

Publication ban: Any information that could identify Ms. X must not be published, broadcast or transmitted in any way.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 National Headquarters

(Conduct Authority)

and

Sergeant Dustin Thornton
Regimental Number 58267

(Subject Member)

CONDUCT BOARD DECISION

Scott Whitelaw and Jon Soltys

(Conduct Authority Representatives)

Gordon Campbell

(Subject Member Representative)

CONDUCT BOARD: Sandra Weyand

DATE: August 21, 2025

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SUMMARY

On July 26, 2024, the Subject Member was served a *Notice of Conduct Hearing*, dated July 2, 2024, which contained seven alleged contraventions of the RCMP Code of Conduct: three alleged contraventions of section 2.1 for failing to treat Ms. X with respect and courtesy (Allegations 1, 4 and 7); two alleged contraventions of section 3.2 for abuse of authority, power and position (Allegations 3 and 6); and one alleged contravention of section 4.2 for failing to carry out his duties and responsibilities and not taking appropriate action to aid a person exposed to potential, imminent or actual danger (Allegation 2). Allegation 5 was withdrawn within the *Notice of Conduct Hearing*.

Following the additional withdrawal of Allegations 3 and 6 by the Conduct Authority, only Allegations 1, 2, 4 and 7 remained.

The Parties submitted an *Agreed Statement of Facts*, in which the Conduct Authority further withdrew Allegations 2, 4 and 7, leaving only Allegation 1, to which the Subject Member admitted. Furthermore, the Parties presented a Joint Proposal on conduct measures, which was accepted by the Conduct Board.

As a result, the Conduct Board imposed a forfeiture of one day's pay as the conduct measure for Allegation 1, as suggested in the joint proposal.

INTRODUCTION

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

[2] On November 27, 2023, I was appointed as the Conduct Board, pursuant to subsection 43(1) of the *Royal Canadian Mounted Police Act*, RSC, 1985, c R-10 [RCMP Act].

[3] On July 26, 2024, Sergeant Dustin Thornton was served a *Notice of Conduct Hearing*, dated July 2, 2024, which contained seven allegations under the RCMP Code of Conduct: three alleged contraventions of section 2.1 for failing to treat Ms. X with respect and courtesy (Allegations 1, 4, and 7), two alleged contraventions of section 3.2 for abuse of authority, power, and position (Allegations 3 and 6), and one alleged contravention of section 4.2 for failing to carry out his duties and responsibilities and not taking appropriate action to aid a person exposed to potential, imminent or actual danger (Allegation 2). Allegation 5 was withdrawn within the *Notice of Conduct Hearing*.

[4] The *Notice of Conduct Hearing* incorrectly referenced the name of another Conduct Board when outlining the Conduct Board appointment and was reissued with the correct name on August 12, 2024.

[5] On September 16, 2024, pursuant to subsection 15(3) of the *Commissioner's Standing Orders (Conduct)*, SOR/2014-291, Sergeant Thornton provided his response to the Allegations, denying all of them but admitting certain Particulars.

[6] Following the receipt of further investigation material and additional disclosure, the Conduct Authority advised on July 2, 2025, that they wished to withdraw Allegations 3 and 6.

[7] On July 29, 2025, the Parties advised that they had reached an agreement on facts and conduct measures. Subsequently, on July 31, 2025, the Parties provided the Conduct Board with a copy of the *Agreed Statement of Facts* (ASF).

[8] On August 7, 2025, the Parties requested that I exercise my authority under subsections 23(1) and 24(1) of the *Commissioner's Standing Orders (Conduct)*, SOR/2014-291,

to render my decision based solely on the Record, subject to any issues arising out of my review of the ASF, the Joint Proposal, the written submissions and the accompanying documentary evidence.

[9] On August 11, 2025, I received a Book of Documents from the Subject Member's Representative, containing letters of reference.

[10] Following my feedback, I received an amended ASF as well as the Parties' submissions on their Joint Proposal, along with a statement from Ms. X on August 14, 2025.

[11] As part of the Parties' August 14, 2025, submissions, Allegations 2, 4 and 7 were also withdrawn at the request of the Conduct Authority. As such, the remaining allegation before me is Allegation 1.

[12] For the reasons that follow, I find that Allegation 1 is established. Furthermore, I accept the Joint Proposal on conduct measures, namely a forfeiture of one day's pay.

