

Publication ban: Any information that could identify Ms. K.S. in the present decision shall not be published, broadcast or transmitted in any way.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 Ian Fahie
Regimental Number 54931

(Subject Member)

CONDUCT BOARD DECISION

Eric Blenkarn and Jonathan Hart

(Conduct Authority Representatives)

Stanley MacDonald

(Subject Member Representative)

CONDUCT BOARD:

Colin Miller

DATE:

October 22, 2025

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SYNOPSIS

Constable Ian Fahie was served with a *Notice of Conduct Hearing*, which contains one allegation under section 7.1 and two allegations under section 4.6 of the RCMP Code of Conduct. However, during their submissions on the allegations, the Conduct Authority withdrew one of the allegations under section 4.6 of the Code of Conduct. Hence, only Allegations 1 and 3 remain, in which Constable Fahie is alleged to have pursued a romantic relationship with a vulnerable member of the public and failed to use government-issued property only for authorized purposes and activities.

On September 25, 2025, the Conduct Board issued his oral decision, in which both Allegations were found to be established.

On October 14, 2025, the Conduct Board accepted a joint proposal from the parties. Accordingly, he directed for Constable Fahie to resign within 14 days or be dismissed.

INTRODUCTION

[1] On September 5, 2023, Ms. G.M., the Executive Director of a women's shelter, reported that Constable Ian Fahie [Constable Fahie] had attended the shelter's property while on duty to engage in a personal relationship with one of its residents.

[2] On September 15, 2023, pursuant to subsection 40(1) of the *Royal Canadian Mounted Police Act*, RSC, 1985, c R-10 [*RCMP Act*], an RCMP Code of Conduct investigation was mandated into Constable Fahie's actions. The *Conduct Investigation Mandate Letter* was served on Constable Fahie that same day.

[3] On August 19, 2024, the Conduct Authority signed a *Notice to the Designated Officer*, requesting the initiation of a Conduct Hearing. On August 26, 2024, I was appointed as the Conduct Board pursuant to subsection 43(1) of the *RCMP Act*.

[4] The *Notice of Conduct Hearing* was signed by the Conduct Authority on January 15, 2025. It was subsequently served on Constable Fahie on January 16, 2025, along with the investigation package. The *Notice of Conduct Hearing* originally contained one allegation under section 7.1 and two allegations under section 4.6 of the RCMP Code of Conduct. However, one allegation under section 4.6 was withdrawn on September 25, 2025.

[5] On March 21, 2025, Constable Fahie provided his response to the *Notice of Conduct Hearing*, pursuant to subsection 15(3) of the *Commissioner's Standing Orders (Conduct)*, SOR/2014-291. He admitted some of the Particulars but denied the Allegations.

[6] On September 22, 2025, the Conduct Hearing began in Halifax, Nova Scotia. On September 25, 2025, I delivered my oral decision on the allegations, finding both to be established.

[7] On September 26, 2025, the conduct measures phase of the hearing began in person. It was completed virtually on October 14, 2025, at which time I delivered my oral decision on conduct measures.

Publication ban

[8] In accordance with paragraph 45.1(7)(a) of the *RCMP Act*, I order that any information that could identify Ms. K.S., shall not be published, broadcast or transmitted in any document or in any way.

[9] The Allegations and its Particulars have been amended to reflect this publication ban.

ALLEGATIONS

[10] The *Notice of Conduct Hearing* reads as follows:

Particulars common to all allegations:

1. At the time of these allegations, [Constable Fahie was] a member of the Royal Canadian Mounted Police (“RCMP”) posted to “H” Division, as a general duty member of [redacted] Detachment. [Constable Fahie] held the rank of Constable.

Allegation 1: On or between August 27, 2023, and September 3, 2023, at or near [redacted], Province of Nova Scotia, Constable Ian Fahie engaged in discreditable conduct in contrary to section 7.1 of the RCMP Code of Conduct.

Particulars of Allegation 1:

2. [Constable Fahie] first met Ms. [K.S.] while on duty and in a professional capacity. [Constable Fahie was] involved in multiple operational occurrences.
3. Those interactions and/or involvement consisted of the following PROS occurrences:
 - PROS 2022-[redacted] dated May 15, 2022, where [Constable Fahie] attended a 911 child welfare call involving Ms. [K.S.]’s child.
 - PROS 2022-[redacted] dated May 15, 2022, where [Constable Fahie] created an assistance file for [Child Protective Services] attendance related to the previously mentioned occurrence.
 - PROS 2022-[redacted] dated July 8, 2022, where [Constable Fahie] attended a call for mischief/disturb the peace call placed by Ms. [K.S.].
 - PROS 2022-[redacted] dated January 5, 2023, where [Constable Fahie] completed a supplementary occurrence report for a file where Ms. [K.S.] was a victim of assault by her ex-partner.

