticed the firearm that [Constable] Mongeau was carrying and disarmed him.
- 51. The firearm that [Constable] Mongeau was carrying was his service weapon bearing serial number VEC2391. The weapon was loaded, with a round in the chamber.
- 52. [Constable] Mongeau was wearing his police uniform under a coat and overalls.

53. At the time of his arrest, [Constable] Mongeau told the SQ officers that he was carrying his weapon because he was [translation] “on standby and on call for work”.
54. On March 27, 2021, at about 3:43 a.m., while being questioned by [Detective Sergeant] Lapierre of the SQ, [Constable] Mongeau made the following assertions, among others:
- a) He had held the position of constable/detective in the Border Integrity unit since 2015 and that his office was located in Dorval.
 - b) He and his supervisor were the two members who were [translation] “marked as available” that evening, they were [translation] “on standby” about once a month, and the period of availability begins on Fridays at 3:30 p.m. and ends the following Friday.
 - c) In response to [Detective Sergeant] Lapierre’s question about whether he wore his uniform when on call, he answered, [translation] “yes and no...”, specifying that he had been wearing his uniform [translation] “for comfort” and had put on other clothes over it.
 - d) He was carrying his service weapon because he was [translation] “on standby” and therefore ready to work if called: [translation]: “I had my weapon because I knew I might be called into work and have to change location”.
 - e) He had not received any calls for work that evening and had not gone to the office.
55. On March 27, 2021, at 4:15 a.m., [Constable] Mongeau was again questioned by [Detective Sergeant] Lapierre. [Constable] Mongeau asserted the following:
- a) He had not gone into work (that evening), and he had taken his weapon in order to be ready to work if he were called.
 - b) This [translation] “may not have been the brightest idea”.
 - c) Wearing his weapon while on call was not done with any criminal intent.
56. He refused to answer the questions about the RCMP’s policies on carrying service weapons.
57. On March 26, 2021, [Constable] Mongeau was on call as of 3:30 p.m.
58. [Constable] Mongeau had left his own residence at about 8:30 p.m., dressed in his uniform and carrying his service weapon. He told his new spouse, Ms. [V.B.], that he had to go to work and would be gone for about an hour and a half.
59. As indicated above, [Constable] Mongeau was instead headed for his ex-spouse’s home to render the hot tub inoperative.

60. [Constable] Mongeau did not receive a call the evening of March 26, 2021, or go to his office. Between 3:30 p.m. and 11:59 p.m. on March 26, 2021:
- a) [Constable] Mongeau did not use his access card or alarm code in any RCMP “C” Division buildings.
 - b) There were no incoming or outgoing calls and no text messages sent or received on his work phone.
61. Members on call are authorized to have their service weapon at home.
62. [Constable] Mongeau was in the habit of bringing his uniform and his weapon home, but when he did so, he also had a police vehicle.
63. According to section 20 of the *Firearms Act*, S.C. 1995, c. 39, a police officer on call is not authorized to carry their service weapon when not exercising their professional duties.
64. In going to his ex-spouse’s home, at night, for the purpose of rendering the hot tub inoperative, [Constable] Mongeau was not acting within the scope of his professional duties.
65. He had no lawful excuse for wearing his uniform and carrying his service weapon in that place and in those circumstances.
66. In addition to violating the *Firearms Act*, these acts constitute criminal offences and/or unlawful acts in violation of the following provisions of the *Criminal Code*:
- a) Sections 264(1) and (3)(b): with respect to [Ms. M.L.], knowing that she was harassed or recklessly as to whether she was harassed, engaged in conduct prohibited by s. 264(2) of the *Criminal Code*, causing her reasonably to fear for her safety.
 - b) Section 177: he prowled at night on the property of another person near a dwelling house situated on that property, namely [location redacted] in Saint-Lin-Laurentides, owned by [Ms. M.L.].
 - c) Section 88(2)(b): he possessed his service weapon for a purpose dangerous to the public peace.
 - d) Section 93(2)(b): being the holder of an authorization or a licence to possess a firearm, he possessed his service weapon at a place that is other than the place indicated on the authorization or licence or other than a place where it may be possessed under the *Firearms Act*.

Allegation 4

[Allegation 4 was withdrawn.]

Allegation 5

On or about March 26, 2021, in Saint-Lin-Laurentides, Quebec, while off duty, Constable Frédéric Mongeau violated a public health directive of

the Government of Quebec by leaving his residence without lawful excuse between 9:30 p.m. and 5:00 a.m. the next day.

It is therefore alleged that Constable Frédéric Mongeau engaged in discreditable conduct, contrary to section 7.1 of the *RCMP Code of Conduct*, which requires that members behave in a manner that is not likely to discredit the Force.

Facts relevant to Allegation 5

86. On March 26, 2021, [Constable] Mongeau left his residence at about 8:30 p.m. to go to his ex-spouse's residence located about 25 km away.
87. [Constable] Mongeau's home is located in [location redacted], in the Lanaudière administrative region.
88. On January 6, 2021, the Government of Quebec imposed a curfew prohibiting anybody from leaving their homes, except in cases that justify travel, for example, to receive health care, for humanitarian reasons or to perform essential work.
89. Leaving one's home to trespass on another person's property at night to render their hot tub inoperative does not fall under any of these categories.
90. On March 26, 2021, the curfew in effect in the Lanaudière administrative region was from 9:30 p.m. to 5:00 a.m.
91. As previously indicated, it was 9:17 p.m. when the police were called to the residence of Ms. [M.L.].

[French original quoted verbatim]

Summary of established facts by the Conduct Board

[13] On April 22, 2024, I presented to the parties the *(Amended) Determination of Established Facts*, in accordance with the *Administration Manual*, 12.1.11.10.3. (version of October 31, 2022), in which I set out the uncontested facts relating to the five *Notices of Conduct Hearing*.

[14] With respect to File 1, the facts established and reproduced below are based on the investigation reports, supporting documents and Constable Mongeau's March 16, 2023, response to *Notice of Conduct Hearing* 1.

Facts common to the five Notices of Conduct Hearing

[15] Constable Frédéric Mongeau has been a regular member of the RCMP since August 17, 2015.

[16] At all times relevant to this case, he was assigned to the Airport and Federal Investigations Detachment (AFID) in Dorval, Quebec.

[17] On March 29, 2021, Constable Mongeau was suspended from his duties for allegations of misconduct in connection with *Notice of Conduct Hearing 1*.

Facts common to Notice of Conduct Hearing 1

[18] On March 26, 2021, at 9:30 p.m., SQ officers responded to a service call after a neighbour reported having seen an individual in the backyard of a residence located in Saint-Lin-Laurentides.

[19] The residence belonged to Ms. M.L. At the time, she was Constable Mongeau's ex-spouse. Constable Mongeau had left the residence in September 2000, but he had nevertheless kept a key to facilitate the parenting of their shared child after school.

[20] The backyard of the residence contained, among other things, a hot tub owned by Constable Mongeau.

[21] Ms. M.L. has been in a new relationship since December 2020.

[22] At the time, Constable Mongeau's residence was located about 25 km from Ms. M.L.'s residence.

[23] On March 26, 2021, Ms. M.L. was not at home when the SQ officers found and arrested Constable Mongeau, who was in Ms. M.L.'s backyard, attempting to render the hot tub inoperative.

[24] After his arrest, Constable Mongeau was transported to and held at the SQ station in the RCM of Montcalm. On March 27, 2021, he was released with conditions and with a promise to appear on June 16, 2021, at the Joliette courthouse.

[25] On June 15, 2021, six charges were laid against Constable Mongeau in the Court of Québec, Criminal and Penal Division, all in connection with the incidents of March 26, 2021.

Facts related to Allegation 1

[26] On March 26, 2021, at 9:17 p.m., the SQ received a call regarding an individual dressed in black, hidden under the balcony of Ms. M.L.'s residence. The individual was Constable Mongeau, who did not have Ms. M.L.'s permission to be at her residence.

[27] Constable Mongeau had entered the backyard by going around the side of the house.

[28] Once they arrived on the scene, the SQ officers went to the back of the residence.

[29] On the ground, near the hot tub, there were a Petzl-brand head lamp, a pair of Terra-brand gloves and a Robertson screwdriver. Constable Mongeau admitted that the tools were his.

[30] An SQ officer gave verbal instructions to Constable Mongeau, who was lying face down under the dark tarp that lay over the hot tub. The latter turned on his side and emerged completely from underneath the tarp.

[31] Constable Mongeau was dressed in black and was wearing a tuque. He had a backpack in which there was a small black toolbox containing a cell phone, a knife, a flashlight and tools, including a screwdriver, pliers and hex keys.

[32] On March 26, 2021, at 9:44 p.m., the SQ officer informed Constable Mongeau that he was being detained for the purposes of an investigation into trespassing at night and read him his rights.

[33] Constable Mongeau then made the following statements:

- a) The residence belonged to his ex-spouse, but he was the one who paid for the hot tub when he was living with her.
- b) He came with the intention of removing a part from the hot tub to render it inoperative.
- c) He knew that Ms. M.L. was not at home and that she was at her spouse's home.

[34] On March 26, 2021, at 10:10 p.m., Ms. M.L. told an SQ officer that she was at her spouse's home, that she had not known that Constable Mongeau would go to her residence and that she had not authorized him to do so either.

[35] To drive to Ms. M.L.'s residence, Constable Mongeau used his personal vehicle, a grey Honda Accord, and he parked it about 200 metres from the residence in an area without streetlights.

[36] On March 26, 2021, at 10:34 p.m., Constable Mongeau was placed under arrest for "trespassing at night".

[37] On March 27, 2021, at 3:43 a.m., he was questioned by an SQ officer, and he provided the following responses:

- a) He does not have a contentious relationship with Ms. M.L., but the two of them had been arguing about the value of items that were still at her house.
- b) Two weeks earlier, he told Ms. M.L. that he wished to come and collect the hot tub, which did not suit her. They could not agree on a price for the hot tub.
- c) He admitted to having gone to Ms. M.L.'s home for the purpose of rendering the hot tub inoperative, by [translation] "attacking the pump, the fuse", and that he had been in the process of unscrewing the control panel.
- d) He had parked his vehicle away from the residence [translation] "to avoid attracting attention".

Facts related to Allegation 2

[38] Following his arrest, the SQ officers escorted Constable Mongeau to their police vehicle. They noticed the weapon that Constable Mongeau was carrying and disarmed him. Constable Mongeau was carrying his service weapon bearing serial number VEC2391. The weapon was loaded, with a round in the chamber.

[39] At the time of his arrest, Constable Mongeau was wearing outdoor sportswear. Underneath, he was wearing dark blue cargo pants and a dark blue zip-up shirt with RCMP Velcro patches on the arms. A belt held the holster with his service weapon.