Publication ban

[13] At the request of the Conduct Authority, and not contested by Sergeant Thornton, I order that any information that could identify Ms. X shall not be published, broadcast or transmitted in any way, in accordance with paragraph 45.1(7)(a) of the *RCMP Act*.

[14] Furthermore, I note that Allegation 1 has been amended in order to give effect to this publication ban.

ALLEGATION

[15] Since Allegations 2 through 7 were withdrawn, I will only address Allegation 1 and its Particulars. Allegation 1 is set out in the *Notice of Conduct Hearing* as follows:

Particulars common to all Allegations

1. At all material times, you were a member of the Royal Canadian Mounted Police ["RCMP"] posted to National Division, Ottawa, Ontario, and held the rank of Sergeant.

2. On August 23, 2021, you were posted to the National Cybercrime Coordination Centre [“NC3”] and occupied the role of Operational Coordinator.
3. [Ms. X] was a public service employee who worked as an analyst within NC3. [Ms. X] reported to you on operational files.

Particulars common to Allegations 1 and 2.

4. On June 20-24, 2022, you attended the National Cyber Forensics and Training Alliance 2022 Cyber Crime Forum in Pittsburgh, Pennsylvania with several colleagues including [Ms. X].
5. On June 21, 2022, [Ms. X] confided to you by text message that she had been choked during a sexual encounter by a male officer from another police agency.
6. On June 22, 2022, [Ms. X] further reported that the sexual encounter was not entirely consensual and that she got bruises on her thighs and legs from the assault.

Alleged contravention of the Code of Conduct

Allegation 1: On or between June 21, 2022 and June 24, 2022, at or near Pittsburgh in the state of Pennsylvania, Sergeant Dustin Thornton failed to treat [Ms. X] with respect and courtesy and to not engage in discrimination or harassment, contrary to section 2.1 of the *Code of Conduct of the Royal Canadian Mounted Police*.

Particulars for Allegation 1:

7. In response to her disclosure, you told [Ms. X] that she was “*lucky it hadn’t been worse*,” or words to that effect.
8. In addition, you told [Ms. X] to “*leave slutty [Ms. X’s first name] on vacation*,” “*not to be slutty at work conferences*,” and “*don’t shit where you eat*,” or words to that effect.
9. You also told [Ms. X] that she would lose credibility in the office if other individuals would be able to say “*I banged her*.”
10. Your conduct breached section 2.1 of the RCMP’s *Code of Conduct*.

[Sic throughout]

Findings of fact

[16] As mentioned, on August 14, 2025, I received the Parties’ amended ASF, the Joint Proposal on conduct measures, the written submissions and the supporting documentary evidence. The ASF was signed by Sergeant Thornton and represents his admission to those facts, which are as follows:

1. At all material times, Sgt. Thornton was a member of the Royal Canadian Mounted Police [“RCMP”] posted to NHQ Division, Ottawa, Ontario, and he holds the rank of Sergeant.
2. On August 23, 2021, Sgt. Thornton was posted to the National Cybercrime Coordination Centre [“NC3”] and occupied the role of Technological Crime Investigator.
3. Ms. X was a public service employee who worked as an analyst within NC3. Ms. X worked together with Sgt. Thornton on operational files.
4. On June 20-23, 2022, Sgt. Thornton and Ms. X attended the National Cyber Forensics and Training Alliance 2022 Cyber Crime Forum in Pittsburgh, Pennsylvania with several colleagues.
5. At this event, during conversations between Sgt. Thornton and Ms. X, Ms. X disclosed she had an intimate encounter with a colleague known to both of them, to which Sgt. Thornton:
 - asked Ms. X, “*have you never heard the expression ‘don’t shit where you eat?’ before?*” and;
 - asked Ms. X “*you wouldn’t want them saying ‘yeah, I slept with her’ instead of discussing your work, would you?*”
6. During a separate exchange between Sgt. Thornton and Ms. X, Ms. X referred to herself as “*slutty [first name of Ms. X.]*” Later in the exchange, in reference to this comment, Sgt. Thornton responded to Ms. X by saying, “*you can leave your ‘Slutty [first name of Ms. X.]’ version or whatever in Cabo.*”
7. As a result of the above actions, Sgt. Thornton breached section 2.1 of the RCMP’s *Code of Conduct*.

[Sic throughout]

[17] I have thoroughly reviewed the ASF and determined that it accurately reflects the relevant material in the Record before me. Consequently, I adopt the ASF as my findings of fact.

