

**Publication ban:** Any information that could identify the Complainant, Constable T.D., or one of the witnesses, Corporal B.G., must not be published, broadcast or transmitted in any way.



**ROYAL CANADIAN MOUNTED POLICE**

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

Between:

**Designated Conduct Authority for "H" Division**

(Conduct Authority)

and

**Constable Terrance Justin Sanford**  
Regimental Number 64309

(Subject Member)

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**CONDUCT BOARD DECISION**

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Sabine Georges and Jon Soltys

(Conduct Authority Representatives)

Nasha Nijhawan

(Subject Member Representative)

**CONDUCT BOARD:** Sandra Weyand

**DATE:** July 17, 2025

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## **SUMMARY**

On July 10, 2024, Constable Terrance Justin Sanford was served a *Notice of Conduct Hearing*. It contained two alleged contraventions of section 7.1 of the RCMP Code of Conduct. Constable Sanford was alleged to have made inappropriate comments of a sexual nature and to have exposed himself to two other members.

On May 5, 2025, having heard from six witnesses, including Constable Sanford, the Conduct Board found both Allegations to be established.

On May 8, 2025, the Conduct Board heard submissions on conduct measures. Subsequently, on May 9, 2025, the Conduct Board directed for Constable Sanford to resign from the RCMP within 14 days, failing which, he will be dismissed.

## INTRODUCTION

[1] On December 5, 2023, the Conduct Authority signed a *Notice to the Designated Officer* to request the initiation of a conduct hearing in relation to this matter. On December 18, 2023, I was appointed as the Conduct Board, pursuant to subsection 43(1) of the *Royal Canadian Mounted Police Act*, RSC, 1985, c R-10 [*RCMP Act*].

[2] On July 10, 2024, Constable Terrance Justin Sanford was served with a *Notice of Conduct Hearing*, dated June 17, 2024, along with the investigation package. The *Notice of Conduct Hearing* contains two Allegations of discreditable conduct for making inappropriate comments of a sexual nature and for exposing himself to two other members, both in contravention of section 7.1 of the RCMP Code of Conduct.

[3] On August 8, 2024, Constable Sanford provided a response to the Allegations, pursuant to subsection 15(3) of the *Commissioner's Standing Orders (Conduct)*, SOR/2014-291.

[4] On February 28, 2025, I issued a *Determination of Established Facts*.

[5] From April 29, 2025, to May 2, 2025, the Conduct Hearing was held in person, in Sydney, Nova Scotia. I heard evidence from six witnesses, including Constable Sanford.

[6] The Conduct Hearing then continued virtually. Moreover, on May 5, 2025, I delivered the oral decision on the Allegations. I found the Allegations to be established on a balance of probabilities.

[7] On May 8, 2025, I heard submissions on conduct measures from the parties. On May 9, 2025, I delivered my oral decision on conduct measures. I directed Constable Sanford to resign from the RCMP within 14 days of my oral decision, failing which, he would be dismissed.

[8] This written decision incorporates and expands upon both oral decisions.

## Publication ban

[9] On April 29, 2025, at the outset of the Conduct Hearing, I made an order restricting the publication of the identity of the Complainant, pursuant to paragraph 45.1(7)(a) of the *RCMP Act*.

Consequently, any information that may identify the Complainant, Constable T.D., must not be published, broadcast or transmitted in any way.

[10] That same day, I also made an order restricting the publication of the identity of one of the witnesses. Consequently, any information that may identify that witness, Corporal B.G., must not be published, broadcast or transmitted in any way.

## ALLEGATIONS

[11] The Allegations, as set out in the *Notice of Conduct Hearing*, read as follows:

### Particular common to all Allegations

1. At the time of these allegations, you were a member of the Royal Canadian Mounted Police (“RCMP”) posted to “H” Division, [Detachment location] working as a general duty investigator.

### Allegation 1:

On or between December 1, 2020, and December 11, 2022, at or near [location], in the Province of Nova Scotia, Constable Terrance Justin Sanford did conduct himself in a discreditable manner contrary to section 7.1 of the *Code of Conduct of the Royal Canadian Mounted Police*.

### Particulars of Allegation 1:

2. One day at the [Detachment location], you asked Constable [T.D.] questions about her sexual relationship with her partner, specifically you asked “*Can your boyfriend keep up with you?*” or words to that effect.

3. Constable [T.D.] replied something to the effect of being sexually satisfied by her partner. You then responded “*Well you haven’t fucked me yet*” or words to that effect. Constable [T.D.] responded by saying in no uncertain terms, “*Well, that’s never happening.*”

4. On a night shift, you were working with Constable [T.D.] and took her up to [location], a remote wooded location. You turned off the police vehicle and asked Constable [T.D.], “*Parking?*” This is a term also known to reference engaging in sexual acts in a parked car. She replied “*No.*”

5. One day at the [Detachment], you observed Constable [T.D.] coughing and you said to her, “*Come here and I’ll give you something to choke on*” or words to that effect, in reference to performing fellatio.

6. On another occasion at the [Detachment], you observed Constable [T.D.] picking up a document from the floor and you said “*Yeah, that’s right. Get on your knees*” or words to that effect.

7. [Corporal B.G.] overheard this and warned you that you can't speak to Constable [T.D.] that way. Constable [T.D.] also advised you directly to stop speaking to her in that manner.

8. During a night shift at [the Detachment], Constable [T.D.] was attempting to rest. You entered the location where she was resting in and asked her "*Any other time you want to rest your eyes, would you do it with less clothing on?*" or words to that effect.

9. One morning, you observed Constable [T.D.] had spilt coffee on her leg and asked her "*Did you squirt all over your leg?*" or words to that effect.

10. On another occasion, you asked your co-workers "*Have you guys ever thought of what it would be like to fuck [Constable T.D.]?*" or words to that effect.

11. On yet another occasion, you offered Constable [T.D.] some grapes and when she ate them you said to her that "*You can handle two balls in your mouth,*" or words to that effect, in reference to two testicles.

12. [Particular withdrawn by Conduct Authority on April 30, 2025.]

13. Your behaviour towards Constable [T.D.] was highly inappropriate. Your behaviour also amounted to sexual harassment and constituted discreditable conduct.

#### **Allegation 2:**

On or between December 1, 2021 and January 1, 2022, at or near [location], in the Province of Nova Scotia, Constable Terrance Justin Sanford did conduct himself in a discreditable manner contrary to section 7.1 of the *Code of Conduct of the Royal Canadian Mounted Police*.

#### **Particulars of Allegation 2:**

14. On one occasion, you were working with Constable [T.D.] and [Corporal B.G.] in the bullpen when you made reference to your penis size as your "*third leg*."

15. In response, [Corporal B.G.] stated "*Oh my God, I'm so sick and tired of you going off about your supposed big dick*."

16. [Corporal B.G.] had grown tired of your unwelcome sexual comments and stated "*All right, either shut up or prove it,*" hoping you would stop and move on.

17. In response, you stood up, unbuckled your belt, pulled your pants down and exposed your penis to [Corporal B.G.] and Constable [T.D.].

18. Your behaviour towards [Corporal B.G.] and Constable [T.D.] was highly inappropriate. Your behaviour also amounted to sexual harassment and constituted discreditable conduct.

[*Sic throughout*]

## **Determination of established facts**

[12] On February 28, 2025, I issued a *Determination of Established Facts*. Following the Conduct Hearing, I made additional findings of fact, which I will provide later in this decision.

[13] The facts outlined in the *Determination of Established Facts* read as follows:

1. At all material times, Constable Sanford was a member of the Royal Canadian Mounted Police (“RCMP”), posted to “H” Division, [Detachment location], working as a general duty investigator.

### **Facts Related to Allegation 1**

2. One day, at the [Detachment location], Constable Sanford asked [Constable] T.D., “Can your boyfriend keep up with you?” or words to that effect.
3. On a night shift, Constable Sanford was working with [Constable] T.D. and took her up to [location], a remote wooded location.

### **Facts Related to Allegation 2**

4. On one occasion, Constable Sanford was working with [Constable] T.D. and [Corporal] B.G. in the bullpen. Conversation turned to Constable Sanford’s penis size.
5. [Corporal] B.G. stated, “Oh my God, I’m so sick and tired of you going off about your supposed big dick.”
6. In response, Constable Sanford stood up, unbuckled his belt, and pulled down his underwear, exposing parts of his penis.

## **Evidence**

[14] The Record before me contains the Code of Conduct Investigation Report, including its associated appendices, and Constable Sanford’s subsection 15(3) response to the Allegations, including photos and copies of text messages in support of his response.