[40] On March 26, 2021, Constable Mongeau had been on call since 3:30 p.m.

[41] Constable Mongeau did not receive a call the evening of March 26, 2021, or go to his office. He did not use his access card or alarm code in any of the RCMP "C" Division buildings.

Moreover, there were no incoming or outgoing calls or text messages sent or received on his work phone.

[42] Members on call are authorized to have their service weapon at home.

[43] In going at night, armed, to Ms. M.L.'s residence, without permission, for the purpose of rendering the hot tub inoperative, Constable Mongeau was not acting within the scope of his professional duties.

Facts related to Allegation 5

[44] On March 26, 2021, Constable Mongeau left his residence at about 8:30 p.m. to go to Ms. M.L.'s, located almost 25 kilometres from his.

[45] [Constable] Mongeau's residence is located in [location redacted], in the Lanaudière administrative region.

[46] On January 6, 2021, the Government of Quebec imposed a curfew prohibiting anybody from leaving their homes, except in cases that justify travel, for example, to receive health care, for humanitarian reasons or to perform essential work. Leaving his home to trespass at night on the property of another to render a hot tub inoperative does not fall under any of these categories.

[47] On March 26, 2021, the curfew in effect in the administrative region in which Constable Mongeau lived was from 9:30 p.m. to 5:00 a.m.

[48] It was 9:17 p.m. when the SQ received a service call from one of Ms. M.L.'s neighbours, and it was 9:30 p.m. when the SQ officer responded to the service call. Constable Mongeau was placed under arrest at 9:36 p.m.

Evidence

[49] The burden is on the Conduct Authority to establish, on a balance of probabilities, that the allegations are well founded. In practice, this means that I must determine whether the Conduct Authority has proven that it is more likely than not that Constable Mongeau violated sections 7.1 and 3.3 of the Code of Conduct.

[50] The Supreme Court of Canada notes that “the evidence must always be clear, convincing and cogent in order to satisfy the balance of probabilities test”.¹

[51] The Supreme Court also notes that there is no objective standard to measure sufficiency.² A trier of fact must make a decision on the totality of the evidence before him or her.

[52] In the RCMP conduct hearing process, the totality of the evidence before me includes the five *Notices of Conduct Hearing*, the investigation reports, investigative material and further investigations provided by the Conduct Authority Representative, and Constable Mongeau’s responses dated March 16, 2023, April 28, 2023, and January 10, 2024.

[53] During his testimony at the outset of this conduct hearing, Constable Mongeau admitted to certain particulars of the allegations contained in *Notices of Disciplinary Hearing 2, 4 and 5*. I am relying on his admissions and testimony regarding all of the incidents before me.

[54] I note that the Conduct Authority presented no evidence during the allegations phase. Instead, she relies on the record and on Constable Mongeau’s admissions.

Discreditable conduct test

[55] Constable Mongeau is facing three allegations of discreditable conduct contrary to section 7.1 of the Code of Conduct, which states: “Members behave in a manner that is not likely to discredit the Force”.

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

- a) the identity of the Subject Member;
- b) details of the allegations constituting the alleged conduct;
- c) that a reasonable person, with knowledge of all the relevant circumstances, including the realities of policing in general and of the RCMP in particular, would consider the

¹ *F.H. v McDougall*, 2008 SCC 53 [McDougall], at paragraph 46.

² *McDougall*, at paragraph 46.

- conduct to be discreditable to the RCMP, taking into account the reasonable expectations of society (i.e. a reasonable person) with respect to police conduct; and
- d) that the conduct is sufficiently related to the member's duties and functions to provide the Force with a legitimate interest in disciplining the member.

Analysis

Allegation 1 – Trespass at night

[57] As for Allegation 1 of *Notice of Conduct Hearing 1*, I note that the following facts are established:

- a) Constable Mongeau has been a regular member of the RCMP since August 17, 2015.
- b) On March 26, 2021, at 9:30 p.m., SQ officers responded to a service call after a neighbour reported having seen an individual in the backyard of Ms. M.L.'s residence in Saint-Lin-Laurentides.
- c) Ms. M.L. was not at home.
- d) The SQ officers found Constable Mongeau lying on the ground near the hot tub.
- e) Constable Mongeau was dressed in black and was wearing a tuque. He had a backpack containing a toolbox, a knife and other tools (screwdriver, pliers, hex keys, etc.).
- f) Constable Mongeau told the SQ officers that he was armed and was a member of the RCMP.
- g) At 9:44 p.m., the SQ officers arrested Constable Mongeau for trespassing at night.

[58] Given Constable Mongeau's admissions and my findings of fact, I conclude that the first two elements of the test for establishing a contravention of section 7.1 have been met. I will therefore consider whether the Conduct Authority has established, on a balance of probabilities, that the third and fourth elements of the test have been met.

[59] The Subject Member Representative acknowledges that Constable Mongeau has admitted that he went to Ms. M.L.'s residence dressed in black in order to enter her backyard without permission and render the hot tub inoperative. However, he argues that because he was not on duty while engaging in this conduct, the Code of Conduct does not apply. In support of his argument, he states that Constable Mongeau was not found guilty of the criminal charge of trespassing at

night on the property of another person, in violation of section 177 of the *Criminal Code*. Thus, according to the Subject Member Representative, this situation is nothing more than a civil dispute.

[60] The Conduct Authority Representative, on the other hand, alleges that it is irrefutable that Constable Mongeau's actions were premeditated. He chose to act at night; he dressed in black; he parked some distance from Ms. M.L.'s residence to avoid attracting attention; he knew that Ms. M.L. was not at home; and, furthermore, he admitted during his testimony that he was jealous of Ms. M.L.'s relationship with her new spouse.

[61] Contrary to Constable Mongeau's statement to the effect that his actions were intended to facilitate his negotiations with Ms. M.L. regarding her purchase of the hot tub, the Conduct Authority Representative states that he acted out of jealousy and frustration. He had not obtained permission to go to her residence—if he had, he would not have needed to camouflage himself to do what he planned to do.

[62] I find the Conduct Authority Representative's submissions more persuasive.

[63] It is well established that members must adhere to the Code of Conduct both on and off duty. As a member, Constable Mongeau is responsible for enforcing the law, responding to service calls and conducting investigations.

[64] In the context of a domestic dispute, his conduct was inappropriate and required the intervention of another police force, an RCMP partner organization.

[65] I find that a reasonable person in society, with knowledge of all the relevant circumstances, including the realities of policing in general and the RCMP in particular, would view Constable Mongeau's actions as likely to bring discredit to the Force. I further find that Constable Mongeau's actions may impair his ability, or the public's confidence in his ability, to impartially perform the duties of a member of the RCMP.

[66] In particular, the public would be concerned to discover that a police officer, mandated to enforce the laws of the land, trespassed on the property of another to engage in misconduct. The public would rightly question the ability of this member to enforce laws that he himself does not respect.

[67] I am therefore of the view that Constable Mongeau's conduct is sufficiently related to his duties and functions as to provide the Force with a legitimate interest in disciplining him.

[68] Because the four elements of the discreditable conduct test have been established, I conclude that Allegation 1 is established.

Allegation 2 – Carrying his service weapon and wearing parts of his uniform, without lawful excuse

[69] Particulars 49 to 51 and 53 to 61 contained in *Notice of Conduct Hearing 1* are admitted and therefore established. In addition, in my (*Amended*) *Determination of Established Facts* of April 22, 2024, I found that Constable Mongeau was not acting within the scope of his professional duties when he went to Ms. M.L.'s residence armed, at night, without permission, for the purpose of rendering the hot tub inoperative (Particular 64). I also found that there was no lawful excuse for carrying his service weapon at that place and in those circumstances.

[70] Constable Mongeau admits that he went to Ms. M.L.'s residence the evening of March 26, 2021, knowing that she was not at home, for the purpose of rendering the hot tub inoperative. However, he denies that the dark blue cargo pants and his dark blue zip-up shirt with RCMP Velcro patches on the arms were distributed to him or paid for by the RCMP. That said, he admits that he was carrying his service weapon, loaded, with a round in the chamber.

[71] The Subject Member Representative alleges that the clothes that could have identified Constable Mongeau as a member of the RCMP were purchased by him and that, furthermore, they were not visible the night of the incident, since Constable Mongeau was wearing sportswear over them.

[72] Moreover, the Subject Member Representative states that Constable Mongeau's service weapon was hidden by his clothes. The Subject Member Representative also states that Constable Mongeau had a lawful excuse for having his service weapon on him at the time of the incident, as he explained that it was not safe to leave it unsecured in his vehicle.

[73] Finally, the Subject Member Representative notes that the Conduct Authority submitted no evidence that Constable Mongeau was engaged in an unlawful activity.

[74] Again, I agree with the Conduct Authority Representative: the fact that the RCMP Velcro patches, which could be considered parts of his uniform, and that his service weapon was concealed are not relevant to establishing the allegation. Basically, what is relevant is that Constable Mongeau was wearing his firearm and parts of his uniform while off duty and while engaging in misconduct.

[75] It is not necessary for the Conduct Authority to establish all of the detailed particulars presented in the allegation, only the relevant particulars.

[76] It is therefore not necessary for me to find that all of the particulars have been demonstrated to determine that the allegation is established, only that the essential elements of the allegation have been established. I find that the particulars essential to Allegation 2 are that Constable Mongeau was wearing part of his police uniform and carrying his service weapon without lawful excuse.

[77] Constable Mongeau admitted that his presence at Ms. M.L.'s residence was not connected with his professional duties and that he had brought his service weapon in order to be ready if he had to travel anywhere in response to a call.

[78] I am unable to conclude from the file before me whether that was indeed his true reason for carrying his service weapon and wearing clothing identifying him as an RCMP member. However, it is clear that he was put out by the fact that Ms. M.L. intended to use the hot tub, that he was of the opinion that the amount of money she was offering him in exchange for it was insufficient and that, above all, he did not want her to use the hot tub. He therefore decided to take matters into his own hands and render the hot tub inoperative. Constable Mongeau testified that his intention behind this was to facilitate his negotiations with Ms. M.L.

[79] However, in accordance with my findings of fact regarding Allegation 1, given that he was at Ms. M.L.'s residence at night, to engage in misconduct, namely, rendering the hot tub inoperative, I am of the view that a reasonable person would conclude that Constable Mongeau was carrying his loaded service weapon without lawful excuse.

[80] I find that a reasonable person in society, with knowledge of all the relevant circumstances, including the realities of policing in general and the RCMP in particular, would view Constable Mongeau's actions as likely to bring discredit to the Force.

[81] I seriously question the judgment of Constable Mongeau, who went to Ms. M.L.'s residence at night, to render the hot tub inoperative, while carrying his service weapon, loaded, despite the fact that he was not on duty.