Decision on allegation

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

[19] Under section 2.1 of the Code of Conduct, the Conduct Authority must establish the following three elements on a balance of probabilities:

- a) the identity of the subject member;

- b) the actions, comments or conduct that the subject member is alleged to have made or engaged in; and
- c) that an objective, reasonable person, with knowledge of all relevant circumstances, would view the behaviour as being disrespectful or discourteous.

[20] Of note, not every particular contained in an allegation needs to be proven, only enough for a finding of a contravention of section 2.1 to be established.

[21] Sergeant Thornton's identity is uncontested. As such the first element of the test is satisfied.

[22] Sergeant Thornton admits to engaging in conversations with Ms. X, in which he asked: "have you never heard the expression 'don't shit where you eat?' before?"; "you wouldn't want them saying 'yeah, I slept with her' instead of discussing your work, would you?"; and "you can leave your 'Slutty [first name of Ms. X]' version or whatever in Cabo". As such, Particulars 8 and 9 as set out in the *Notice of Conduct Hearing* are established. Therefore, the second element of the test, which are the comments constituting the alleged conduct, is also satisfied.

[23] Sergeant Thornton further admits that the language used fell short of the standard expected of him to treat every person with respect and courtesy. Furthermore, I find that a reasonable person, with knowledge of the relevant circumstances, would view the language used by Sergeant Thornton as rude and discourteous when speaking with a work colleague during a job-related conference. Thus, the third element of the test is satisfied.

[24] Consequently, I find that Sergeant Thornton behaved in a manner contrary to section 2.1 of the Code of Conduct. Therefore, Allegation 1 is established.

CONDUCT MEASURES

[25] Having found Allegation 1 established, subsection 45(4) of the *RCMP Act* requires that I impose at least one of the conduct measures set out under that subsection.

[26] The Parties have presented me with a Joint Proposal on conduct measures, which was signed by both Sergeant Thornton and the Conduct Authority. The Parties have also provided brief written submissions detailing how the five foundational principles set out in the *Conduct Measures*

Guide (November 14, 2024, version) support the proposed conduct measures along with their agreed upon aggravating and mitigating factors and supporting documentary evidence. The Parties propose the following conduct measure: a forfeiture of one day's pay.

Applicable legal principles

Joint proposals

[27] When a conduct board is presented with a joint proposal on conduct measures, there are very narrow circumstances in which they may refuse to accept the proposed measures. The Supreme Court of Canada has recognized the value of settlement discussions and provides:

[32] Under the public interest test, a trial judge should not depart from a joint submission on sentence unless the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest. [...]¹

[28] The public interest test is a stringent one. It has been adopted by other professional disciplinary bodies² and applied in several recent RCMP conduct decisions. Specifically, a conduct board has an obligation to give serious consideration to a joint submission unless it is unfit, unreasonable or contrary to the public interest. In addition, when departing from a joint submission, a conduct board must give cogent reasons as to why it is inappropriate.

[29] As noted by another conduct board, I concur with the following:

[103] The acceptance of a joint proposal by a conduct board cannot be viewed as its endorsement of the proposed measures as those that best serve the interests of the public. Rather, it reflects a compromise that does not offend the public interest. Consequently, while the previous conduct board decisions may provide an indication of an acceptable range of conduct measures for a category of misconduct, they are of little assistance to me in my analysis of how the aggravating and mitigating factors in this case are to be weighed.³

¹ *R. v Anthony-Cook*, 2016 SCC 43, at paragraph 32.

² *Rault v Law Society of Saskatchewan*, 2009 SKCA 81 (CanLII), at paragraph 19.

³ *Commanding Officer of "K" Division and Deroche*, 2022 CAD 13, at paragraph 103.

[30] As such, conduct measures imposed as a result of joint proposals do not set a precedent for appropriate conduct measures in other contested proceedings.

[31] Similarly, the conduct measures set out in the RCMP *Conduct Measures Guide* simply provide an indication of suitable measures. They are not determinative and offer only limited assistance in evaluating the public interest sufficiency.

Assessing fit conduct measures

[32] To assess fit conduct measures, conduct boards rely on the five foundational principles set out in the 2024 *Conduct Measures Guide*.

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

[34] Paragraph 36.2(b) of the *RCMP Act* “provide[s] for the establishment of a Code of Conduct that emphasizes the importance of maintaining the public trust and reinforces the high standard of conduct expected of members”. While paragraph 36.2(c) of the *RCMP Act* sets out the member’s responsibility and accountability “for the promotion and maintenance of good conduct in the Force”.