[15] At the Conduct Hearing, I heard oral evidence from Constable T.D., Corporal B.G. and Constable Wesley Shanahan in support of the Conduct Authority’s case and from Constable Aaron Brown, Mrs. Christina Sanford and Constable Sanford in support of the Subject Member’s case.

[16] In arriving at my findings on the Allegations, I have considered my *Determination of Established Facts* in conjunction with the Record and the oral evidence received at the Conduct Hearing.

*Credibility and reliability assessment*

[17] This matter centres largely around a credibility determination. As the Subject Member Representative points out, when there are two conflicting stories about the same event, a determination must be made as to which version is preferred over the other.

[18] In assessing a witness's evidence, I must consider whether they are being truthful and whether their evidence is reliable. That is whether the witness is in a position to accurately perceive and recollect what they observed. I may find a witness's evidence to be truthful, but unreliable. It is also open to me to accept some, none or all of a witness's evidence on a given point.<sup>1</sup>

[19] The British Columbia Court of Appeal notes that a witness's evidence cannot be assessed solely on their demeanour,<sup>2</sup> that is, that they appear to be telling the truth. Rather, a decision maker must determine whether the witness's story is consistent with the most probable interpretation of the surrounding facts.

[20] The determination of whether the witness's account has an air of reality is subjective, but it must be grounded in the totality of the evidence.<sup>3</sup>

[21] The Supreme Court of Canada notes that a finding that one party is credible may be a conclusive result, because believing one party will mean explicitly or implicitly that the other party was not believed on the important issues of the case.<sup>4</sup>

[22] This becomes especially true when the allegations are altogether denied by the defending party, as is the case with the majority of the Particulars in this matter.

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<sup>1</sup> *R. v R.E.M.*, 2008 SCC 51, at paragraph 65.

<sup>2</sup> *Faryna v Chorny*, [1952] 2 DLR 354, at page 357.

<sup>3</sup> *F.H. v McDougall*, 2008 SCC 53 [*McDougall*], at paragraph 58.

<sup>4</sup> *McDougall*, at paragraph 86.

[23] In assessing each witness's credibility, I have considered several factors as outlined in jurisprudence, including:

- a) the capacity and opportunity of the witness to observe the events at issue;
- b) the witness's ability to remember those events;
- c) the ability of the witness to resist being influenced by their interest in recalling those events;
- d) internal and external inconsistency in the witness's evidence, in other words, whether their testimony changed over time;
- e) whether the witness's evidence harmonizes with or is contradicted by other evidence, particularly independent or undisputed evidence;
- f) whether the witness's evidence seems unreasonable, improbable or unlikely; and
- g) the witness's demeanour while testifying (which should be approached with caution).

[24] I will now outline my credibility and reliability assessments of each witness prior to engaging in a full analysis on the Allegations.

***Corporal B.G.***

[25] Corporal B.G. was very blunt and to the point in his testimony with respect to Allegation 2. He did not have much to offer when it came to Allegation 1, often stating that he "did not recall". Corporal B.G. was forthcoming in sharing that he is a close friend of Constable Sanford's. That said, I did not find that he tailored his evidence to favour his friend. However, I also did not find him to ponder over whether he remembered any comments made by Constable Sanford when pressed. He was simply quick to answer that he did not recall. Overall, I did find his testimony on the elements he was able to share to be credible and reliable.

***Constable Shanahan***

[26] Constable Shanahan took his time in answering the questions that were posed to him and seemed to provide his responses to the best of his ability, indicating that he "did not recall" when that was the case.

[27] The Subject Member Representative wishes for me to find that Constable Shanahan's evidence is not reliable because he was slow to respond. I disagree.

[28] I found Constable Shanahan to be contemplative while testifying, taking special care to recall any incident or comment accurately. While he was pushed with respect to his independent memory, he confirmed his recollection. To his credit, he did not speculate and has been consistent throughout the statements he has given.

[29] The Subject Member Representative also classified him as a very suggestible witness, specifically referring to the Serious Incident Response Team investigator suggesting to him that he had overheard a specific comment rather than having remembered it independently. As I will discuss further in my analysis of that Particular, I do not adopt that conclusion. I found Constable Shanahan's evidence to be credible and reliable.

***Constable Brown***

[30] I only briefly mention Constable Brown, given that, while he testified during the Allegations Phase of the hearing, provided no direct evidence on any of the Particulars set out in the *Notice of Conduct Hearing*. He did provide forthright character evidence, and I found him to be credible and reliable in that regard.

***Mrs. Sanford***

[31] With respect to Mrs. Sanford's testimony, I note that I place minimal weight on her evidence where it relates to incidents and information relayed to her by her husband.

[32] I did find Ms. Sanford to be a credible and reliable witness, appearing confident, well spoken and unwavering. As such, where her evidence speaks to her direct knowledge of events or her husband's character, I retain her testimony.

***Constable Sanford***

[33] Constable Sanford outright denied most of the alleged incidents. In addition, at times, he appeared to focus on self-preservation. For example, Constable Sanford was steadfast in that he

tells his wife everything. However, when recounting the exposure incident in Allegation 2, when asked whether he told his wife that he was more engaged in the discussion than the version of events he relayed to his wife, he admitted that he never told her that part. This concerned me greatly, as Constable Sanford appeared to choose a more self-serving version of events when recounting incidents.

[34] I found that he minimized his responsibility for his actions and that he changed his body language and tone during cross-examination. Moreover, he appeared irritated, for example, one time he even exasperatedly stated that he was annoyed that the Conduct Authority Representatives were still going on about the same point.<sup>5</sup>

[35] In addition, I found that it appeared that Constable Sanford did not understand the seriousness of the Allegations against him. I observed him laughing when Corporal B.G. was providing evidence about certain comments and jokes that were made in the Detachment.

[36] I did find Constable Sanford to be well spoken and confident. Having said that, I found him to be appropriately emotional, given the jeopardy in which he finds himself and in relation to comments or actions he recounted that triggered past trauma. Overall, I find Constable Sanford to be credible but question the reliability of his evidence.

***Constable T.D.***

[37] I found Constable T.D. to be calm and composed during what was difficult and emotional testimony. I found her to be truthful and sincere. She appeared engaged, listened to questions and answered completely. Constable T.D. remained respectful throughout and did not waver on cross-examination. Her body language remained the same during the examination in chief and cross-examination. I found her to be articulate, making her best efforts to recall incidents and to answer questions.

[38] The Subject Member Representative suggested that Constable T.D.'s lack of ability to narrow down time frames negatively affects her credibility, as do other inconsistencies in her

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<sup>5</sup> Transcript Volume 3, at page 445, at line 16.

evidence. Regarding the latter, the Subject Member Representative points to changes in her statements over time.

[39] The Conduct Authority Representatives, on the other hand, note that a witness's recollection does not need to be perfect. Furthermore, they stated that it would be unfair to impose such a burden on a complainant, considering normal human recollection and recount.

[40] In Constable T.D.'s case, she gave several statements over the last few years. Some interviewers were more thorough than others and would have had different interviewing styles. In addition, Constable T.D. would have had differing lengths of time to think about the details of each of the alleged incidents.

[41] Specifically, Constable T.D. provided statements spanning over a period of two and a half years. It is not unreasonable for her to have considered each incident more as time went on. At the same time, memories fade, so one may recall more details but with less precision.

[42] Constable T.D. explained that different interviews focused on different elements. For example, the Serious Incident Response Team interview was focused on what forms the basis of Allegation 2. Therefore, Constable T.D. did not provide the level of detail on the alleged comments made at that time versus when completing her occurrence report for the Independent Centre for Harassment Resolution process that was much more detailed with respect to the context surrounding each alleged comment.

[43] In addition, Constable T.D. explained that she did not keep notes, was under a lot of stress and was suffering from depression during the time following the incidents when she was asked to recall the events.

[44] Constable T.D. was candid in that her interpretations were based on her experiences and perception and that she cannot confirm Constable Sanford's true intentions. Constable T.D. was open to considering other interpretations of events, which goes against her own interest and bolsters her credibility.

[45] Ultimately, I must decide whether Constable T.D.'s testimony was consistent on the core issues. I find that it was. She recalled specific details of the fundamental components of each

incident, which have stayed consistent over time. Moreover, I find that any inconsistencies or uncertainty as to specific dates or marginal details are peripheral in nature. I find Constable T.D. to be a credible and reliable witness.