- PROS 2022-[redacted] dated February 8, 2023, where [Constable Fahie] arrested Ms. [K.S.] for several criminal offences.
 - PROS 2022-[redacted] dated May 30, 2023, where [Constable Fahie] arrested Ms. [K.S.] for failure to comply with an undertaking.
4. At some point in [Constable Fahie's] previous interactions with Ms. [K.S.], [he] gave her [his] personal phone number.
 5. [Constable Fahie] communicated with Ms. [K.S.] for reasons outside of [his] professional duties and developed a friendship leading to a romantic relationship.
 6. At the time of the allegations, Ms. [K.S.] resided at [a women's shelter] with her children.
 7. The [women's shelter] provides crisis, shelter, outreach and transitional support to women and their children who have experienced or are at risk of experiencing violence and abuse. Services are available for women who have been psychologically, emotionally, financially, physically and/or sexually abused.
 8. [Constable Fahie] visited Ms. [K.S.] on three separate occasions during her stay at the [women's shelter] for personal reasons. Two of these times, [Constable Fahie was] on duty and the other time [he was] off duty.
 9. [Constable Fahie] kissed Ms. [K.S.] during [his] three visits at the [women's shelter].
 10. Given her residency at a women's shelter, [Constable Fahie] either knew or ought to have known that Ms. [K.S.] was a vulnerable person.
 11. [Constable Fahie] pursued a romantic relationship with a vulnerable member of the public which, constitutes an abuse of professional trust and authority.

Allegation 2: On or about August 27, 2023, at or near [redacted], Province of Nova Scotia, Constable Ian Fahie engaged in conduct in contrary to section 4.6 of the RCMP Code of Conduct.

[Allegation 2 was withdrawn on September 25, 2025]

Allegation 3: On or between August 27, 2023, and September 3, 2023, at or near [redacted], Province of Nova Scotia, Constable Ian Fahie engaged in conduct in contrary to section 4.6 of the RCMP Code of Conduct.

Particulars of Allegation 3:

15. On August 27, 2023, and September 1, 2023, [Constable Fahie] visited Ms. [K.S.] at [a women's shelter], while on duty.
16. On both occasions, [Constable Fahie was] in [his] police uniform and [was] using an unmarked RCMP police cruiser.

17. On September 1, 2023, [redacted] police were called by [the women's shelter's] staff to report a suspicious vehicle parked in their loading zone. Constable [K.S.] and Constable [K.M.] were dispatched to the scene.
18. Upon arrival, Constable K.S. and Constable K.M. saw [Constable Fahie] with Ms. [K.S.]. [Constable Fahie] advised them that [he was] there to obtain a witness statement for a file. This was untrue as [Constable Fahie] visited Ms. [K.S.] for personal reasons.
19. By visiting Ms. [K.S.] for personal reasons while wearing [his] police uniform in an issued RCMP police vehicle, [Constable Fahie] failed to use government-issued property only for authorized purposes and activities.

Standard of proof

[11] Subsection 45(1) of the *RCMP Act* requires that the “balance of probabilities” standard of proof be applied in adjudicating alleged contraventions of the Code of Conduct. This requires a determination on whether it is more likely than not that the alleged acts or omissions occurred.

[12] The Supreme Court of Canada provides the following guidance on the “balance of probabilities” standard of proof:

[46] [...] evidence must always be sufficiently **clear, convincing and cogent** to satisfy the balance of probabilities test. [...] [Bold added]¹

Credibility and reliability

[13] At the Conduct Hearing, I heard testimony from Ms. G.M., Staff Sergeant E.N., Ms. K.P. and Constable Fahie. When assessing the evidence being adduced, on a balance of probabilities, the totality of the evidence must be considered and used to make findings of credibility.

[14] The Supreme Court of Canada also gives us guidance on assessing evidence:

[86] [...] finding the evidence of one party credible may well be conclusive of the result because that evidence is inconsistent with that of the other party [...]²

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

² *McDougall*, at paragraph 86.

[15] Although I am guided by often cited authorities,³ I believe that the British Columbia Court of Appeal effectively summarizes the principles on how to assess credibility and reliability:

[...] the real test of the truth of the story of a witness in such a case must be its harmony with the preponderance of the probabilities which a practical and informed person would readily recognize as reasonable in that place and in those conditions. [...]⁴

Ms. G.M.

[16] I found Ms. G.M.'s evidence to be credible and generally reliable. She testified in an honest and forthright manner, displaying genuine concern for those that come into her care. However, her testimony was limited in scope, as she did not witness any of Constable Fahie's alleged misconduct. Ms. G.M. testified about the protocols in place for visitations at the shelter, as well as her conversation with Ms. K.S. following Ms. K.S.'s interactions with Constable Fahie. Much of the information that Ms. G.M. provided relies on what she recalls being told by Ms. K.S. Accordingly, in the absence of oral testimony from Ms. K.S., the veracity of her account cannot be confirmed.

Staff Sergeant E.N.

[17] I found the testimony of Staff Sergeant E.N., who was the acting line officer for Constable Fahie at the time of the alleged incidents, to be both credible and reliable. He spoke about the manner in which the alleged incidents came to his attention and the actions he undertook to ensure that they were investigated. Staff Sergeant E.N. testified in a direct and forthright manner, trying to relay the information as accurately as he could, correcting himself when he misspoke. He readily agreed with the Subject Member Representative when agreement was sought, specifically relating to his interactions with Constable Fahie and the earnestness with which Constable Fahie performed his duties.