[82] I concede that Constable Mongeau was "on call" at the time. However, he clearly articulated the expectations of being "on call", which include, among other things, not consuming alcohol and staying close to one's residence in order to be able to respond to a request for service within a maximum of one hour. Despite his understanding of what was expected of him while he was "on call", he decided to act contrary to these expectations and to be at least half an hour away from his residence by car.

[83] I am of the view that Constable Mongeau's actions may undermine the public confidence in his ability to perform his duties as a police officer and to exercise sound judgment. I am therefore of the view that Constable Mongeau's conduct is sufficiently related to his duties and functions as to provide the Force with a legitimate interest in disciplining him.

[84] Accordingly, I am satisfied that the Conduct Authority has established the four elements of the discreditable conduct test, on a balance of probabilities. These are as follows:

- a) Constable Mongeau's identity;
- b) the essential particulars constituting the alleged conduct (having been dressed in part of his police uniform and carrying his service weapon without lawful excuse);
- c) the fact that a reasonable person, with knowledge of all the relevant circumstances, including the realities of policing in general and of the RCMP in particular, would consider Constable Mongeau's conduct to be discreditable to the RCMP; and
- d) the fact that his conduct is sufficiently related to his duties and functions as to provide the Force with a legitimate interest in disciplining him.

[85] Because the four elements of the discreditable conduct test have been established, I conclude that Allegation 2 is established.

Allegation 5 – Violation of a provincial public health order without a valid reason

[86] Constable Mongeau admits that he left his residence at about 8:30 p.m. on March 26, 2021, to travel to the residence of Ms. M.L., located 25 kilometres away. He concedes that leaving his home to trespass on another person's property at night to render a hot tub inoperative does not constitute an exception justifying travel during the curfew, as set out in the Government of Quebec's public health directive.

[87] The SQ officers discovered Constable Mongeau in Ms. M.L.'s backyard at around 9:30 p.m. and arrested him at 9:36 p.m.

[88] As with Allegations 1 and 2, Constable Mongeau's identity and the actions constituting the misconduct have been established.

[89] Constable Mongeau's explanation, if I have understood it correctly, is that he did not leave his home between 9:30 p.m. on March 26, 2021, and 5:00 a.m. on March 27, 2021, but rather at 8:30 p.m. on March 26, 2021.

[90] This explanation defies logic and common sense. The reality is that the provincial curfews imposed during the COVID-19 pandemic were meant to ensure that people stayed at home during the relevant timeframes to limit the spread of the virus.

[91] Constable Mongeau had no valid reason or exception justifying his travel, as he would have had if he had left home in response to a call related to the exercise of his duties.

[92] It should also be mentioned that the task of ensuring compliance with provincial curfews fell to law enforcement.

[93] I find that a reasonable person in society, with knowledge of all the relevant circumstances, including the realities of policing in general and the RCMP in particular, would view Constable Mongeau's actions as likely to bring discredit to the Force. I further find that Constable Mongeau's actions may impair his ability, or the public's confidence in his ability, to impartially perform the duties of a member of the RCMP.

[94] In particular, as in the case of Allegation 1, the public would be concerned to discover that a police officer, mandated to enforce the law and protect the public, would deliberately choose, without lawful or reasonable excuse, not to respect a curfew that was just as applicable to him as to the general public.

[95] Having police officer status does not put RCMP members above the law. On the contrary, the expectations relating to their conduct are even higher.

[96] I am therefore of the view that Constable Mongeau's conduct is sufficiently related to his duties and functions as to provide the Force with a legitimate interest in disciplining him.

[97] Therefore, I find that Allegation 5 is established.

FILE 2

Allegations

[98] In accordance with *Notice of Conduct Hearing 2*, dated October 3, 2022, the allegations and particulars of the second file are as follows:

[Translation]

Facts relevant to all the allegations

1. Constable Frédéric Mongeau has been a regular member of the RCMP since August 17, 2015.
2. At all relevant times, he was assigned to the Airport and Federal Investigations Detachment (AFID) in Dorval, Quebec.

Allegation 1

Between March 26, 2021, and April 8, 2021, at an unknown location, Constable Frédéric Mongeau failed to comply with a condition of his release set out in a promise to appear he had signed, namely, not to communicate directly or indirectly with [Ms. M.L.] except regarding child custody rights.

It is therefore alleged that Constable Frédéric Mongeau engaged in discreditable conduct, contrary to section 7.1 of the *Code of Conduct of the Royal Canadian Mounted Police*, which requires that “[m]embers behave in a manner that is not likely to discredit the Force”.

Facts relevant to Allegation 1

3. The night of March 26, 2021, [Constable] Mongeau was arrested by the [SQ] after trespassing at night on the residence of his ex-spouse, Ms. [M.L.], located at [location redacted] in St-Lin-Laurentides, Quebec.
4. [Constable] Mongeau was trying to render a hot tub on the property inoperable.
5. [Constable] Mongeau is the owner of the hot tub on the property belonging to his ex-spouse.
6. The hot tub was a matter of dispute between [Constable] Mongeau and his former spouse. Ms. [M.L.] wanted to buy it back from [Constable] Mongeau, but they could not agree on a price.
7. On March 26, 2021, le [Constable] Mongeau told two SQ officers that he did not want his ex-spouse to use the hot tub now that he was no longer living with her.
8. [Constable] Mongeau was wearing his police uniform under a coat and overalls.
9. He was also carrying his service weapon, a Smith & Wesson model 5906, serial number VEC2391.
10. After his arrest, [Constable] Mongeau was transported to and held at the SQ station in the Regional County Municipality (RCM) of Montcalm.
11. On March 27, 2021, [Constable] Mongeau was released with conditions and a promise to appear on June 16, 2021, at the courthouse in Joliette, Quebec.
12. On March 27, 2021, [Constable] Mongeau signed the promise to appear.
13. In exchange for his release, [Constable] Mongeau undertook, among other things, not to possess a firearm or to communicate, directly or indirectly, with Ms. [M.L.], his ex-spouse, except regarding the custody of their child.
14. Eleven days later, on April 7, 2021, [Constable] Mongeau sent a text message to Ms. [M.L.] regarding, among other subjects, the hot tub and other movable property to demand further information as to when he could retrieve them:

[Translation]
. . . On another note, I'd like to know which dates would be most convenient to have movers come pick up my property. By that, I mean my outdoor furniture, my hot tub and its accessories.
15. Ms. [M.L.] did not respond to this part of [Constable] Mongeau's text message.

16. On April 8, 2021, [Constable] Mongeau tried again, writing a new text message to Ms. [M.L.] regarding the hot tub:

[Translation]

. . . You didn't answer regarding possible dates for picking up my things. To repeat, I'm not giving you permission to use my hot tub or my outdoor furniture in the meantime.

17. [Constable] Mongeau is not facing any charges relating to this breach of conditions.
18. However, such acts would constitute a criminal offence under s. 145(4)(a) of the *Criminal Code*.
19. In communicating with Ms. [M.L.] regarding the hot tub, [Constable] Mongeau failed to comply with a condition of his release. [Constable] Mongeau behaved in a manner likely to discredit the Force, contrary to section 7.1 of the *Code of Conduct of the RCMP*.

Allegation 2

Before March 27, 2021, at [location redacted], in Montréal, in the province of Quebec, Constable Frédéric MONGEAU had, in his possession and under his control, a prohibited device within the meaning of s. 84(1) of the *Criminal Code*, namely, a magazine with a capacity of 20 .223 Rem cartridges, without holding the necessary licence.

It is therefore alleged that Constable Frédéric Mongeau engaged in discreditable conduct, contrary to section 7.1 of the *Code of Conduct of the RCMP*, which requires that “[m]embers behave in a manner that is not likely to discredit the Force”.

Facts relevant to Allegation 2

3. On March 27, 2021, SQ investigator Alain Lapierre notified [Constable] Mongeau of his release conditions.
4. [Constable] Mongeau stated that he had firearms stored at this mother's residence, located at [location redacted] in Montréal, Quebec.
5. [Constable] Mongeau also stated that the keys for accessing his weapons were at his home.
6. Investigator Lapierre collected the keys and went to the home of [Constable] Mongeau's mother.
7. [Constable] Mongeau's weapons and ammunition were found in two locked boxes.
8. The weapons and ammunition were seized.
9. Among the seized items was a magazine with a capacity of 20 .223 Rem cartridges (the magazine) fitting Swiss Arms-brand rifles.

10. [Constable] Mongeau had a Swiss Arms Black Special .223 REM-calibre semi-automatic rifle. It was seized at the home of [Constable] Mongeau's mother.
11. The magazine is a prohibited device within the meaning of s. 84(1) of the *Criminal Code*, as it can contain more than five cartridges.
12. [Constable] Mongeau did not hold the necessary licence to possess the prohibited magazine.
13. [Constable] Mongeau held a possession and acquisition licence for restricted and non-restricted firearms, issued July 28, 2017, expiring July 15, 2023. This licence was revoked.
14. Possession of a prohibited device is a criminal offence under sections 91 and 92 of the *Criminal Code*.
15. On June 15, 2021, six charges were filed against [Constable] Mongeau in file number [redacted] of the Court of Québec, Criminal and Penal Division, all relating to the incidents of March 26, 2021:
 - a) One count of harassment against his ex-spouse (ss. 264(1) and (3) of the *Criminal Code*).
 - b) One count of prowling at night on the property of another person (s. 177 of the *Criminal Code*).
 - c) One count of possessing a prohibited device without being the holder of a licence under which he may possess it, namely, a high-capacity .223 Rem-calibre magazine fitting Swiss Arms semi-automatic rifles (ss. 91(2) and (3)(b) of the *Criminal Code*).
 - d) One count of carrying or possessing a weapon for a purpose dangerous to the public peace (s. 88(2)(b) of the *Criminal Code*).
 - e) One count of possessing a Smith & Wesson firearm, VEC2391, at a place other than a place indicated on the authorization or licence, while holding an authorization or licence (s. 93(2)(b) of the *Criminal Code*).
 - f) One count of carrying a Smith & Wesson firearm, VEC2391, in a careless manner or without reasonable precautions for the safety of other persons (ss. 86(1) and (3)(b) of the *Criminal Code*).
33. [Constable] Mongeau behaved in a manner likely to discredit the Force, contrary to section 7.1 of the *Code of Conduct of the RCMP*.

[French original quoted verbatim]

Summary of established facts by the Conduct Board

[99] On April 22, 2024, I presented the parties with the *(Amended) Determination of Established Facts*, in accordance with the *Administration Manual*, 12.1.11.10.3, setting out the undisputed facts related to the five *Notices of Conduct Hearing*.

[100] Regarding File 2, the established facts reproduced below are based on the investigation reports, the supporting documents and Constable Mongeau's response of April 28, 2023, to *Notice of Conduct Hearing 2*.