[46] The Subject Member Representative suggested that Constable T.D. may have been influenced by her boyfriend in bringing forth the Allegations. I find this to be entirely speculative. I acknowledge the Subject Member Representative's point that the investigation in this file was lacking and I will take this into account when considering whether the Conduct Authority has met its burden of proof. However, I cannot agree that Constable T.D. was in any way guided by anyone or anything other than her own experiences in bringing this matter forward. I have not been presented with any evidence that would suggest otherwise.

[47] As a result, on the totality of the evidence before me, where I only have Constable Sanford's and Constable T.D.'s accounts of a given situation and the two diverge, I prefer the evidence of Constable T.D. I reiterate that the evidence provided still needs to be clear, cogent and convincing, and it may be disputed by documentary evidence or other opposing evidence.

## **Analysis**

### *Discreditable conduct test*

[48] Section 7.1 of the Code of Conduct states: "Members behave in a manner that is not likely to discredit the Force." This means that members of the RCMP should, whether on or off duty, consider how their actions and behaviours affect their ability to preserve their credibility and the public's trust in the RCMP.

[49] To establish discreditable conduct under section 7.1 of the Code of Conduct, the Conduct Authority must establish each of the following on a balance of probabilities:

- a) the identity of the subject member;
- b) the particulars of the allegations that constitute the alleged behaviours;
- c) whether a reasonable person, with knowledge of all relevant circumstances, including the realities of policing in general, and the RCMP in particular, would be of the opinion

- that the conduct of the subject member is likely to discredit the RCMP, having due regard for reasonable expectations of the community about police behaviour; and
- d) whether the conduct is sufficiently linked to the duties and functions of the member to give the RCMP a legitimate interest in disciplining the member.

[50] To establish the act or acts constituting the alleged conduct, it must be demonstrated that the particulars that are essential to the allegations have in fact occurred. It is not necessary to establish every particular, just enough so that those that are established meet the threshold of discreditable conduct.

[51] Whether conduct is discreditable is a matter of law, which must be determined in the specific context and in view of all the circumstances of the case. Furthermore, the term “discreditable”, given its natural and common meaning, must be applied in relation to the special obligations and duties of the profession.

[52] The onus is on a conduct authority to demonstrate on a balance of probabilities that the allegation is established. As stated by the Supreme Court of Canada, the evidence must be “sufficiently clear, convincing and cogent to satisfy the balance of probabilities test”.<sup>6</sup>

[53] Before I discuss the Allegations, I note that while the contraventions to the Code of Conduct were framed as a breach of section 7.1, the Conduct Authority also particularized the alleged actions as amounting to sexual harassment, thereby importing elements of the test for section 2.1 of the Code of Conduct into the analysis of the present matter. However, I do not need to find that the alleged contraventions amount to sexual harassment to establish the Allegations under section 7.1 of the Code of Conduct.

[54] Furthermore, the framing of the Allegations makes for a somewhat cumbersome analysis. For future conduct matters, I encourage the Conduct Authority to fully analyze the facts of each case to identify the appropriate Code of Conduct section under which to frame an allegation. Sexual harassment in the workplace is its own allegation and not ordinarily used to increase the seriousness of actions as part of a section 7.1 analysis, as it was presented here. Nevertheless, I

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<sup>6</sup> *McDougall*, at paragraph 46.

will incorporate the sexual harassment component in my assessment, seeing that it is detailed as such in the Particulars.

*Definition of sexual harassment*

[55] Given the sexual harassment component, I wish to define sexual harassment prior to delving into the analysis of the Allegations.

[56] At the time of the relevant incident, the applicable RCMP policy was being updated to reflect the changes that were made to the *Canada Labour Code*, RSC, 1985, c L-2 [*Canada Labour Code*]. Moreover, Chapter XII.8 “Investigation and Resolution of Harassment Complaints” of the RCMP *Administration Manual* was rescinded in January 2021 and replaced with Chapter 2.1 “Work Place Harassment and Violence Prevention, Investigation, and Resolution” at the end of July 2021.

[57] While *Administration Manual* 2.1 did not come into effect until July 30, 2021, the *Canada Labour Code* was applicable to the RCMP, as a federally regulated employer, starting in January 2021.

[58] Seeing that the incidents at issue took place sometime between early 2021 and December 2022, the definition of sexual harassment at *Administration Manual* 2.1 (July 30, 2021, version), section 2.1.25, is useful. It reads:

2. 1. 25. **Sexual harassment** means any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation to any employee, or that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment, or on any opportunity for training or promotion.

[59] The definition in *Administration Manual* 2.1 provides a good indicator of how sexual harassment may be defined when considering the *Canada Labour Code*. Having said that, given that the policy was not in effect during the earlier range of the alleged incidents, I will also consider the Treasury Board’s adopted definitions at that time as well as existing jurisprudence.

[60] Moreover, Treasury Board, and the RCMP, also accepted the definition of sexual harassment in the workplace by the Supreme Court of Canada:

[...] Sexual harassment in the workplace may be broadly defined as unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for the victims of the harassment. [...]<sup>7</sup>

[61] The RCMP *Conduct Measures Guide* (November 2014 version), at page 13, further specifies that sexual harassment is:

[...]  
“any conduct, comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation to any employee, or that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.”  
[...]

[62] In addition, I note that jurisprudence, such as the decisions in *Foerderer*<sup>8</sup> and *CUPE*,<sup>9</sup> also make it clear that the lack of intention to cause harm does not relieve the individual of responsibility.

[63] Broadly speaking, the Particulars that constitute the alleged behaviours are that Constable Sanford made several comments to or about Constable T.D. that were improper and that he inappropriately exposed himself in the Detachment. In applying the test under section 7.1 of the Code of Conduct, I will address each alleged incident as set out in the *Notice of Conduct Hearing* to determine whether the acts occurred as alleged.

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<sup>7</sup> *Janzen v Platy Enterprises Ltd*, [1989] 1 SCR 1252 [*Janzen*], at part V.

<sup>8</sup> *Foerderer v Nova Chemicals Corporation*, 2007 ABQB 349 (CanLII) [*Foerderer*], at paragraph 94.

<sup>9</sup> *Calgary City and CUPE, Local 709 (Schmaltz)*, 2017 CarswellAlta 308 [*CUPE*].

*Allegation 1*

***Has the identity of the member been established?***

[64] Constable Sanford's identity is not in question. Therefore, prong 1 of the test for discreditable conduct for Allegation 1 is met.

***Did the Particulars occur as alleged?***

[65] Particular 2 outlines the first incident at issue. It relates to the only statement Constable Sanford admits to making. Specifically, Constable Sanford asked Constable T.D., "Can your boyfriend keep up with you?" While he admits to making the statement, Constable Sanford contests the context in which the statement was made and, specifically, that it was sexual in nature.

[66] Constable Sanford explains that the comment was made during his very first conversation with Constable T.D. He outlines that the two shared their experiences at Depot, which prompted Constable T.D. to relay further details about her on-again, off-again relationship with her boyfriend, her sexual orientation and infidelity within her relationship, struggles with her mental health, as well as the fact that she and her boyfriend had met by way of an encounter as a threesome.

[67] With respect to the latter, Constable Sanford testified that Constable T.D. enquired whether he and his wife have ever engaged in a similar sexual act. He states that he took this as Constable T.D. offering to be the third in a sexual encounter with him and his wife. Constable Sanford further states that he did not want to talk about this topic and attempted to deflect by asking "Can your boyfriend keep up with you?" Constable Sanford explains that this comment was in relation to Constable T.D. speaking to several issues and jumping from one topic to another. He does also admit that Constable T.D. answered by saying that she was sexually satisfied by her boyfriend.

[68] Constable T.D. agrees that the two were talking about their experiences at Depot as well as her relationship status and threesomes. Constable T.D. admits to being very open and sharing personal details with Constable Sanford and others in general. She states that Constable Sanford asked whether her boyfriend was a lot older than her, testifying that her boyfriend is about 20 years her senior. Constable Sanford then asked whether her boyfriend could keep up with her, which she

interpreted to mean sexually, so she responded that he is the best sex of her life and that this was not an issue.

[69] While the two accounts diverge slightly on the exact depth of details of the conversation, both agree that Constable T.D.'s relationship with her boyfriend was being discussed and that the conversation contained sexual references, with both Constable Sanford and Constable T.D. specifically relaying that the topic of threesomes arose.

[70] I have already found as an established fact, and Constable Sanford admitted, that the comment "Can your boyfriend keep up with you?" was made. I find that Constable Sanford's and Constable T.D.'s accounts of this conversation both reference that they were discussing sexual topics and that both agree that Constable T.D.'s answer to the posed question was that her boyfriend was the best sex of her life, which corroborates Constable T.D.'s understanding that Constable Sanford's enquiry was with respect to whether her boyfriend could keep up with her sexually.