[35] The Supreme Court of Canada has further highlighted the importance of the public interest by stating: “The purposes of disciplinary bodies are to protect the public, to regulate the profession and to preserve the public confidence in the profession [...]”⁴

[36] The second and third principles provide that, where appropriate, educative and remedial conduct measures should prevail, and that the presumption of the least onerous conduct measure should be imposed. These principles are reflected at paragraph 36.2(e) of the *RCMP Act*, which requires “the imposition of conduct measures that are proportionate to the nature and circumstances and, where appropriate, that are educative and remedial rather than punitive”.

⁴ *Law Society of Saskatchewan v Abrametz*, 2022 SCC 29, at paragraph 53.

However, both of these principles will be displaced if the public interest or other considerations, such as the seriousness of the misconduct, warrant it.

[37] The fourth principle is that the imposed conduct measures must be proportionate to the nature and circumstances of the contravention. This requires the conduct board to 1) identify the relevant proportionality considerations; 2) assess whether they are mitigating, aggravating or neutral; and finally, 3) appropriately balance and weigh these in consideration of the circumstances of the case and of the four purposes of the police complaint and discipline process.

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

Analysis

[39] To determine whether the proposed conduct measures submitted by the Parties are in the public interest, I will begin my analysis by applying the five foundational principles that guide the assessment of a fit conduct measure.

[40] The 2024 *Conduct Measures Guide*, like its 2014 predecessor, while not prescriptive, is intended to promote parity of sanction. It is a useful reference when determining the appropriate range of conduct measures for a particular category of behaviour.

[41] The Parties referred to the 2014 and the 2024 *Conduct Measures Guide* in their Joint Proposal on conduct measures. Either Guide provides a range of conduct measures for discourteous or unprofessional language, and I need to position the facts of this specific case along the spectrum of that type of language. Seeing that the principles outlined in the 2024 *Conduct Measures Guide* have been applied for some time, and the Parties also acknowledged this in their Joint Proposal, I will be applying the 2024 version in my analysis of this matter.

[42] As such, specifically, for a contravention of section 2.1 of the Code of Conduct, when related to unprofessional language or humour, the identified range of conduct measures is a forfeiture of 1 days' pay on the lower end of the spectrum up to dismissal at the higher end.

[43] The Parties submit that Sergeant Thornton's conduct falls within the lower range.

[44] In support of their position, the Parties identify five proportionality factors that may have a mitigating effect on sanction:

- a) Sergeant Thornton's admissions have avoided a contested hearing. This prevents multiple witnesses from travelling and testifying as well as expenses from being incurred by the RCMP. It further demonstrates Sergeant Thornton's willingness to resolve this matter quickly.
- b) Sergeant Thornton has admitted to the underlying facts of Allegation 1, as set out in the ASF, and has acknowledged his misconduct.
- c) Sergeant Thornton joined the RCMP nearly 16 years ago, on October 5, 2009, and has had no prior discipline.
- d) Sergeant Thornton presented 47 positive letters of reference written by colleagues, including senior managers, who were aware of Allegation 1. In addition, Sergeant Thornton presented a letter of recognition and a commanding officer's commendation for outstanding service.
- e) Sergeant Thornton has the support of Superintendent Daniel Côté, his and Ms. X's line officer at the time of Allegation 1, in the form of a letter of support, dated September 5, 2024, detailing Sergeant Thornton's continued commitment towards respect and professionalism in the workplace, the likelihood that his comments were the result of a close bond between Ms. X and Sergeant Thornton, and his belief that Sergeant Thornton will use this case as a learning opportunity to prevent future recurrence. Superintendent Côté describes Sergeant Thornton as a valued member and a great asset to the organization.

[45] I accept that Sergeant Thornton has admitted the Particulars as set out in the ASF and has cooperated throughout the conduct hearing process. This led to the avoidance of a contested hearing and the need for witnesses to travel to testify. However, I view this as a neutral factor, given that Sergeant Thornton's conduct is what brought about these proceedings. That said, I do recognize mitigating value in Ms. X not being re-traumatized by having to testify at a public hearing.

[46] I retain Sergeant Thornton's exemplary 16-year service without any prior discipline as mitigating. Additionally, I place significant weight on his Superintendent's assessment of the likelihood of recurrence of Sergeant Thornton's behaviour and recognition of the value he is still able to bring to the RCMP.

[47] Lastly, I accept the numerous positive character reference letters as mitigating.