Facts related to Allegation 1

[101] Constable Mongeau was arrested on March 26, 2021. He was transported to and held at the SQ station in the RCM of Montcalm. On March 27, 2021, after signing a promise to appear, he was released with conditions.

[102] In exchange for his release, Constable Mongeau undertook, among other things, not to possess a firearm or to communicate, directly or indirectly, with Ms. M.L., except regarding the custody of their child.

[103] Eleven days later, on April 7, 2021, Constable Mongeau sent Ms. M.L. a text message regarding, among other subjects, the hot tub and other movable property to find out when he could retrieve them:

[Translation]

. . . On another note, I'd like to know which dates would be most convenient to have movers come pick up my property. By that, I mean my outdoor furniture, my hot tub and its accessories

[104] On April 8, 2021, Constable Mongeau sent Ms. M.L. another text message regarding the hot tub:

[Translation]

. . . You didn't answer regarding possible dates for picking up my things. To repeat, I'm not giving you permission to use my hot tub or my outdoor furniture in the meantime. . . .

Facts related to Allegation 2

[105] On March 27, 2021, SQ investigator Alain Lapierre notified Constable Mongeau of his release conditions.

[106] Constable Mongeau stated that he had firearms stored at this mother's residence in Montréal, Quebec.

[107] Constable Mongeau gave the keys for accessing his weapons to the SQ investigator, who went to the home of Constable Mongeau's mother and seized the weapons and ammunition found in two locked boxes.

[108] During the confiscation conducted by the SQ, 20 magazines were seized: 13 9-mm pistol magazines; 6 5.56-mm/.223 Rem semi-automatic rifle magazines; and 1 12-gauge pump action rifle magazine.

[109] Among the seized items were a magazine with a capacity of 20 .223 Rem cartridges fitting Swiss Arms-brand rifles. This magazine is a prohibited device within the meaning of subsection 84(1) of the *Criminal Code*, as it can contain more than five cartridges.

[110] Constable Mongeau did not hold the necessary licence to possess a prohibited magazine that can contain more than five cartridges.

[111] On June 15, 2021, the following charge was filed against Constable Mongeau in file number [redacted] of the Court of Québec, Criminal and Penal Division:

[Translation]

One count of possessing a prohibited device without being the holder of a licence under which he may possess it, namely, a high-capacity .223 Rem magazine fitting Swiss Arm[s] semi-automatic rifles (ss. 91(2) and (3)(b) of the *Criminal Code*).

[112] On October 10, 2023, Constable Mongeau pleaded guilty to this charge.

Analysis

[113] In the second file, Constable Mongeau is facing two allegations of engaging in discreditable conduct contrary to section 7.1 of the Code of Conduct.

[114] The same test described in detail in paragraph 56 will be used here.

Allegation 1 – Breach of an undertaking

[115] In his response in accordance with subsection 15(3) of the *SOC (Conduct)*, dated April 28, 2023, Constable Mongeau admits all the relevant particulars of the allegation, namely, items 11 to 16 of the *Notice of Conduct Hearing 2*. Moreover, at the beginning of the conduct hearing, Constable Mongeau admitted the entire allegation.

[116] During his testimony, Constable Mongeau was able to recite, without hesitating, the conditions of his release the morning of March 27, 2021.

[117] Therefore, the first and second elements of the test for discreditable conduct have been established.

[118] I find it particularly troubling that Constable Mongeau sent Ms. M.L. two text messages about the hot tub just 11 days after undertaking not to communicate with her in this regard.

[119] I find that a reasonable person, with knowledge of all the relevant circumstances, including the reality of policing in general and the RCMP in particular, would view Constable Mongeau's actions as likely to bring discredit to the Force. The third element of the test for discreditable conduct has therefore been established.

[120] In light of a member's duty to maintain the integrity of the administration of justice, as set out in paragraph 37(b) of the *RCMP Act*, I further find that Constable Mongeau's actions may impair his ability or the public's confidence in his ability to impartially perform the duties of a member of the RCMP. I therefore find that Constable Mongeau's conduct is sufficiently related to his duties and functions as to provide the Force with a legitimate interest in disciplining him. The fourth element of the test for discreditable conduct has therefore been established.

[121] Accordingly, Allegation 1 in *Notice of Conduct Hearing 2* has been established.

Allegation 2 – Possession of a prohibited device

[122] Constable Mongeau admits signing a promise to appear, dated March 27, 2021, in which he undertook not to possess a firearm. He then notified an SQ investigator of the firearms stored at his mother's residence.

[123] When these weapons were confiscated, the SQ discovered a 20-cartridge .244 Rem magazine. This magazine is a prohibited device within the meaning of subsection 84(1) of the *Criminal Code*, as it can contain more than five cartridges.

[124] On June 15, 2021, one count of possessing a prohibited device without being the holder of a licence was filed against Constable Mongeau. On October 10, 2023, Constable Mongeau pleaded guilty to this charge.

[125] Given that Constable Mongeau pleaded guilty to this charge, I find that the first two elements of the test for discreditable conduct under section 7.1 of the Code of Conduct have been established.

[126] I have no hesitation in concluding that a reasonable person would find that Constable Mongeau's conviction for possession of a prohibited device without being the holder of the necessary licence is conduct likely to discredit the Force. The fourth element of the test for discreditable conduct has therefore been established.

[127] I find that Constable Mongeau's actions may impair his ability, or the public's confidence in his ability, to impartially perform the duties of a member of the RCMP. The public would have good reason to question his ability to enforce laws that he himself does not respect. I therefore find that Constable Mongeau's actions are sufficiently related to his duties and functions as to provide the Force with a legitimate interest in disciplining him. As a result, the fourth element of the test has been established.

[128] Accordingly, Allegation 2 in *Notice of Conduct Hearing 2* has been established.

FILE 3

Allegation

[129] *Notice of Conduct Hearing* 3, dated October 7, 2022, contains one allegation of a contravention of section 7.1 of the Code of Conduct.

[Translation]

Allegation 1

From an undetermined date and until March 27, 2021, in Dorval, in the province of Quebec, Constable Frédéric MONGEAU had, in his possession and/or under his control, prohibited devices within the meaning of s. 84(1) of the *Criminal Code*, namely, two Glock magazines with a capacity of 17 9mm LUGER cartridges, without holding the necessary licence.

It is therefore alleged that Constable Frédéric MONGEAU engaged in discreditable conduct, contrary to section 7.1 of the *Code of Conduct of the Royal Canadian Mounted Police*, which requires that “[m]embers behave in a manner that is not likely to discredit the Force”.

Facts relevant to Allegation 1

1. Constable Frédéric Mongeau has been a regular member of the RCMP since August 17, 2015.
2. At all relevant times, he was assigned to the Airport and Federal Investigations Detachment (AFID) in Dorval, Quebec.
3. The night of March 26, 2021, [Constable] Mongeau was arrested by the [SQ] after entering the residence of his ex-spouse, Ms. [M.L.], located at [location redacted] in St-Lin-Laurentides, Quebec.
4. After his arrest, [Constable] Mongeau was transported to and held at the SQ station in the Regional County Municipality (RCM) of Montcalm.
5. [Staff Sergeant (S/Sgt.)] Éric St-Cyr, one of [Constable] Mongeau’s superiors, learned that [Constable] Mongeau had been arrested on March 27, 2021, at 7:18 a.m.
6. On March 27, 2021, at 1:00 p.m., S/Sgt. St-Cyr met with [Constable] Mongeau to recover some items belonging to the RCMP, including the key to the padlock on his firearms locker (the locker) in the AFID’s offices.
7. This locker had been assigned to [Constable] Mongeau and had been under his control since 2015.

8. [Constable] Mongeau was the only officer using this locker; he did not share it with anyone.
9. Only S/Sgt. St-Cyr had access to a copy of the key to [Constable] Mongeau's locker.
10. S/Sgt. St-Cyr kept all copies of firearms locker keys in a metal box in his office (the metal box).
11. The metal box was kept under lock and key, and only S/Sgt. St-Cyr had possession and control of the key.
12. On March 29, 2021, S/Sgt. St-Cyr, upon returning to the office, replaced the locker's padlock with a new one.
13. S/Sgt. St-Cyr stored the key to the new padlock in the locked metal box in his office.
14. On November 15, 2021, [Sergeant] Simon Parent was trying to locate a C8 firearm allocated to the AFID.
15. [Constable] Mongeau was trained on the C8 and is qualified to use one.
16. [Sergeant] Parent wanted to check [Constable] Mongeau's firearms locker to see whether any C8 magazines were in there.
17. [Sergeant] Parent asked S/Sgt. St-Cyr for the key to the padlock.
18. There were two empty Glock-brand magazines capable of containing 17 9mm LUGER cartridges in the locker.
19. These magazines are compatible with all Glock 9mm LUGER semi-automatic pistols, generations 1 to 4.
20. The RCMP has never issued 17-cartridge Glock magazines to its members or units, be it for operational requirements or for training.
21. Such magazines for semi-automatic Glock handguns are prohibited devices within the meaning of s. 84(1) of the *Criminal Code*, as they are capable of containing more than 10 cartridges.
22. [Constable] Mongeau did not hold the necessary licence to possess the prohibited magazines.
23. At all relevant times, [Constable] Mongeau held a possession and acquisition licence for restricted and non-restricted firearms, issued July 28, 2017. This licence was revoked.
24. Possession of a prohibited device is a criminal offence under sections 91 and 92 of the *Criminal Code*.
25. [Constable] Mongeau behaved in a manner likely to discredit the Force, contrary to section 7.1 of the *Code of Conduct of the RCMP*.

[French original quoted verbatim]

Summary of established facts by the Conduct Board

[130] On April 22, 2024, I presented the parties with the *(Amended) Determination of Established Facts*, in accordance with the *Administration Manual*, 12.1.11.10.3, setting out the undisputed facts related to the five *Notices of Conduct Hearing*.

[131] Regarding File 3, the established facts reproduced below are based on the investigation reports, the supporting documents and Constable Mongeau's response of April 28, 2023, to *Notice of Conduct Hearing 3*.

[132] On March 27, 2021, S/Sgt. Éric St-Cyr, one of Constable Mongeau's superiors, learned that Constable Mongeau had been arrested by the SQ.

[133] On that same date, at 1:00 p.m., S/Sgt. St-Cyr met with Constable Mongeau to recover some items belonging to the RCMP, including the key to the padlock for his firearms locker (the locker) in the AFID's offices.

[134] This locker was assigned to Constable Mongeau and had been under his control since 2015. Constable Mongeau was the only officer using this locker; he did not share it with anyone.

[135] Only S/Sgt. St-Cyr had access to a copy of the key to Constable Mongeau's locker, and he kept all copies of firearms locker keys in a locked metal box in his office.