[71] I further find that given the topics they were discussing, the question could well be interpreted as one of a sexual nature. In fact, if Constable Sanford's account of the details discussed can be said to be correct, he viewed Constable T.D.'s question of whether he and his wife engage in threesomes as a sexual offering by Constable T.D., even though he conceded that Constable T.D. never actually overtly asked whether he and his wife wanted to have sex with her. He stated he inferred this from the type of conversation they were having; namely, one of a sexual nature. As such, I fail to grasp how he can then not understand why Constable T.D. would have taken his question, "Can your boyfriend keep up with you?", as a sexual reference.

[72] Therefore, I find that Particular 2 is established.

[73] Particular 3 flows out of the same conversation outlined in Particular 2. Specifically, the Particular alleges that Constable Sanford further responded, "Well you haven't fucked me yet" or words to that effect, and Constable T.D. responded by stating, "Well, that's never happening".

[74] Constable Sanford denies making this additional comment.

[75] I prefer Constable T.D.'s testimony on the recount of this conversation. I find that it is in keeping with the earlier part of the conversation. Based on the totality of the evidence, it is more likely than not that Constable Sanford would have responded with words to the effect as outlined after Constable T.D. claimed that her boyfriend is the best sex she has ever had.

[76] As such, I find Particular 3 to be established on a balance of probabilities.

[77] Particular 4 relates to a night shift during which Constable Sanford was working with Constable T.D. and took her to a remote wooded area. I have already established this element as fact in my *Determination of Established Facts*. The Particular goes on to specify that Constable Sanford turned off the police vehicle when they got to the wooded area and then asked Constable T.D. whether she wanted to go "Parking?", to which she replied that she did not.

[78] I heard evidence to explain that the term "parking" refers to engaging in sexual acts in a parked car.

[79] Constable Sanford denies ever having made any statements relating to parking. Furthermore, he explains that he took Constable T.D. to a location where he had made arrests in the past while conducting his usual patrols. He states that they did not stop the vehicle and that he did not make any suggestion about parking.

[80] Constable T.D. explains that Constable Sanford took her to the wooded area, parked the vehicle, exited the vehicle to urinate and when he came back into the car, asked her if she wanted to go parking, which she took to be a sexual reference, given that the car was already parked and this was her understanding of that phrase.

[81] There were no other witnesses present who could corroborate the evidence of either party. However, in this instance, I do have documentary evidence to show the GPS coordinates of the police vehicle as well as the speed at which the police vehicle was going and the corresponding time at which it was moving at that speed.

[82] This independent evidence establishes that the car was stopped at the wooded area location for 32 seconds, arguably too short of a time for someone to exit the vehicle, urinate, and then come back in to pose the question about parking, as Constable T.D. relayed. As such, I find

Constable T.D.'s recount of this event implausible and Constable Sanford's recollection of briefly showing Constable T.D. the area and turning the car around to head to their next destination more likely.

[83] Therefore, I do not have sufficiently clear, cogent and convincing evidence to find Particular 4 to be established.

[84] I now turn to Particulars 5, 6 and 9, which I will address together.

[85] Particular 5 outlines that, one day at the Detachment, Constable Sanford observed Constable T.D. coughing and said, "Come here and I'll give you something to choke on". Particular 6 outlines that, on another occasion, Constable Sanford observed Constable T.D. picking up a document from the floor and said, "Yeah, that's right. Get on your knees". Particular 9 relates to an occasion on which Constable T.D. had spilled coffee on her leg and Constable Sanford asking, "Did you squirt all over your leg?"

[86] All three Particulars are denied outright by Constable Sanford. No other witnesses were present when these comments were allegedly made, or no witnesses recalled this type of commentary. I also have no ancillary evidence to corroborate or discount the version of events relayed by Constable T.D., who testified before me as to the context in which each of the comments was made. Her account was clear and convincing and was not challenged on cross-examination.

[87] I have already outlined that I prefer Constable T.D.'s version of events overall. Thus, in the absence of evidence to the contrary, I find that the comments outlined in these Particulars occurred as alleged.

[88] Particular 8 speaks to a night shift when Constable Sanford entered an office in which Constable T.D. was resting and stated, "Any other time you want to rest your eyes, would you do it with less clothing on?"

[89] Constable T.D. explains that this incident occurred very late at night. She was feeling tired and went to lay down in the Corporal's office, which was empty. She states that Constable Sanford entered the office without knocking or warning, and it was her perception that he tried to catch her in a state of undress. She states that she was wearing her full uniform, including her boots.

[90] Constable Sanford explains that a call had come in and he entered the office because Constable T.D. was not responding to the call for service, nor was she answering to knocks on the door. He claims that she had removed her duty belt, vest, boots, and uniform pants, and was only wearing long johns. He further explained that any comments with respect to Constable T.D.'s state of undress were related to her being unprepared for duty while on shift.

[91] Both members recall the context of this incident in a sufficiently similar manner, though they disagree on how Constable T.D. was dressed while resting and about the precise comment made by Constable Sanford. Suffice it to say that both agree that Constable Sanford's comment related to how Constable T.D. was dressed. Whether it was to comment on her readiness to take a call or with respect to some other reason, Constable Sanford made a comment with respect to the amount of clothing Constable T.D. was wearing. In terms of the exact wording, I have already outlined that I prefer Constable T.D.'s evidence where there are no other witnesses and the two accounts diverge.

[92] As such, I find the version of events outlined in Particular 8 occurred as alleged. Consequently, I find Particular 8 to be established.

[93] Particular 10 alleges that Constable Sanford asked two coworkers, "Have you guys ever thought of what it would be like to fuck [Constable T.D.]?"

[94] Constable Sanford outright denies having made this comment.

[95] The evidence supports that the coworkers that were asked this question were Corporal B.G. and Constable Shanahan. Constable Shanahan recalls this statement being made whereas Corporal B.G. testified that he did not.

[96] I find that Constable Shanahan has no motive to fabricate evidence. Furthermore, I have already discussed the Subject Member Representative's challenges to his testimony in my analysis of this witness's credibility.

[97] I do find that Constable Shanahan had an independent recollection of having heard Constable Sanford make this statement. I also find it to be a stretch to suggest that Constable Shanahan would adopt this version of events after someone told him that this is something he

overheard being said. Given the type of comment and its seriousness, I do not believe Constable Shanahan would have agreed to stating this comment was made if he did not actually remember hearing it. When pressed on this aspect during his testimony, Constable Shanahan confirmed his independent recollection of having heard this question being asked to him.

[98] As such, I find that Particular 10 has been established on a balance of probabilities.

[99] Lastly, Particular 11 speaks to an occasion where Constable Sanford offered Constable T.D. some grapes and when she ate them, allegedly said, “You can handle two balls in your mouth”.

[100] Constable T.D. explains that Constable Sanford had brought a jar of grapes into the Detachment, that she grabbed two grapes, put them in her mouth and chewed them, in response to which Constable Sanford made the alleged comment. She further explained that she interpreted the comment to be made in reference to two testicles.

[101] In his written response to the Allegations, Constable Sanford states that he did not make this comment. While providing his oral evidence at the hearing, he conceded that he does recall a time when Constable T.D. ate his grapes and he made a comment with respect to her putting too many grapes into her mouth at once because she was chewing them in an ill-mannered way. He explained further that he recalls speaking about the game “chubby bunny” where one puts as many marshmallows in one’s mouth as possible and likening it to the way in which Constable T.D. was eating the grapes.

[102] As in prior instances, both Constable T.D. and Constable Sanford recall this event occurring and a comment being made. The exact comment is recalled differently by each of them, but both agree that the comment related to the grapes in her mouth. As per my credibility and reliability assessment, I prefer Constable T.D.’s version of events and, as such, I find that the comment was made as alleged.

[103] Consequently, I find that Particular 11 is established.

[104] To summarize my findings of prong 2 of the test under section 7.1 with respect to Allegation 1, I find that the Conduct Authority has proven on a balance of probabilities that

Particulars 2, 3, 5, 6, 8, 9, 10, and 11 are established. Moreover, I will look at Particular 13 as part of my analysis for prong 3.

***Would a reasonable person view the actions of Constable Sanford as likely to discredit the RCMP?***

[105] Before looking at the reasonable person test, I will turn to the sexual harassment component alleged in Particular 13.

[106] For me to find that sexual harassment has occurred, I would have to find that Constable Sanford's comments were unwelcomed, causing offence or humiliation to Constable T.D., and that the comments were of a sexual nature.