[48] Turning to the aggravating proportionality considerations, the Parties submit:

- a) Sergeant Thornton is in a supervisory rank, but not in a supervisory role in relation to Ms. X and is expected to act as a role model.
- b) Sergeant Thornton's misconduct had a negative impact on Ms. X.

[49] I agree that the aforementioned elements represent aggravating factors. I specifically acknowledge Ms. X's increased level of anxiety, described in her impact statement, following Sergeant Thornton's comments, as set out in the ASF.

[50] In weighing the proportionality factors, I find that the balance favours the mitigating factors and, as such, the low end of the conduct measures spectrum as set out in the 2024 *Conduct Measures Guide*.

Decision on conduct measures

[51] When balancing the four interests of the police complaint and discipline process of the first foundational principle with my analysis of the applicable proportionality factors, I find that the proposed conduct measure serves as a fair warning and reminder to other members of their obligation to conduct themselves in a courteous and respectful manner.

[52] I find that the public interest is served. Sergeant Thornton is being disciplined for his actions. The decision in this case will be publicly available, demonstrating that the RCMP does not tolerate discourteous language and maintains public trust and accountability.

[53] The RCMP's interests are served because Sergeant Thornton will forfeit his pay and receive a formal record of misconduct, which sends a message of general deterrence within the

Force. In addition, Sergeant Thornton's admissions prevent the need for a multi-day hearing, which also serves the RCMP's interest in being able to commit its resources to other matters.

[54] Sergeant Thornton is being treated fairly by the imposition of the conduct measures. He has been competently represented throughout these proceedings, and the proposed measure was jointly agreed upon between the Parties during settlement discussions. I have no reason to believe the settlement is unfair to Sergeant Thornton, who has signed the ASF and the Joint Proposal on conduct measures.

[55] The interests of other affected individuals have also been addressed by way of Ms. X being able to provide a statement detailing the impact Sergeant Thornton's comments have had on her. I note that I have retained the parts of Ms. X's statement that speak to the impact Sergeant Thornton's comments, as set out in the ASF, have had on her. To the extent that Ms. X addressed elements not before me for a determination or relating to the conduct process as a whole, I wish to reassure the Parties that these components have not been accepted and that they form no part of my analysis of the appropriateness of this Joint Proposal.

[56] The Joint Proposal recognizes that a higher standard applies to a police officer's conduct per the fifth foundational principle. The type of comments made would likely garner minimal attention had they been made among friends outside a work environment, especially outside a police work setting. I also acknowledge, as the Parties advanced, that courtesy is the least serious form of misconduct within a section 2.1 Code of Conduct contravention. Sergeant Thornton is being held to a higher standard and disciplined for his comments.

[57] I agree with the Parties' assessment that the proposed measures are both remedial and educative, per the second foundational principle, as well as fall within the range of measures provided in the 2024 *Conduct Measures Guide*.

[58] The presumption of the least onerous disposition is met per the third foundational principle. I find that the forfeiture of pay is proportionate to Sergeant Thornton's actions while still holding him accountable.

[59] In light of the foregoing, I do not find that accepting the Joint Proposal would be considered intolerable and result in the loss of public confidence in the RCMP conduct process.⁵ Consequently, I find that the Joint Proposal is not against the public interest, nor would it bring the administration of justice into disrepute. As such, I accept the proposed conduct measure, namely, a financial penalty of one day to be deducted from Sergeant Thornton's pay.

CONCLUSION

[60] Allegation 1 is established, and the aforementioned conduct measure is imposed.

[61] My acceptance of the Joint Proposal provides Sergeant Thornton with the opportunity to continue his career with the RCMP. In doing so, I trust that he will uphold the standards set by the Code of Conduct and the RCMP core values. Any future contravention of the Code of Conduct will be seriously reviewed by the appropriate conduct authority and could lead to his dismissal from the Force.

[62] Any interim measures in place should be resolved, in a timely fashion, in accordance with paragraph 23(1)(b) of the *Royal Canadian Mounted Police Regulations, 2014*, SOR/2014-281.

[63] This constitutes my written decision, as required by subsection 45(3) of the *RCMP Act*. Either Party may appeal this decision by filing a statement of appeal with the Commissioner within 14 days of the service of this decision as set out in section 45.11 of the *RCMP Act* and section 22 of the *Commissioner's Standing Orders (Grievances and Appeals)*, SOR/2014-289.

Sandra Weyand
Conduct Board

August 21, 2025
Date

⁵ *R. v Chouhan*, 2021 SCC 26, at paragraph 73.