[136] On March 29, 2021, S/Sgt. St-Cyr replaced the padlock on the locker in question with a new one.

[137] Constable Mongeau was trained on C8-type firearms and is qualified to use them.

[138] On November 15, 2021, Sergeant Simon Parent was trying to locate the C8 magazines allocated to the AFID. He wanted to check Constable Mongeau's firearms locker to see whether any C8 magazines were in there. He therefore asked S/Sgt. St-Cyr for the key to the padlock.

[139] Sergeant Simon Parent notified S/Sgt. St-Cyr that he had discovered two empty Glock-brand magazines capable of containing 17 9mm LUGER cartridges in Constable Mongeau's

locker. The former went to Constable Mongeau's locker, observed the two Glock magazines and locked the locker, leaving the magazines inside.

[140] On December 10, 2021, at 9:46 a.m., Constable Jonathan Hachey of the RCMP's Special Investigations section opened Constable Mongeau's locker with him present.

[141] Constable Hachey took two items out of the locker, and Constable Mongeau identified them as pistol magazines made of black plastic, each bearing an orange bottom plate. Constable Hachey seized the two magazines in Constable Mongeau's presence.

[142] The RCMP has never issued 17-round Glock magazines to its members or units, be it for operational requirements or for training.

[143] Such magazines for semi-automatic Glock handguns are prohibited devices within the meaning of subsection 84(1) of the *Criminal Code*, as they are capable of containing more than 10 cartridges.

[144] Constable Mongeau did not hold the necessary licence to possess the prohibited magazines.

[145] On April 17, 2024, Constable Mongeau sent a "Will Say" statement to the parties. In this statement, he admits to possessing 2 prohibited Glock-brand magazines with a 17 -round capacity.

Analysis

[146] *Notice of Conduct Hearing 3* contains one allegation of a contravention of section 7.1 of the Code of Conduct.

[147] On April 17, 2024, Constable Mongeau sent a "Will Say" statement to the parties. The statement was filed as Exhibit RM-2 by the Subject Member Representative.

[148] In the statement, Constable Mongeau explains that he found the magazines after a pistol firing session at Club de tir Pionnier, a firing range located in L'Assomption. He thought they belonged to the SQ officers who had been there. Constable Mongeau kept the magazines, with the intention of giving them back to an SQ officer later. However, Constable Mongeau states that he

then forgot about the magazines in his locker. Moreover, Constable Mongeau denies that he knew the magazines were prohibited.

[149] Given Constable Mongeau's admission and my findings of fact, I conclude that the first two elements of the test for establishing a contravention of section 7.1 have been established.

[150] The Subject Member Representative argued that to establish a contravention of section 7.1 of the Code of Conduct, I must begin by establishing that Constable Mongeau knew that the devices were prohibited; otherwise, the allegation becomes an absolute liability offence.

[151] I do not agree with the submission made by the Subject Member Representative. I do not have to determine whether Constable Mongeau is guilty of a criminal offence, or not, beyond a reasonable doubt. Again, the only remaining issues are whether the fact that Constable Mongeau had prohibited magazines in his possession or control is conduct likely to discredit the Force, as required by the third element of the test under section 7.1 of the Code of Conduct, and whether Constable Mongeau's conduct is sufficiently related to his duties and functions as to provide the Force with a legitimate interest in disciplining him, as required by the fourth element of the test.

[152] In this case, it is unlikely that Constable Mongeau did not know that the magazines were prohibited devices, given his self-proclaimed proficiency in firearms and his range officer and "Black Badge" qualifications [the latter being a firearms safety and proficiency certificate required to take part in shooting competitions organized by the International Practical Shooting Confederation].

[153] Therefore, I have no hesitation in concluding that a reasonable person would find that Constable Mongeau's possession of two prohibited devices without being the holder of the necessary licence is conduct likely to discredit the Force. The third element of the test for discreditable conduct has therefore been established.

[154] I further find that Constable Mongeau's actions may impair his ability, or the public's confidence in his ability, to impartially perform the duties of a member of the RCMP. Again, the public would reasonably question his ability to enforce laws that he himself does not respect. I am satisfied that Constable Mongeau's actions are sufficiently related to his duties and functions as to

provide the Force with a legitimate interest in disciplining him. Accordingly, the fourth element has been established.

[155] I therefore conclude that Allegation 1 in *Notice of Conduct Hearing 3* has been established.

FILE 4

Allegation

[156] *Notice of Conduct Hearing 4*, dated March 20, 2023, contains one allegation of a contravention of section 3.3 of the Code of Conduct.

[Translation]

Allegation 1

Between November 4, 2021, and March 21, 2022, in an unknown city in Quebec, while he was not on duty, Constable Frédéric MONGEAU engaged in an activity or employment outside the RCMP, in particular as an extra in a television program, when his employer had previously directed him not to do so.

It is therefore alleged that Constable Frédéric MONGEAU disobeyed a direction, contrary to section 3.3 of the *Code of Conduct of the Royal Canadian Mounted Police*, which requires that “[m]embers give and carry out lawful orders and direction”.

Facts relevant to Allegation 1

1. Constable Frédéric Mongeau ([Constable] Mongeau) has been a regular member of the RCMP since August 2015.
2. On March 29, 2021, [Constable] Mongeau was suspended from his duties because of allegations of misconduct unrelated to this file.
3. On June 21, 2021, Constable Mongeau submitted a secondary employment application to his supervisor, S/Sgt. Éric St-Cyr, to appear as an extra in television shows.
4. On November 3, 2021, the Administration and Personnel Officer of “C” Division, Superintendent Michel Gallant, refused [Constable] Mongeau’s secondary employment application.
5. On November 3, 2021, [Constable] Mongeau’s line officer, S/Sgt. St-Cyr, was notified of the refusal.
6. On November 4, 2021, S/Sgt. St-Cyr informed [Constable] Mongeau verbally that his secondary employment application had been refused.

7. On November 4, 2021, S/Sgt. St-Cyr emailed notice of the secondary employment application's refusal to [Constable] Mongeau.
8. On or about January 21, 2022, [Constable] Mongeau entered into an employment contract with District 31 VI Inc. for a non-speaking background role (extra) in the series *District 31* for the period from January 24, 2022, to March 25, 2022.
9. On January 26, 2022, January 27, 2022, and February 23, 2022, [Constable] Mongeau worked for pay under the above-mentioned contract, playing a police officer in episodes 685, 686 and 701 of *District 31*.
10. On February 22, 2022, [Constable] Mongeau appeared in episode 86 of season 6 of *District 31*.
11. On March 21, 2022, [Constable] Mongeau appeared in episode 101 of season 6 of *District 31*.
12. In working for a television production company in a non-speaking background role, i.e. as an extra, without permission and when his secondary employment application had been refused, [Constable] Mongeau committed misconduct under section 3.3 of the *Code of Conduct of the RCMP*.

[French original quoted verbatim]

Summary of established facts by the Conduct Board

[157] On April 22, 2024, I presented the parties with the (*Amended*) *Determination of Established Facts*, in accordance with the *Administration Manual*, 12.1.11.10.3, setting out the undisputed facts related to the five *Notices of Conduct Hearing*.

[158] Regarding File 4, the established facts are based on the investigation reports, the supporting documents and Constable Mongeau's response of April 28, 2023, to *Notice of Conduct Hearing 4*.

[159] In his response under subsection 15(3) of the *CSO (Conduct)*, dated April 28, 2023, Constable Mongeau admits all the particulars relevant to this allegation, namely Particulars 1 to 12 of *Notice of Conduct Hearing 4*. Moreover, at the beginning of the conduct hearing, Constable Mongeau admitted the entire allegation.

[160] The relevant facts in my (*Amended*) *Determination of Established Facts*, dated April 22, 2024, are therefore identical to the particulars of *Notice of Conduct Hearing 4*.

Test for disobeying lawful orders and direction

[161] In File 4, Constable Mongeau is facing an allegation of disobeying a lawful direction by appearing in a television program when his employer had previously forbidden him to do so.

[162] Section 3.3 of the RCMP Code of Conduct states: “Members give and carry out lawful orders and direction.”

[163] To establish a contravention of section 3.3 of the Code of Conduct, the Conduct Authority must establish each of the following elements on a balance of probabilities:

- a) the identity of the subject member;
- b) a lawful order or direction was provided in a clear and precise manner by a person superior in rank or with the authority to do so; and
- c) the subject member failed to carry out or comply with the order or direction without lawful excuse.

Analysis

[164] Regarding this allegation, it is beyond doubt that Constable Mongeau submitted a secondary employment application to his supervisor, S/Sgt. Éric St-Cyr, to appear as an extra in a television series. This is a fact established on the basis of the content of Constable Mongeau’s response, the facts established by the Conduct Board and Constable Mongeau’s own admission.

[165] Simply put, the file and Constable Mongeau’s oral testimony show on a balance of probabilities that a lawful direction, namely, the refusal of his secondary employment application, was given and communicated to him, that the direction was clear and precise as to its requirements, and that Constable Mongeau disobeyed it without lawful excuse on at least five occasions by appearing in episodes of the television series *District 31*.

[166] I therefore conclude that Allegation 1 in *Notice of Conduct Hearing 4* has been established.

FILE 5

Allegation

[167] *Notice of Conduct Hearing 5*, dated November 11, 2023, contains one allegation of a contravention of section 3.3 of the Code of Conduct.

[Translation]

Allegation 1

Between June 21, 2021, and November 3, 2021, in the province of Quebec, Constable Frédéric MONGEAU worked as an extra on a television show, specifically, *La Faille*, constituting an activity outside the RCMP that, according to RCMP policies, requires preauthorization from the employer, which was not obtained. It is therefore alleged that Constable Frédéric MONGEAU contravened section 3.3 of the *RCMP Code of Conduct*.

Facts relevant to the allegation

1. You have been a regular member of the RCMP since August 2015.
2. You are assigned to the Airport and Federal Investigations Detachment (AFID) in Dorval, province of Quebec (“C” Division).
3. You have been suspended from duty since March 27, 2021, because of allegations of misconduct that are unrelated to this file.

Particulars

4. On June 21, 2021, you submitted a secondary employment application to S/Sgt. Éric St-Cyr in order to appear as an extra in television shows.
5. On November 4, 2021, S/Sgt. St-Cyr told you orally and by email that your secondary employment application had been denied. On the same day, you acknowledged receipt of the email and asked to see the written response from the Administration and Personnel Office. The documents were emailed to you on the same day.
6. On May 30, 2023, open source searches on the IMDB website revealed that you had appeared as an extra, “Agent GRC #1” [RCMP Officer #1], in episode 7 of season 3 of television show *La Faille*. This was televised on August 1, 2022.
7. On August 8, 2023, you refused to consent to Productions PIXCOM’s providing information related to your appearance in *La Faille* during the conduct investigation.
8. On August 22, 2023, Productions PIXCOM was served with a production order, and the seized evidence shows that Productions PIXCOM hired you

on October 26, 2021, and that you participated in the shooting of episode 7 of season 3 of *La Faille* on the same day (one-day agreement), that is, eight days before receiving the answer from the Administration and Personnel Office.