[107] The Subject Member Representative stated that Constable Sanford is happily married with children and was never romantically interested in Constable T.D. On this point, I note that the Conduct Authority Representatives do not have to prove intent or a genuine romantic intention.

[108] Throughout her testimony, Constable T.D. mentioned that Constable Sanford's comments caused her to feel humiliated, degraded and offended.

[109] To challenge her interpretation of comments made, the Subject Member Representative put a line of questioning to Constable T.D. to suggest that one must distinguish between a "hillbilly" who does not know how to behave in the world and a person who is actively trying to initiate sexual contact. In other words, comments made might be inappropriate but not intended to be sexual.

[110] In that regard, I reiterate that intent or genuine romantic intention must not be proven.

[111] In addition, I borrow from the *Nguyen*<sup>10</sup> decision, which was put to me by the Conduct Authority Representatives, and find that Constable Sanford did nothing to verify his perception that Constable T.D. welcomed the comments he made. He presumed that his actions were welcomed, relying on Constable T.D.'s initial lack of response to the contrary as acquiescence.

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<sup>10</sup> *Designated Conduct Authority for "E" Division and Nguyen*, 2024 CAD 05 [*Nguyen*], at paragraph 106.

[112] As outlined in *Foerderer*, “It is incumbent on those initiating or participating in the conduct to ensure that it is welcomed by those targeted”.<sup>11</sup> Constable Sanford had an obligation to ensure that his conduct was welcomed. Instead, he relied on faulty presumptions based on outdated and stereotypical views. He failed to draw on his training, targeted a junior female member and detrimentally affected Constable T.D.’s work environment by way of the comments he made towards or about her.

[113] Constable Sanford’s inappropriate comments, even if meant in a humorous or joking manner, demonstrated a serious lack of judgment and are incompatible with the duties and responsibilities of a member of the RCMP, per section 37 of the *RCMP Act* as well as the Commissioner’s clear direction with respect to acceptable workplace conduct.

[114] As a result, I find that the comments I have attributed to Constable Sanford were unwelcomed and did cause offence and humiliation to Constable T.D.

[115] The reasonable person standard is used to determine whether the comments were sexual in nature.

[116] As outlined, the specific comments, made over the span of several months, are as follows: “Can your boyfriend keep up with you?”, “Well, you haven’t fucked me yet”; “Come here and I’ll give you something to choke on”; “Yeah, that’s right. Get on your knees.”; “Any other time you want to rest your eyes, would you do it with less clothing on?”; “Did you squirt all over your leg?”; “Have you guys ever thought of what it would be like to fuck [Constable T.D.]?”; and “You can handle two balls in your mouth”.

[117] Two of the comments overtly reference the act of sex itself. The others employ sexual innuendo, referencing such terms as fellatio, testicles and female ejaculation. Therefore, I find that a reasonable person would find the comments to be of a sexual nature.

[118] It is vital that members’ interactions with the public, colleagues and others are respectful, professional and contribute to the public’s confidence in credible, trustworthy policing. Though the standard is not perfection, the public expects that a member, whether on or off duty, conducts

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<sup>11</sup> *Foerderer*, at paragraph 108.

themselves with the highest level of professionalism when interacting with the public and each other.

[119] Others not being bothered by comments and chalking comments up to jokes or the workplace culture are not indicators of whether the commentary is appropriate.

[120] I appreciate that Constable Sanford may not have intended for his comments to be received as Constable T.D. perceived them; however, that intent is not relevant in establishing discreditable conduct and sexual harassment. The test is one of an objective reasonable person.

[121] I find that a reasonable person, given all the circumstances, would find that making the comments Constable Sanford made, and specifically to a junior female member, is entirely inappropriate and amounts to sexual harassment.

[122] In consideration of all the aforementioned findings, I further find that a reasonable person, with knowledge of all relevant circumstances, including the realities of policing in general, and the RCMP in particular, would opine that Constable Sanford's conduct is likely to discredit the RCMP. Consequently, prong 3 of the test is met.

***Does the RCMP have a legitimate interest in disciplining the member?***

[123] Given that the comments and actions took place while on duty, I find that the conduct is sufficiently linked to Constable Sanford's duties and functions and that the RCMP has a legitimate interest in disciplining the member. Thus, prong 4 of the test for discreditable conduct is met.

[124] As such, I find Allegation 1 to be established.

***Allegation 2***

***Has the identity of the member been established?***

[125] As previously mentioned, Constable Sanford's identity is not in question. Therefore, prong 1 of the test for Allegation 2 is met.

***Did the Particulars occur as alleged?***

[126] Constable Sanford admits the bulk of the Particulars under this Allegation but takes issue with the precise context within which the alleged conduct arose. Ultimately, he does admit that the acts were inappropriate and amount to discreditable conduct, but he does not believe that they amount to sexual harassment.

[127] In terms of the test, the Particulars that constitute the alleged conduct are that Constable Sanford exposed parts of his penis in the bullpen of the Detachment. Much was made of the conversation prior to Constable Sanford exposing himself. Furthermore, Constable T.D.'s and Constable Sanford's versions diverge greatly on the topic. I will address the particulars set out for this Allegation as a whole in order to speak to the general context with which Constable Sanford takes issue.

[128] Constable Sanford alleges that Constable T.D. and Corporal B.G. were in the bullpen of the Detachment, surfing a sex toy website on their personal cell phones. He explains that after Constable T.D. showed Constable Sanford a picture of a sex toy and asked him if that was the one his wife had, he attempted to deflect the question by responding that his wife did not need one.

[129] Constable Sanford states in his written response to the Allegations that Corporal B.G. was teasing him about his penis size and actively encouraged him to show his penis as part of an already highly sexualized conversation.

[130] Constable T.D. relays that Corporal B.G. and Constable Sanford were having a conversation about one of Constable Sanford's doctor's appointments where his doctor referred to his penis size as if it were a "third leg".

[131] Corporal B.G.'s recount differs still but also refers to the "third leg" comment and corroborates Constable T.D.'s story in that they were not viewing a sex toy website and that Constable Sanford was the one to introduce the topic of his penis size.

[132] Ultimately, all three members agree that the conversation turned to Constable Sanford's penis size, and Constable Sanford admits to exposing his penis.

[133] I find that it matters not why Constable Sanford unbuckled his belt, pulled down his pants and exposed parts of his penis. He does not deny doing so. Whether the conversation turned to Constable Sanford's penis by way of commentary he introduced or Corporal B.G. and Constable T.D. were already having a conversation on the topic of sex toys does not change the fact that Constable Sanford felt it appropriate, at the time, to expose himself.

[134] Constable Sanford, in his evidence, and the Subject Member Representative, in her submission, put heavy emphasis on Constable Sanford's recollection that both Corporal B.G. and Constable T.D. encouraged him to expose his penis, stating that they chanted that they wanted to see his penis. This does not accord with either Corporal B.G.'s or Constable T.D.'s version of events. Neither mentioned that they actively encouraged Constable Sanford to expose his penis. Instead, both were consistent in recalling that Corporal B.G. stated he was tired of Constable Sanford going on about his "big dick" and that Corporal B.G. then added, "shut up or prove it". Constable Sanford also agrees that Corporal B.G. made these statements and, in fact, emphatically suggests that Corporal B.G.'s statement of "shut up or prove it" was a dare and amounts to Corporal B.G. asking him to expose himself.

[135] I find that while Constable Sanford admits to this Allegation and, as such, takes some responsibility for his conduct, his recount minimizes his behaviour and is an attempt to excuse his actions. Similarly, the Subject Member Representative's submission with respect to this incident not being widely known in the Detachment, the three members involved not discussing it afterwards, and the suggestion that the three members were simply joking around and everyone playing a role in it is an attempt to lessen the misconduct and deflect from its seriousness.

[136] Much was also made of how much of Constable Sanford's penis was exposed during the incident. On this point, I agree with the Subject Member Representative and find this to be entirely irrelevant. The Particulars of the Allegation do not speak to how much of Constable Sanford's penis was exposed, and I need not make a determination in that regard. It is sufficient for me to find that parts of Constable Sanford's penis were shown to Corporal B.G. and Constable T.D. There is no dispute that this was the case.

[137] As such, I find that the acts laid out in Allegation 2 occurred as alleged, which satisfies prong 2 of the test under section 7.1 of the Code of Conduct.

***Would a reasonable person view the actions of Constable Sanford as likely to discredit the RCMP?***

[138] With respect to prong 3 of the test, I note that Constable Sanford's conduct was not invited and shocked both Constable T.D. and Corporal B.G. Constable Sanford's actions had foreseeable potential impact on both of his colleagues and resulted in a criminal charge, though this was subsequently withdrawn. Furthermore, Constable Sanford himself acknowledges and states in his written response to the Allegations that his conduct was inappropriate and discreditable.

[139] In considering all of the aforementioned findings, I find that a reasonable person, with knowledge of all the relevant circumstances, including the realities of policing in general and the RCMP in particular, would view Constable Sanford's action of exposing himself to his colleagues in the bullpen of a detachment, while on duty, to be highly inappropriate and bring discredit to the RCMP.

***Does the RCMP have a legitimate interest in disciplining the member?***

[140] Lastly, prong 4 of the test under section 7.1 is also met. Given that the incident happened while Constable Sanford was in the Detachment, in uniform and on duty, the RCMP has a legitimate interest in disciplining him.

[141] As such, I find that his actions amount to discreditable conduct.

***Did the conduct also amount to sexual harassment?***

[142] I turn now to whether Constable Sanford's actions described in Allegation 2 also amount to sexual harassment per the definition of sexual harassment previously outlined.

[143] I note that Constable Sanford, himself, classified the context within which Allegation 2 took place as "highly sexualized" in his written response to the Allegations. The conversation surrounded Constable Sanford's penis size and his ability to please his wife sexually. I find that

Constable Sanford exposed his penis to prove its size to Corporal B.G. and Constable T.D. and that he can sexually pleasure someone.

[144] In addition, given that the interactions between Constable T.D. and Constable Sanford often carried a sexual undertone, Constable T.D. would have most certainly perceived this act by Constable Sanford to be sexual in nature.

[145] Furthermore, Constable T.D. testified before me that she did not wish to see Constable Sanford's penis and that the incident caused her to feel offence and humiliation. She stated that she turned her chair at the earliest opportunity after realizing that Constable Sanford had exposed his penis. As such, there was no indication that she welcomed the behaviour.

[146] Corporal B.G. testified that while the incident did not bother him, it was shocking and unwelcomed.

[147] I find that a reasonable person would believe that an RCMP member exposing themselves in an RCMP facility while in uniform and while on duty is disgraceful.

[148] Constable Sanford ought to have known that his conduct could cause offence. He has received training in harassment and would have received the multitude of communications from RCMP management on the topic to know that this type of behaviour is unacceptable in the workplace. Constable Sanford ought to have known that the exposure could be belittling, humiliating or cause offence or harm.

[149] As such, I am satisfied on a balance of evidence that the conduct alleged as part of Allegation 2 amounts to sexual harassment with respect to both Constable T.D. and Corporal B.G.

[150] Therefore, I find that both Allegations as set out in the *Notice of Conduct Hearing* are established.

## **CONDUCT MEASURES**

[151] Having found the Allegations established and in accordance with subsection 45(4) of the *RCMP Act* as well as with the *Conduct Measures Guide* (November 14, 2024, version), at page 19,

I am required to impose “fair, balanced and consistent conduct measures”. Pursuant to paragraph 36.2(e) of the *RCMP Act*, conduct measures must be “proportionate to the nature and circumstances of the contravention and, where appropriate, [...] educative and remedial rather than punitive”.

[152] The 2024 *Conduct Measures Guide* emphasizes that there are five principles that serve as a foundation for the crafting of a fit conduct measure. While this version of the guide came into effect last November and, as such, was not in effect at the time of the *Notice to the Designated Officer* or service of the *Notice of Conduct Hearing* in this matter, as pointed out by the Subject Member Representative, the principles set out within the guide have been used by conduct boards in their analysis for some time. As such, there is no dispute among the parties that my decision will be based on these five foundational principles.

[153] The first foundational principle is that a determination of an appropriate sanction involves, at its core, a balancing of interests of all those involved: 1) the public; 2) the RCMP as an employer; 3) the subject member to be treated fairly; and 4) those affected by the misconduct at issue.

[154] I wish to highlight more specifically the first purpose, which is the public interest: that is, ensuring a high standard of conduct in the police service and public confidence in that service.

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

[156] The Supreme Court of Canada has placed emphasis on the public interest by stating that “The purposes of disciplinary bodies are to protect the public, to regulate the profession and to preserve public confidence in the profession”.<sup>12</sup>

[157] The second foundational principle to be used in crafting a fit conduct measure is that educative and remedial conduct measures should prevail, where possible.

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<sup>12</sup> *Law Society of Saskatchewan v Abrametz*, 2022 SCC 29, at paragraph 53.

[158] The third foundational principle is the presumption that one should impose the least onerous disposition. However, this presumption will be displaced if the public interest or other specified considerations should prevail.

[159] The fourth foundational principle is proportionality or parity of sanction. This principle is composed of three elements: 1) the identification of the relevant proportionality factors; 2) an assessment of whether the identified proportionality factors are mitigating, aggravating or neutral; and 3) a balancing or weighing of these considerations.

[160] Finally, the fifth foundational principle is that a higher standard of conduct applies to police officers primarily due to the fact that they hold a position of trust in society and are therefore held to a higher moral standard.<sup>13</sup>

[161] The 2024 *Conduct Measures Guide*, like its predecessor, while not prescriptive, is intended to promote parity of sanction. Furthermore, it must be read in the context of evolving societal standards, as established by the jurisprudence or applicable policies and legislation.

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

### **Position of the parties**

#### *Conduct Authority Representatives' submission*

[163] The Conduct Authority Representatives reiterated that the Conduct Authority is seeking a direction for Constable Sanford to resign from the RCMP within 14 days.

[164] In support of that position, the Conduct Authority Representatives outlined the renewed RCMP Core Values and the ways in which Constable Sanford has failed to maintain all but one of these values.

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<sup>13</sup> *Montréal (City) v Québec (Commission des droits de la personne et des droits de la jeunesse)*, 2008 SCC 48, at paragraph 86.

[165] The Conduct Authority Representatives went on to outline some of the factors that I should consider when arriving at a fit conduct measure, namely the nature and frequency of the misconduct, whether Constable Sanford admits responsibility, whether the conduct persisted and the effect on Constable T.D. The Conduct Authority Representatives surmised: the commentary was persistent; the misconduct was sexual in nature; Constable Sanford did not take full responsibility; and the effect on Constable T.D. was grave. They also explained that Constable T.D.'s comment "Well, that's never happening", during Constable Sanford's and Constable T.D.'s first conversation, was a clear indication that she did not welcome his commentary.

[166] The Conduct Authority Representatives submitted that there is no evidence that this Detachment was a particularly vulgar environment and that while profanity and vulgarity cannot be expected to be eliminated outright, "unwelcome conduct or expression based upon gender cannot be tolerated".<sup>14</sup> In addition, the Conduct Authority Representatives submitted that exposing one's genitals in the workplace is a "never event". This, coupled with sexualized comments made to Constable T.D. over a period of one year, amounts to Constable Sanford's actions falling short of the requirements of a safe work environment that the RCMP is obliged to create for all employees. The Conduct Authority Representatives added that even if only Allegation 2 had been established, dismissal would still be the correct measure.

[167] The Conduct Authority Representatives conceded that no adverse inference can be drawn from Constable Sanford's denial of the Particulars and lack of apology. However, they asked that I consider that he shifted blame to Corporal B.G. and Constable T.D. instead of taking responsibility as well as even joked and laughed while giving testimony at the Conduct Hearing.

[168] The Conduct Authority Representatives suggested that Constable Sanford's potential for rehabilitation is low. While pointing out that the *Brudlo*<sup>15</sup> decision is factually distinguishable from the matter at hand, the Conduct Authority Representatives cited it with respect to the commentary related to the fact that exposure of one's genitals should never occur in the workplace. In addition,

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<sup>14</sup> *Husko v A.O. Smith Enterprises Limited*, 2021 ONCA 728, at paragraph 44.

<sup>15</sup> *Constable Christian Brudlo and The Toronto Police Service*, 2005 CanLII 81117 (Ontario Civilian Police Commission) [*Brudlo*].

they submitted that the case supported their submission that Constable Sanford has a flawed understanding of sexual harassment and does not appear to understand the impact of his actions.

[169] The Conduct Authority Representatives also drew my attention to other conduct board decisions, including the *Fulcher*<sup>16</sup> decision, to which they asked that I give minimal weight given that it involved a joint proposal on measures. The Conduct Authority Representatives also referred to the conduct board decisions in *Reid*<sup>17</sup> and *Nguyen*. They outlined similarities and differences between the present matter and those decisions. Specifically, the Conduct Authority Representatives stated that there are striking similarities between the facts of *Reid* and of the present matter. Comments of a sexual and discriminatory nature were made to junior members and the conduct board considered that those comments, even if made in jest, demonstrated a lack of judgment and were incompatible with the duties and responsibilities of a member of the RCMP. The impact in the *Reid* matter can be said to be similar to the impact in this case. Ultimately, the Conduct Authority Representatives submitted that inappropriate comments, even in the absence of physical touching, can be reasonable grounds for termination. The Conduct Authority Representatives further submitted, referencing *Nguyen*, that parity must be read in the context of evolving societal standards, as established by the jurisprudence or applicable policies and legislation. *Nguyen* was otherwise distinguished based on the fact that commentary in that matter occurred on one day and at one specific event, as opposed to over time as is the case in the present matter.