9. Productions PIXCOM also confirmed that you were hired through a company called Police Action.
10. In working for a television production company as an extra without permission when your secondary employment application had been neither replied to nor approved, you committed misconduct contrary to section 3.3 of *RCMP Code of Conduct*.

[*French original quoted verbatim*]

Summary of established facts by the Conduct Board

[168] On April 22, 2024, I presented the parties with the (*Amended*) *Determination of Established Facts*, in accordance with the *Administration Manual*, 12.1.11.10.3, setting out the undisputed facts related to the five *Notices of Conduct Hearing*.

[169] Regarding File 5, the established facts are based on the investigation reports, the supporting documents and Constable Mongeau's response of January 10, 2024, to *Notice of Conduct Hearing 5*.

[170] In his response under subsection 15(3) of the *CSO (Conduct)*, dated January 10, 2024, Constable Mongeau admits all the particulars relevant to this allegation, namely Particulars 1 to 10 of *Notice of Conduct Hearing 5*. Moreover, at the beginning of the conduct hearing, Constable Mongeau admitted the entire allegation.

[171] The relevant facts in my (*Amended*) *Determination of Established Facts*, dated April 22, 2024, are therefore identical to Particulars 6, 7, 8, 9 and 10 of *Notice of Conduct Hearing 5*.

Analysis

[172] *Notice of Conduct Hearing 5* contains a single allegation of contravening section 3.3 of the Code of Conduct by appearing in a television show, an activity outside of the RCMP, without prior authorization from the employer. The same test as described in paragraph 163 therefore applies here too.

[173] On August 22, 2023, Productions PIXCOM was served with a production order. The seized evidence showed that Productions PIXCOM hired Constable Mongeau on October 26, 2021, and that he participated in the shooting of episode 7 of season 3 of television show *La Faille* on the same day (one-day agreement), that is, eight days before receiving the answer from the Administration and Personnel Office.

[174] There is no doubt that Constable Mongeau appeared as an extra in a television show. All the evidence—Constable Mongeau’s response, the facts established by the Conduct Board and Constable Mongeau’s admission at the hearing—confirm this.

[175] According to RCMP policies, participating in an activity outside the RCMP requires prior authorization from the employer. RCMP policies are lawful, clear and precise directions authorized by the RCMP Commissioner. The second element of the test has therefore been established.

[176] On October 26, 2021, Constable Mongeau was not authorized to work as an extra for a television production company but nonetheless participated in the shooting of episode 7 of season 3 of *La Faille*.

[177] Constable Mongeau therefore failed to respect a lawful direction without lawful excuse. The third element of the test has therefore been established.

[178] I therefore conclude that the allegation in *Notice of Conduct Hearing 5* has been established.

CONDUCT MEASURES

[179] Constable Mongeau faces six allegations of discreditable conduct contrary to section 7.1 of the Code of Conduct and two allegations of disobeying a lawful direction contrary to section 3.3 of the Code of Conduct. All eight allegations have been established.

[180] Consequently, I must—under subsection 45(4) of the *RCMP Act*, R.S.C. 1985, c. R-10, and in accordance with the RCMP’s *Conduct Measures Guide (2014)*—impose “a fair and just measure

that will be commensurate to the gravity of the contravention, the degree of blameworthiness of the member, and the presence of mitigating and aggravating factors”.³

[181] Moreover, under subsection 24(2) of the *CSO (Conduct)*, I must impose “conduct measures that are proportionate to the nature and circumstances of the contravention of the Code of Conduct”.

[182] On May 1, 2024, the Conduct Authority Representative informed me that the Conduct Authority would not be calling any witnesses during the conduct measures phase. For his part, the Subject Member Representative called three witnesses, including Constable Mongeau.

[183] The Subject Member Representative also submitted a Book of Documents (conduct measures phase), which was filed as Exhibit RM-3 and consists of the following documents:

- a) Diploma from the Cité Collégiale college, June 7, 2022, and Diploma from the University of Montréal, October 5, 2005;
- b) Canadian Forces Certificate of Service, May 21, 2001;
- c) Cadet Progress Report dated June 5, 2015;
- d) Cadet Progress Report dated August 14, 2015;
- e) Performance assessments and learning plans for October 1, 2015, to March 31, 2016, and for 2017, 2018, 2019, 2020 and 2021;
- f) Reference letter from Sergeant Éric Paradis, dated October 31, 2022;
- g) Reference letter from Corporal Robin Thibault, dated August 18, 2023;
- h) Reference letter from Kyle Mink, dated December 4, 2022; and
- i) “Rapport de psychothérapie” [psychotherapist’s report] by François Lefort, dated March 23, 2024.

[184] During the conduct measures phase, I heard the testimonies of Sergeant Éric Paradis and François Lefort virtually, and the testimony of Constable Mongeau in person.

[185] Afterwards, the parties’ representatives presented their arguments on the appropriate conduct measures in this case.

³ *Conduct Measures Guide (2014)*, at page 3.

Oral evidence

Sergeant Éric Paradis

[186] Sergeant Éric Paradis is posted with AFID and was Constable Mongeau's supervisor from 2019 to 2021. He is the author of a reference letter for Constable Mongeau, dated October 31, 2022, and two performance assessments, the first for April 1, 2019, to March 31, 2020, and the second for April 1, 2020, to March 31, 2021.

[187] Sergeant Paradis testified that he started at AFID in December 2015, which is when he met Constable Mongeau. He said that, at that point, Constable Mongeau had completed only six months of service.

[188] Sergeant Paradis explained that, from December 2015 to October 2019, he and Constable Mongeau were both constables and often worked together even though they were not on the same team. In 2019, Sergeant Paradis was promoted to the rank of corporal and became Constable Mongeau's supervisor.

[189] Sergeant Paradis described Constable Mongeau's work as exceptional: he is the office go-to and one of the best constables he has worked with, is very approachable and always ready to help, and has sound judgment in all his cases.

[190] At the request of the Subject Member Representative, Sergeant Paradis also read out excerpts from his own assessment of Constable Mongeau's performance for April 1, 2020, to March 31, 2021. In short, in the assessment, he describes Constable Mongeau as a reliable, independent member who manages his work well.

[191] Sergeant Paradis considers Constable Mongeau's absence to be a loss for the office. He considers that Constable Mongeau has a future in the RCMP despite the challenges he has faced since March 2021. Sergeant Paradis testified that he still trusts Constable Mongeau and that he would be happy for him to rejoin his team.

[192] Under cross-examination, Sergeant Paradis admitted that, before testifying, he had listened to the Conduct Board's decision on the allegations. It was the first time he had heard some of the

particulars of the allegations Constable Mongeau is facing. He was unaware of these particulars when he wrote the recommendation letter in October 2022.

[193] Sergeant Paradis confirms, among other things, that, before testifying, he was unaware of the alleged failure to comply in connection with Constable Mongeau's release undertaking; the allegation connected to the two prohibited magazines found in Constable Mongeau's locker at AFID; and the fact that Constable Mongeau had pleaded guilty to a criminal charge of possession of a prohibited device. Finally, Sergeant Paradis testified that he had learned of the allegations connected to Constable Mongeau's unauthorized secondary activities and employment the week before his testimony.

[194] Sergeant Paradis confirmed that, despite the above and despite now being aware of all the particulars of all the incidents and allegations, his opinion in the recommendation letter of October 2022 and his testimony at the hearing remained unchanged.

François Lefort

Preamble

[195] At the seventh pre-hearing conference, on February 27, 2024, the Subject Member Representative informed the Conduct Board that he intended to call an expert witness during the conduct measures phase.

[196] Given that the conduct hearing had been scheduled for April 29, 2024, to May 10, 2024, since October 17, 2023, I ordered the Subject Member Representative to notify the Conduct Board and the Conduct Authority Representative by no later than March 1, 2024, of when the expert report would be received. I also ordered that the report be produced no later than March 29, 2024.

[197] On March 6, 2024, in an email to the parties' representatives, I wrote as follows:

[Translation]

. . . [Subject Member Representative] – I would like to remind you that, following our pre-hearing conference on February 27, you were supposed to confirm **on March 1** when we might expect to receive your expert report. . . .

[198] On April 3, 2024, after I received the list of witnesses proposed by the parties' representatives, I sent an email to the parties saying that the Subject Member Representative was proposing to call François Lefort as a witness. I therefore asked the Subject Member Representative to tell me who this person was and to send me a brief summary of the expected testimony.

[199] On April 8, 2024, the Subject Member Representative's assistant informed me that the Subject Member Representative was abroad and would be back on April 10, 2024. She also indicated that Mr. Lefort was Constable Mongeau's psychotherapist.

[200] On April 15, 2024, I sent another email to the Subject Member Representative to tell him that I was still waiting for his reply to my email of April 3, 2024, regarding Mr. Lefort.

[201] At 4:20 p.m. on April 15, 2024, the Subject Member Representative's assistant sent the Conduct Board and the Conduct Authority Representative [translation] "Mr. Lefort's report and his resume".

[202] On April 16, 2024, I informed the parties that the Subject Member Representative was out of time for producing an expert report despite several reminders from me since February 27, 2024, and that, in accordance with section 19 of the *CSO (Conduct)*, any expert report would have to be served on the Conduct Authority 30 days before the beginning of the conduct hearing.

[203] On April 22, 2024, a final pre-hearing conference took place in this matter. During the conference, I informed the Subject Member Representative that, since he had failed to provide on time the information required to qualify Mr. Lefort as an expert witness, Mr. Lefort would testify as a character reference in this matter.

Testimony

[204] Mr. Lefort is an industrial psychologist and a psychotherapist. He prepared a two-page letter dated March 23, 2024.⁴ This letter contains an account of 17 therapy sessions with Constable Mongeau, which took place between May 11, 2023, and March 7, 2024.

[205] At the beginning of Mr. Lefort's testimony, the Conduct Board made it clear to him that he could make observations in a personal capacity but not as an expert.

[206] Mr. Lefort testified that Constable Mongeau was very concerned about the gravity of his actions and the charges. Moreover, he believed that Constable Mongeau had very sincere feelings of shame and regret.

[207] Mr. Lefort also stated that, when Constable Mongeau disconnected the hot tub, [translation] "this was a normal act of jealousy for a man, and the mistake he made was to do it while he was on duty".⁵

[208] In continuing his testimony, Mr. Lefort stated that he considered that, by being suspended for years and being prevented from working as a police officer, Constable Mongeau had been punished enough for his mistake.