[170] Similarly, the Conduct Authority Representatives addressed the decisions included in the Subject Member Representative's Book of Authorities and provided me with their views on the applicability of those cases. As the Conduct Authority Representatives pointed out, most are distinct from the current matter or were tendered with respect to the allegations phase, offering limited assistance with respect to measures.

[171] I will mention that with respect to the decision in *Caram*,<sup>18</sup> the Conduct Authority Representatives pointed out that there was extensive medical information available in that matter

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<sup>16</sup> *Level III Conduct Authority for "E" Division and Fulcher*, 2021 CAD 04 [*Fulcher*].

<sup>17</sup> *Commanding Officer for National Division and Reid*, 2023 CAD 13 [*Reid*].

<sup>18</sup> *Commanding Officer for "E" Division and Caram*, 2021 CAD 05 [*Caram*].

that provided a direct causal link to the subject member's behaviour. They added that there is no such medical information that has been provided in the present matter. In addition, in *Caram*, the subject matter related to a single disrespectful and discourteous interaction that occurred one evening, in an off-duty setting. Thus, it does not offer the direct workplace connection we see in the present matter, and the subject member in *Caram* admitted all allegations.

[172] The Conduct Authority Representatives pointed to Constable T.D.'s victim impact statement wherein she stated that Constable Sanford's actions were extremely degrading and impacted her trust and confidence in the workplace. She has been left unhappy, depressed and stressed, which has caused lingering effects on her mental and physical health. The Conduct Authority Representatives asked me to place significant weight on this factor.

[173] The Conduct Authority Representatives further submitted that seeking Constable Sanford's resignation is not punitive; rather, it is a recognition that the RCMP is changing in response to and in accordance with the public's expectations and the growing concerns regarding sexual harassment in the organization. The Conduct Authority Representatives did add that the performance evaluations and letter of support submitted by the Subject Member Representative hold some weight.

*Subject Member Representative's submission*

[174] The Subject Member Representative argued that a sanction less than dismissal is appropriate on the facts of this case. Specifically, she submitted that the following measures would be most appropriate:

- a) A financial penalty of 45 days (made up of 25 days of pay and 20 days of leave allowance);
- b) Close supervision for a period of one year, which would go towards the rehabilitative and educational component of conduct measures;
- c) Any training deemed appropriate by me;
- d) A restriction on duties for a period of three years to ensure that Constable Sanford and Constable T.D. do not have any contact with each other (the Subject Member Representative noted that Constable Sanford has already been transferred, but that

additional monitoring of shifts would be beneficial, given that both members work in a low-staffed, rural area); and

- e) A direction to write letters of apology to Constable T.D. and Corporal B.G.

[175] The Subject Member Representative submitted that these measures would be appropriate, more responsive to the facts of the matter and a sufficient caution to show that no conduct of this type would be tolerated.

[176] The Subject Member Representative highlighted that not all Particulars in the *Notice of Conduct Hearing* were established and outlined that, on the spectrum of sexual misconduct, Constable Sanford's actions do not fall at the most serious end, given that sexual touching and other threats to one's sexual integrity are part of the same spectrum and undoubtedly make up the highest end of that range. In that regard, she points to the *Nguyen* decision as being the only matter put forward by the Conduct Authority that does not include physical touching. Moreover, she reminded me that the *Nguyen* matter did not result in dismissal.

[177] The Subject Member Representative did recognize that Constable Sanford's conduct falls into the aggravated range of section 7.1 of the Code of Conduct. Her caution is with respect to sexual harassment and the fact that the Conduct Authority did not frame the Allegations under section 2.1 of the Code of Conduct.

[178] The Subject Member Representative also reminded me that Constable Sanford was himself junior and did not hold a position of power or authority over Constable T.D. She pointed to the fact that the relationship between Constable Sanford and Constable T.D. was not negative or abusive and that Constable Sanford was often empathetic and supportive towards Constable T.D., which Constable T.D. acknowledged in her testimony.

[179] The Subject Member Representative emphasized that this context is an important consideration; as is Constable Sanford's acknowledgement that had he been told his comments were unwelcomed, he would not have taken part in the jokes.

[180] The Subject Member Representative stated that Constable Sanford had no malicious intent. It is his social skills that are lacking. He struggles with imprecise language, social context, learning

in general and deadpan sense of humour that can be misunderstood. While intent is not a factor in finding the allegations established, the Subject Member Representative submitted that, on sanctions, the way Constable Sanford lives in this world is relevant and precisely why remedial and educational measures would be appropriate.

[181] The Subject Member Representative also emphasized the importance of a factual piece in this matter, namely that Constable Sanford was never clearly made aware of a boundary, which he subsequently violated. The Subject Member Representative clarified that she submitted this not to suggest that Constable T.D. should have been clearer, but to state that this is not a case where the conduct had been addressed by a supervisor or other senior member in a way that Constable Sanford had been given an opportunity to react to it and demonstrate that he was apologetic and could remediate.

[182] The Subject Member Representative pointed out that, with respect to Allegation 2, Constable Sanford has never submitted that his actions were appropriate. While he engaged his right to challenge the facts, he has always admitted that he crossed a boundary and his conduct was inappropriate.

[183] The Subject Member Representative also canvassed other prior conduct board and court decisions. I was specifically directed to *Fulcher*, *Caram*, *Flodell*<sup>19</sup> and *Pulsifer*.<sup>20</sup> The Subject Member Representative emphasized that none of these matters resulted in dismissal despite, in her opinion, involving more serious levels of offences.

[184] The Subject Member Representative did specifically point out that it is possible for me to acknowledge how serious sexual misconduct is and not dismiss Constable Sanford, such as in *Caram*.<sup>21</sup> She added that the conduct board in *Flodell* also made this independent analysis even though there was a joint proposal on measures before them in that matter.

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<sup>19</sup> *Designated Level III Conduct Authority for "E" Division and Flodell*, 2023 CAD 05 [*Flodell*].

<sup>20</sup> *Commanding Officer for "H" Division and Pulsifer*, 2022 CAD 06 [*Pulsifer*].

<sup>21</sup> *Caram*, at paragraphs 60 to 66.

[185] The Subject Member Representative introduced *Pulsifer* to outline that the more serious conduct in that matter, a sexual assault, did not result in dismissal, and that a financial penalty was deemed appropriate.

[186] The Subject Member Representative also discussed *Reid*, in which Sergeant Reid **was** dismissed. She again distinguished the fact pattern of that case to be more serious in nature due to the repeated daily comments, the fact that Sergeant Reid was explicitly asked to stop his behaviour as well as his rank and his supervisory capacity.

[187] The Subject Member Representative introduced a few more cases where serious misconduct of a sexual nature occurred and dismissal was not ordered. Moreover, the penalties were instead similar to what the Subject Member Representative suggested in this case.<sup>22</sup>

[188] The Subject Member Representative also distinguished the *Brudlo* case introduced by the Conduct Authority Representatives on its facts. Specifically, she noted that it was the cumulative effects in that case, a criminal conviction followed by inappropriate comments, that led the decision maker to conclude there was no rehabilitative potential. In the present matter, the Subject Member Representative set out that Constable Sanford has no prior discipline and that he has not been given an opportunity to demonstrate that education is not an option.

[189] The Subject Member Representative touched on Mrs. Sanford's evidence in that she shared that her husband was not himself during the time of the exposure incident and that this event predated him seeking medical assistance and being diagnosed with PTSD.

[190] In terms of the impact on Constable T.D., the Subject Member Representative cautioned that I should consider how much of her stress and mental health concerns can be said to have arisen out of the Allegations in this conduct matter as opposed to other elements with which she was struggling at the same time. This argument was also presented in *Caram*.<sup>23</sup>

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<sup>22</sup> *Commanding Officer for "D" Division and Shewchuk*, 2023 CAD 07 [Shewchuk]; *Commanding Officer for "E" Division and Little*, 2020 CAD 01 [Little].

<sup>23</sup> *Caram*, at paragraphs 72 and 73.

[191] Overall, the Subject Member Representative emphasized that the measures needed to be remedial and corrective, where appropriate, and that this is such a case where it is appropriate. She submitted that it is meaningless to include this principle in the 2024 *Conduct Measures Guide* when a subject member is then not given an opportunity to learn. She further outlined that the impact on Constable Sanford has been significant, particularly considering the erroneous media coverage of his criminal charge, which was later withdrawn, and the length of time the conduct process has taken. The Subject Member Representative submitted that Constable Sanford can continue to be a productive member of the RCMP if given the chance to demonstrate that he has learned a lesson.

### **Analysis on conduct measures**

[192] I will begin my analysis by setting out the appropriate range of conduct measures. Then I will go through the mitigating, aggravating and neutral factors relevant in this case. Finally, I will set out how I have weighed those factors and balanced the interests of the public, the RCMP, Constable Sanford and the affected persons in arriving at my decision.

#### *Range of conduct measures*

[193] With respect to the appropriate range, I have considered the Representatives' submissions as well as the cases they presented in support of their positions. I also note that the 2024 *Conduct Measures Guide* provides a spectrum of conduct measures for matters under section 7.1 of the Code of Conduct.

[194] After considering all of the aforementioned, I find that the appropriate range for a sanction in this case, a case involving comments of a sexual nature that continued over a one-year period of time and involving the indecent exposure of one's genitals, is in the higher range of the spectrum, namely a forfeiture of pay of 20 days or more, in combination with other conduct measures, up to and including dismissal. I note that both parties agree that the aggravated range of conduct measures is triggered in this matter.

*Mitigating factors*

[195] I consider it as mitigating that Constable Sanford has no prior discipline and has been commended for his performance on several occasions over his RCMP career, as evidenced by the performance logs submitted to me. Having said that, I place limited weight on this mitigating factor, given that Constable Sanford's years of service were just shy of five years at the time he was suspended.

[196] As evidenced by the reference letter provided by Constable Sanford, he is reported as being well liked with a clear dedication to police work and service in the community. His wife describes him as an excellent, honest and supportive partner. Constable Brown also spoke highly of Constable Sanford's character and abilities as an RCMP member. I accept these character witnesses and references as mitigating.

[197] While I was not provided with medical evidence, I heard evidence to suggest that Constable Sanford suffers from PTSD and struggles with a learning disability as well as with understanding social cues. I find this to be a mitigating factor. However, it is limited by the fact that I have no evidence to allow me to conclude that Constable Sanford's medical and mental health diagnoses caused him to behave in the way that he did.

[198] I also retain, as mitigating, the impact that the conduct process and fallout from the misconduct have had on Constable Sanford and his family.

[199] While I agree that Constable Sanford has never denied that the exposure incident was inappropriate, I have already found that he attempted to minimize his involvement and shift blame to Constable T.D. and Corporal B.G. Consequently, while this was presented to me as a mitigating factor, I view his admission in that regard as a neutral factor.

*Aggravating factors*

[200] First is the seriousness of the misconduct. Constable Sanford's discreditable conduct was sexual in nature, amounting to sexual harassment, which is significantly aggravating. In addition, when harassment extends to criminal behaviour (even if the criminal charges are withdrawn), it

becomes even more aggravating. Here, a criminal process did ensue, though it was subsequently withdrawn.

[201] Furthermore, behaviour that is repeated and causes the affected person significant psychological distress should be considered significantly aggravating.

[202] Here, the misconduct was directed towards a young, junior member. Though Constable Sanford was himself junior, Constable T.D. was more so as she was still on probation at the time of the incidents. She was also the only female present at the time of the incidents, which adds to its seriousness. Additionally, the misconduct took place over a period of one year, meaning that the comments are not a one-time occurrence, but rather repeated behaviour over a significant period, which increases its seriousness.

[203] The misconduct has also had a lasting adverse psychological and emotional impact on Constable T.D. I heard from Constable T.D. during the allegations phase in that regard and I have reviewed her written victim impact statement, which speaks more in depth to the mental health decline she has suffered following the incidents outlined in the Allegations.

[204] As a result of these events, Constable T.D.'s perception of members in the RCMP has been negatively impacted. She felt hurt, degraded and disrespected by Constable Sanford's sexualized comments. This impact is directly attributable to Constable Sanford's actions. She doubts herself and her own feelings and continues to face psychological challenges daily. I consider this to be significantly aggravating.

## **Decision**

[205] In weighing the proportionality factors, I acknowledge that there is a presumption that one should impose the least onerous disposition unless displaced by the public interest.

[206] Furthermore, I note that deterrence is of particular importance in this case, not only as a warning to other members, but also as assurance that this inappropriate and unacceptable behaviour is not repeated.

[207] Constable Sanford's misconduct is serious and directly affects the employer-employee relationship as well as the public's expectation of police officers in their dealings with members of society and each other. As also pointed out by the conduct boards in *Reid* and in *Nguyen* provided by the Representatives, this type of misconduct breaches and jeopardizes the efforts the RCMP has made to ensure a safe, secure and harassment-free environment for its employees.

[208] In terms of the case law and prior conduct board decisions put forward, I note that none are directly on point, as is often the case. However, they can still be a helpful guide. As such, I echo *Brudlo* in that exposure of one's genitals in the workplace should never occur.

[209] I do find decisions such as *Fulcher*, where a joint proposal was presented on measures, to be unhelpful to me in coming to a determination of the appropriate measures in this case. Similarly, I take little direction from *Caram*, where significant medical evidence was tendered to provide a causal link to the subject member's conduct.

[210] I find that significant measures are required, given the seriousness of the offences, their sexual nature as well as the profound impact the comments and actions have had on Constable T.D. I find the aggravating elements in this matter to be significantly aggravating.

[211] In terms of the workplace culture, Constable Sanford has been provided with all the training to engage in a respectful and safe workplace. Every employee has a role to play in upholding a respectful environment. While there was some indication in the evidence to suggest that humour is commonplace in the Detachment, there was no suggestion that such humour is predominantly sexual in nature and there was certainly no indication that exposing one's genitals is an acceptable practice.

[212] The Subject Member Representative placed great emphasis on how Constable Sanford navigates the world and that he should be provided with a chance to be educated and prove himself. The Conduct Authority Representatives submitted that the gravity of Constable Sanford's actions should not trigger a remedial response, as this would result in a loss of public confidence in the RCMP.

[213] I find that Constable Sanford could have chosen not to engage in this type of behaviour. I have no evidence to suggest that his mental health and social difficulties were the cause of the actions, comments and behaviour at issue. Even if he acted “on impulse”, as was suggested, he does not appear to lack impulse control or the knowledge of what is appropriate versus inappropriate behaviour. Constable Sanford still appreciated the nature and quality of his actions. I have no indication that he did not have the capacity to know they were wrong. While Constable Sanford’s mental health is a mitigating factor, it did not compel his misconduct. I find that his actions fell well below the higher standard he is to uphold as a police officer, per the fifth foundational principle.

[214] As such, when weighing the proportionality factors, I find that the aggravating factors outweigh the mitigating factors, and the seriousness of the misconduct displaces the presumption of imposing the least onerous disposition.

[215] To maintain the public’s trust and appropriately address Constable T.D.’s interests, I find that measures at the highest end of the range are warranted.

[216] The public interest also requires that I impose measures that send a clear and unequivocal message when it comes to general and specific deterrence in matters involving misconduct of a sexual nature. I must position the specific facts of this case along the spectrum that constitutes discreditable conduct. Behaviour that is sexual in nature falls at the highest end, and I need to keep in mind that there can no longer be acceptance or tolerance of this type of misconduct.

[217] Public trust would be lost if exposing oneself in a detachment and comments of a sexual nature were not taken with the utmost seriousness and did not attract the highest possible sanction. As such, I find that the presumption that educative and remedial measures should prevail to be displaced by the public interest.

[218] RCMP members are held to a higher standard, and Constable Sanford has failed to live up to that standard by virtue of his actions. He has breached RCMP core values and the RCMP’s interest in being able to maintain a healthy workplace. Constable Sanford’s misconduct jeopardizes all efforts the RCMP has made to ensure a safe and harassment-free environment for its employees.

[219] Having found the Allegations to be established and having assessed all five foundational principles, I simply cannot justify retaining Constable Sanford as a member of the RCMP.

## CONCLUSION

[220] Allegations 1 and 2 are established. Furthermore, in accordance with paragraph 45(4)(b) of the *RCMP Act*, I direct Constable Sanford to resign from the RCMP within 14 days, in default of which he is to be dismissed.

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

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Sandra Weyand  
Conduct Board

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July 17, 2025  
Date