[209] Finally, Mr. Lefort acknowledged under cross-examination that he had only been aware of the allegations involving the hot tub and Constable Mongeau's appearance as an extra in crime drama *District 31*. In his opinion, Constable Mongeau had not known that this contravened RCMP policies.

[210] I start by noting that Mr. Lefort was not testifying at the hearing as an expert. I found Mr. Lefort's testimony quite troubling considering that, despite 17 psychotherapy sessions with Constable Mongeau, he was unaware of the eight allegations and believed that Constable Mongeau had been on duty on the night in question. What I find even more troubling is that Mr. Lefort testified that Constable Mongeau's conduct, namely, trespassing on Ms. M.L.'s

⁴ Book of Documents (conduct measures phase), Exhibit RM-3, at Tab 13.

⁵ Transcript of Conduct Hearing, dated May 1, 2024, at page 78, lines 11 to 13.

property at night to commit mischief while carrying his loaded service weapon concealed beneath his clothing, was entirely “normal” conduct for a jealous man.

[211] With respect, I seriously doubt Mr. Lefort’s testimony and his assertions, and reject his entire testimony.

Constable Frédéric Mongeau

[212] Constable Mongeau started his testimony with an overview of his education and previous careers with the Canada Revenue Agency (2003) and the Canada Border Services Agency (2006). He testified that he joined the RCMP in 2015 to learn new skills.

[213] Constable Mongeau then apologized to the Conduct Board, noting that the events that had happened were unfortunate and should not have happened. He explained that he went through a difficult time after his separation from Ms. M.L.

[214] There had been friction in his relationship with Ms. M.L. and he had been tired because of the extra work caused by COVID-19-related quarantine compliance procedures.

[215] Constable Mongeau testified that he had been seeing a social worker to help him in the process of separating from his spouse, Ms. M.L.; and then another psychotherapist, who had supported him for a few months; and, finally, Mr. Lefort in the spring of 2023.

[216] Constable Mongeau stated that he is not the same person as he was at the time of the incidents. He described these as [translation] “an aberration that was unlikely to happen . . . to happen again because of new methods, therapeutic methods that were . . . that [he had] learned”.⁶

[217] In conclusion, Constable Mongeau argued that his expertise, experience and knowledge continued to be useful for the RCMP and its employees.

⁶ Transcript of Conduct Hearing, dated May 1, 2024, at page 107, lines 7 to 11.

Positions of the parties

Conduct Authority

[218] The Conduct Authority Representative reiterated that the Conduct Authority is seeking Constable Mongeau's immediate dismissal under paragraph 45(4)(a) of the *RCMP Act*.

[219] She started by describing the contraventions of the Code of Conduct established by the Conduct Board. She then pointed out that dismissal is often used in the most serious and egregious cases that go beyond rehabilitation.

[220] She alleged that the nature of all of the contraventions in this case, and in particular those relating to the possession of prohibited devices and breach of conditions, does not justify educative or corrective measures. In her opinion, Constable Mongeau repudiated his contract of employment, making him unable to continue working for the RCMP.

[221] She argued that keeping Constable Mongeau in the RCMP would undermine public trust.

[222] She noted that the public expects the RCMP to take member misconduct seriously, especially when the misconduct is criminal in nature. Moreover, the RCMP has an interest in protecting its reputation, not only in the eyes of the public, but also in the eyes of its many partners.

[223] She argued that the allegations against Constable Mongeau can be grouped under three themes. One theme has to do with the failure to comply with conditions and undertakings; a second theme is related to misuse of a firearm and RCMP accessories; and a third theme involves insubordination, for repeatedly failing to obey a lawful order or direction.

[224] Regarding the failure to comply with conditions, the Conduct Authority Representative pointed to the following excerpt from the Supreme Court of Canada:

77 More serious still is Belleau's conscious defiance of his undertaking to the court not to communicate with his spouse. As a police officer, Belleau would have known the importance of undertakings to the court. The breach of an undertaking by a police officer is especially serious, given the role that police

officers play in the administration of justice. It suggests a lack of respect for the judicial system of which he forms an integral part. . . .⁷

[225] She also referred to *Whalen*⁸ and *Green*,⁹ two cases where the members were, like Constable Mongeau, also facing allegations of failing to comply with a release condition, among other things. In both cases, the Conduct Board concluded that those actions were likely to discredit the RCMP. In both cases, the members were dismissed. In *Whalen*, the member was directed to resign within 14 days, while in *Green*, the member was dismissed with immediate effect.

[226] She pointed to the following excerpt from *Green*:

[96] The Subject Member is a police officer, sworn to uphold the law and to maintain, respect and support the administration of justice. Members of the Royal Canadian Mounted Police have voluntarily agreed to abide by a higher standard of conduct than that of the ordinary citizen. However, this standard does not call for perfection, as articulated by the Supreme Court of Canada in *The Queen and Archer v White* (1956), SCR 154 at 158. Nowhere is this more applicable than in those standards of conduct having to do with the administration of justice. Especially after being found in violation of the Undertaking, the Subject Member should have been hyper-vigilant in his adherence to the terms of the Recognizance. It seems as though he took the opposite approach.¹⁰

[227] Regarding the misuse of his firearm and the possession and control of three prohibited devices, she referred me to *Fraternité des policiers de Lévis*¹¹ and the observations of the Supreme Court of Canada on the use of firearms and the importance of safety surrounding them.

[228] She alleged that, given his expertise as a police officer and his personal experience with firearms, Constable Mongeau should have been aware of the safety measures to be taken in respect of not only the use of his firearm but also the possession of prohibited devices.

[229] Finally, regarding the theme of insubordination, the last two allegations of failing to obey a lawful order or direction, she referred to *Goodyer*.¹² In that case, the member faced several

⁷ *Lévis (City) v Fraternité des policiers de Lévis Inc.*, 2007 SCC 14 [*Fraternité des policiers de Lévis*], at paragraph 77.

⁸ *Commanding Officer, "H" Division and Constable Whalen*, 2021 CAD 17 [*Whalen*].

⁹ *Commanding Officer, "H" Division and Constable Shawn Green*, 2017 RCAD 5 [*Green*].

¹⁰ *Green*, at paragraph 96.

¹¹ *Fraternité des policiers de Lévis*, at paragraph 76.

¹² *Commanding Officer "E" Division and Constable Ashley Goodyer*, 2018 RCAD 13 [*Goodyer*].

allegations, including failing to follow a direction not to visit his girlfriend while he was on duty. Constable Goodyer was dismissed.

[230] In short, the Conduct Authority Representative is asking me to take a strong stance and to direct that Constable Mongeau be dismissed with immediate effect.

Subject Member Representative

[231] The Subject Member Representative alleged that immediate dismissal is reserved for the most serious contraventions and criminal offences. He submitted that members are usually given the opportunity to resign within 14 days.

[232] He further alleged that the Supreme Court of Canada's decision in *Fraternité des policiers de Lévis*¹³ is irrelevant since it is specific to the law that applies to police officers in Quebec, namely, that when a police officer is convicted of a criminal offence, the burden is on them to establish that they should not be dismissed.

[233] Regarding the imposition of appropriate conduct measures, his submissions focus on fundamental principles 2 and 3 of the *Phase I Report*,¹⁴ namely, the principle that corrective and remedial dispositions should prevail and, where applicable, the presumption that the decision maker should impose the least onerous disposition.

[234] He noted that, in his opinion, the most serious allegations within the RCMP are committing sexual assault, lying in a report or to one's supervisor, or being convicted of a criminal offence, resulting in a serious criminal record. The Subject Member Representative stated that, even though Constable Mongeau pleaded guilty to a count of possession of a prohibited device, he received an absolute discharge.

¹³ *Fraternité des policiers de Lévis*, 2007 SCC 14.

¹⁴ Ceyssens, Paul and Childs, Scott. "Phase I" *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*, February 24, 2022 [*Phase I Report*], at page 24, paragraph 5.1, and at page 27, paragraph 6.1.

[235] He then examined three previous conduct decisions: *Greenlaw*,¹⁵ *Jenkins*¹⁶ and *Gervais*.¹⁷ In all three decisions, the members faced a multitude of established allegations, and the conduct boards imposed various financial penalties amounting to 50 days in *Greenlaw*; demotion and a financial penalty of 30 days in *Jenkins*; and an indefinite demotion in *Gervais*.

[236] He considered the mitigating circumstances. He reviewed the 18 factors in the *Conduct Measures Guide (Supplement)*¹⁸ and described how, in his opinion, Constable Mongeau meets these factors. He added that these factors should be considered to reduce the severity of the conduct measures imposed by the Conduct Board.

[237] The Subject Member Representative conceded that the conduct measures in this case could include dismissal as, taken together, the established allegations constitute serious misconduct.

[238] However, given the mitigating circumstances presented, the presumption of the least onerous disposition and the principle that corrective and remedial dispositions should prevail, the Subject Member Representative suggested that the Conduct Board impose a financial penalty of 60 days, submitting that Constable Mongeau's inability to remain a member of the RCMP has not been established by the Conduct Authority.

Applicable legal principles

[239] In their submissions on conduct measures, the parties referred to the *Phase 1 Report*,¹⁹ in which the authors identify five principles that serve as a foundation for crafting a fit conduct measure.

[240] The first principle articulated is that "[a] conduct measure must fully accord with the purposes of the police complaint and discipline process".²⁰ In determining a fit conduct measure,

¹⁵ *Commanding Officer "K" Division and Constable D. Greenlaw*, 2019 RCAD 22 [*Greenlaw*].

¹⁶ *Commanding Officer, "T" Division and Corporal Mark Jenkins*, 2018 RCAD 4 [*Jenkins*].

¹⁷ *Commanding Officer, "C" Division and Corporal René Gervais*, 2018 RCAD 6 [*Gervais*].

¹⁸ *Conduct Measures Guide (Supplement)*, May 2019, at page 5.

¹⁹ *Phase 1 Report*.

²⁰ *Phase 1 Report*, at page 21, at paragraph 4.1.

these purposes consist of four 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”.²¹

[241] The second fundamental principle identified in the *Phase 1 Report* holds that corrective and remedial dispositions should prevail, where appropriate. Paragraph 36.2(e) of the *RCMP Act* also refers to this principle.

[242] The third fundamental principle is the presumption that the Conduct Board impose the least onerous disposition, which presumption would be displaced if the public interest or other specified considerations should prevail.

[243] As defined by the Supreme Court of Canada and various courts of appeal, the fourth principle provides that a higher standard applies to police officers’ conduct.²²

[244] Finally, the fifth fundamental principle involves proportionality or parity of sanctions.²³ This principle requires that the Conduct Board “identify the relevant proportionality considerations”, “assess whether each relevant proportionality consideration is mitigating or aggravating or neutral”, and then “appropriately balance (or ‘weigh’) those considerations”.

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

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

Decision on conduct measures

[247] I will begin my analysis by determining the range of appropriate conduct measures and then review the aggravating and mitigating factors. Finally, I will briefly explain how I weighed

²¹ *Commanding Officer, “K” Division and Constable Ryan Deroche*, 2022 CAD 13 [*Deroche*], at paragraph 82.

²² *Montréal (City) v Quebec (Commission des droits de la personne et des droits de la jeunesse)*, 2008 SCC 48, at paragraphs 33 and 86.

²³ *Phase 1 Report*, at page 21, at paragraph 7.1.

these factors in balancing the interests of the public, the RCMP, the Subject Member and the victim (Constable Mongeau's ex-spouse) in reaching my decision.

Range of conduct measures

[248] Regarding the range of appropriate conduct measures, I considered the arguments made by the parties' representatives and the decisions submitted in support of their respective positions. Given that the allegations in this case all share a common denominator—disregard for the rules, directions and the law over a one-year period—I consider that appropriate conduct measures range from a financial penalty of 45 days' pay or more plus other conduct measures, including demotion, to a direction to resign or dismissal.

Mitigating factors

[249] Mitigating circumstances do not constitute a justification or an excuse for misconduct. In fairness to the subject member, they may be taken into consideration to reduce the severity of the imposed sanction in order to appropriately deal with the misconduct.

[250] The Subject Member Representative submitted that Constable Mongeau has no prior discipline, nor has he any negative performance logs or negative comments in any of his performance evaluations. On the contrary, and as proven by the letter of recommendation and testimony of his supervisor, Sergeant Éric Paradis, Constable Mongeau is considered to be a well-trained, experienced police officer whose performance is above average. This is a mitigating circumstance.

[251] The Subject Member Representative noted that the fact that Constable Mongeau has admitted most of the particulars and the allegations is a mitigating circumstance. I agree that this is a mitigating circumstance.

[252] In his testimony before the Conduct Board, Constable Mongeau apologized for his conduct. The Subject Member Representative argued that this apology demonstrates remorse. But the Conduct Authority Representative questioned the genuineness of the apology.

[253] I recognize that Constable Mongeau's apology is a mitigating factor. But I wonder if Constable Mongeau truly recognizes that his conduct was totally unacceptable as, in his testimony, he always seemed to have an explanation to justify his actions.

[254] For example, in attempting to justify the fact that, on two occasions, he failed to obey the refusal of his secondary employment application, he blamed the officer who refused it since the latter took four months to reply to his request for permission. According to Constable Mongeau, the Officer should have replied within 30 days. I note that Constable Mongeau was informed of the refusal on November 3, 2021, and that, despite this, he appeared in *District 31* six times after that date. For this reason, I place very little weight on Constable Mongeau's remorse as a mitigating factor.

[255] Constable Mongeau also has the support of his supervisor, as appears from Sergeant Paradis's letter of recommendation and testimony. Moreover, he submitted two letters of recommendation from co-workers. This is a mitigating circumstance.

[256] However, I note that Sergeant Paradis, the co-workers and even Mr. Lefort were unaware of the extent of the allegations against Constable Mongeau. For this reason, I give this mitigating factor little weight.

[257] The Subject Member Representative submitted the stress in Constable Mongeau's personal life as a mitigating circumstance. In this regard, he mentioned Constable Mongeau's testimony about his problems with his spouse at the time. I accept that these circumstances are a mitigating factor.

[258] As an additional mitigating circumstance, the Subject Member Representative pointed out that Constable Mongeau cooperated with the SQ in the criminal investigation, particularly regarding the firearms and the magazines stored at his mother's. I do indeed consider this to be a mitigating circumstance.

[259] After a careful review, I find that a number of the factors proposed by the Subject Member Representative cannot be considered to be mitigating circumstances.

[260] As an additional mitigating circumstance, the Subject Member Representative submitted that Constable Mongeau experienced work-related stress and worked a great deal of overtime at the time of the incidents in question. The Subject Member Representative mentioned the testimony of Mr. Lefort in support of this.

[261] The Subject Member Representative alleged that Constable Mongeau's actions are unusual and took place during what was a [translation] "low" or [translation] "difficult" period for Constable Mongeau. Unfortunately, I cannot accept these factors as mitigating circumstances. Considering that these actions took place for over a year, I am not at all persuaded that they can be characterized as unusual.

[262] According to the Subject Member Representative, Constable Mongeau tried to see someone and did indeed see a specialist and had counselling sessions with a psychologist. He noted that Constable Mongeau had 17 sessions with Mr. Lefort. However, these sessions started in May 2023, after the fifth *Notice of Conduct Hearing* was served. Moreover, the so-called letter from Mr. Lefort is merely his opinion that Constable Mongeau regrets his actions and will never breach the Code of Conduct again. However, Mr. Lefort did not submit any evidence or other material to support this opinion, and he did not testify as an expert.

[263] The Subject Member Representative ended by submitting that Constable Mongeau testified that he had participated in other psychological counselling and support programs between March 2021 and May 2023. However, as noted by the Conduct Authority Representative, Constable Mongeau did not provide any evidence to establish this testimony. Therefore, I cannot accept this factor as a mitigating circumstance.

Aggravating circumstances

[264] Aggravating circumstances are circumstances attending to the commission of the misconduct that increases its guilt or enormity or adds to its injurious consequences. I have identified several aggravating circumstances in this case.

[265] First, the gravity of the misconduct in this case has to be acknowledged. Trespassing at night on the property of another to engage in misconduct, failing to comply with no-contact

conditions in his promise to appear, failing to respect a public health directive of the Government of Quebec, being in the possession of three prohibited devices while a police officer, and, finally, disobeying a lawful order. I find that these contraventions of the Code of Conduct display an obvious lack of professionalism by Constable Mongeau.

[266] Second, as noted by the Conduct Authority Representative, Constable Mongeau was charged with and convicted of a serious criminal offence. She drew my attention to the *Phase 2 Report*,²⁴ where the authors cite *Fraternité des policiers de Lévis*:

43 ... [all] criminal offences committed by a municipal police officer will be connected to his or her employment due to the importance of public confidence in the police officer's abilities to discharge his or her duties.²⁵

...

[Translation]

51 ... The functions of the police officer are such that the public has a right to expect that his or her behaviour will be of a high standard, conform to the requirements of the law and will warrant the respect and confidence due to those entrusted with enforcing the law and more specifically that he or she will not commit a criminal act.²⁶

[267] I agree with these excerpts and the opinion of the Conduct Authority Representative. It is not unreasonable for the Conduct Authority to request dismissal of the employee in this case given that he has been convicted of a serious criminal offence.

[268] I also agree with the Conduct Authority Representative that the implications of *McNeil* are a further aggravating circumstance. Constable Mongeau now has a disciplinary record indicating his conviction of a criminal offence and his failure to comply with court orders. Even though *McNeil* only compels the disclosure of relevant information, I find it hard to imagine a criminal proceeding in which this information would not be considered to be relevant.

²⁴ Ceyssens, Paul and Childs, Scott. "Phase 2" *Final Report Concerning Conduct Measures and Related Issues under Part IV of the Royal Canadian Mounted Police Act*, January 31, 2023 (*Phase 2 Report*), at paragraphs 3.2 and 3.4.

²⁵ *Fraternité des policiers de Lévis*, 2007 SCC 14, at paragraph 43.

²⁶ *Fraternité des policiers et policières de Montréal c. Sûreté du Québec*, 2007 QCCA 1086, at paragraph 51.

[269] The fact that Constable Mongeau's actions were deliberate, planned and premeditated is another aggravating circumstance in my opinion. As noted by the Conduct Authority Representative, it increases the level of Constable Mongeau's culpability.

[270] I recognize that Constable Mongeau has now reconciled with his spouse, Ms. M.L. But in March 2021, his conduct had a negative impact on her. At the time, according to her statement to the SQ, she was afraid of Constable Mongeau and wondered what he was capable of.

[271] Another aggravating circumstance is the fact that Constable Mongeau's conduct led to the intervention of another police force, the SQ, a partner of the RCMP in "C" Division. The SQ had to use resources to investigate Constable Mongeau's conduct.

[272] Finally, I note that Constable Mongeau's conduct continued over a prolonged period, from March 2021 to March 2022. Despite the fact that Constable Mongeau was suspended from his duties in March 2021, he continued to violate the Code of Conduct over this time, leading to four further *Notices of Conduct Hearing*. This is also an aggravating circumstance.

Analysis

[273] I recognize the presumption that the least onerous disposition should be imposed. However, this presumption must be displaced if it is essential to the public interest.

[274] Even though I have recognized that there are some mitigating circumstances in this case, I conclude that they are not significant enough to counter the seriousness of the misconduct such as to ultimately reduce the sanction that I feel necessary given the nature of the misconduct and Constable Mongeau's disregard for the administration of justice.

[275] As I mentioned in my determination of the aggravating circumstances, Constable Mongeau's actions betray an obvious lack of professionalism and judgment. All RCMP members must ensure the proper administration of justice, which includes any terms and conditions prescribed by law, directions or legal enactments such as those to which all of the allegations against Constable Mongeau refer.

[276] I consider deterrence to be of particular importance in this case, not only as a warning to other members, but also as insurance that this unacceptable behaviour is not repeated.

[277] I agree with the Conduct Authority Representative and find it inconceivable and deeply concerning that a police officer, to whom the public and his employer have given their trust, failed to comply with various statutes, rules and directions and did so repeatedly and flagrantly over some time.

[278] Moreover, it is my opinion that the public interest must prevail and that only a serious measure can maintain the public trust in the RCMP and its ability to manage its employees and its mandate.

[279] The essential elements of an RCMP employee's employment contract reflect the RCMP's core values: integrity, respect, compassion, accountability and excellence in service delivery.

[280] I find that, through his misconduct, Constable Mongeau violated several of the RCMP's core values. His actions constitute a fundamental breach of the public trust and a repudiation of his obligations as a member of the RCMP.

[281] Given the nature of the established allegations, I simply cannot justify retaining Constable Mongeau as a member of the RCMP.

DISPOSITION

[282] Having found the allegations established and in accordance with paragraph 45(4)(b) of the *RCMP Act*, I direct Constable Mongeau to resign from the RCMP within 14 days, in default of which he is to be dismissed.

[283] Either party may appeal this decision by filing a statement of appeal with the Commissioner within the limitation period set out in section 45.11 of the *RCMP Act* and in accordance with the rules set out in the *Commissioner's Standing Order (Grievances and Appeals)*, SOR/2014-289.

Louise Morel
Conduct Board

March 18, 2025
Date