³ *R. v R.E.M.*, 2008 SCC 51, at paragraph 65; *McDougall*, at paragraph 58.

⁴ *Faryna v Chorny*, [1952] 2 DLR 354, at page 357.

Ms. K.P.

[18] Ms. K.P. testified that she was working as a front-line support worker at the time of the alleged incidents. She spoke to the mandate of the shelter and to the protocols and security in place to ensure the well-being of the residents. Ms. K.P. provided her recollection of the evening of September 1, 2023, when she called the local police service to report a suspicious vehicle outside the shelter. She described her observations as well as her interactions with Ms. K.S. both before and after the incident. She spoke in a straightforward and confident manner, agreeing with some of the propositions that were put to her by the Subject Member Representative. I found her to be credible and reliable. Hence, I accept her evidence.

Constable Fahie

[19] The Conduct Authority Representatives argued that I should form a negative assessment on the credibility of Constable Fahie. They stated that while Constable Fahie acknowledged that he crossed the line, he continually minimized his involvement with Ms. K.S. and the seriousness of his actions.

[20] I found that Constable Fahie testified in a clear but insincere manner. He repeatedly contradicted himself and articulated conclusions that were inconsistent with ordinary human behaviour and common sense. Frankly, while he answered unprovocative questions without issue, the responses that he provided with respect to his relationship with Ms. K.S. did not make sense and were an attempt to construct a version of events that minimized his involvement with Ms. K.S. Consequently, the implausibility of his answers means that I find him neither credible nor reliable.

[21] I will detail specific issues regarding Constable Fahie's testimony during my analysis of the Allegations.

Analysis

Particular 1

[22] Particular 1, which is common to both Allegations, is uncontested. Therefore, it is established.

Allegation 1

[23] The burden is on the Conduct Authority to establish the Allegation on a balance of probabilities. Practically speaking, this means that I must find that the Conduct Authority has established that it is more likely than not that Constable Fahie has contravened section 7.1 of the Code of Conduct, which states: “Members behave in a manner that is not likely to discredit the Force”.

[24] The test to establish an allegation of discreditable conduct under section 7.1 of the Code of Conduct requires that the conduct authority prove the following elements on a balance of probabilities:

- a) the identity of the member who is alleged to have committed the acts;
- b) the acts that constitute the alleged behaviour;
- c) that the member’s behaviour is likely to discredit the RCMP; and
- d) that the behaviour is sufficiently related to the member’s duties and functions as to provide the RCMP with a legitimate interest in disciplining them.

Identity of member

[25] The identity of Constable Fahie as the member alleged to have committed the acts as set out in Allegation 1 of the *Notice of Conduct Hearing* is not contested. Therefore, the first element of the test is established.

Acts constituting alleged behaviour

[26] The incidents, alleged to have occurred during the period of August 27, 2023, to September 3, 2023, relate to an allegation that Constable Fahie pursued a romantic relationship with a vulnerable member of the public.

[27] The Allegation consists of ten Particulars. Although Constable Fahie has admitted to some of the Particulars; he is contesting the allegation that his conduct was discreditable.

Particulars 2, 3, 4, 6, 7 and 8

[28] These Particulars are not contested. They were admitted by Constable Fahie in his Response to the Allegations and confirmed during his testimony. Accordingly, Particulars 2, 3, 4, 6, 7 and 8 are established.

Particular 5

[29] It is at Particular 5, where the contested issues begin to arise.

[30] It is uncontested that Constable Fahie communicated with Ms. K.S. for personal reasons. He detailed the nature of his conversations with her and admitted to this during his testimony. However, Constable Fahie testified that they were only “acquaintances”, which stands in contrast to his account in his Response to the Allegations, in which he indicated that they had developed a friendship. Moreover, in his Response to the Allegations and his testimony, he denied engaging in a romantic relationship with Ms. K.S.

[31] Beginning with a phone call Ms. K.S. made to Constable Fahie on August 23, 2023, the pair began engaging in regular communication, through text messages. Constable Fahie testified that they texted about day-to-day matters and that he was getting to know her on a personal level. He stated that they exchanged texts “throughout the day”, every day. Notably, this is consistent with Ms. K.S.’s disclosure to both Ms. G.M. and Ms. K.P.

[32] While Constable Fahie attempted to downplay the significance of this relationship, backtracking even from the suggestion that he and Ms. K.S. had become friends, he testified that he told her about his previous relationship, that he had been in a common-law relationship and had two children. Furthermore, texting led to in-person visits with Ms. K.S. where hugs were exchanged and ultimately, led to them kissing or, as he recounted in his written statement for the conduct investigation and to which he conceded during his testimony, “making out”.

[33] Constable Fahie admitted that when he was asked about his relationship with Ms. K.S., he told Staff Sergeant E.N. and Sergeant M.P., another of his supervisors, that he was thinking with his “little head”. However, when testifying about this statement, he claimed that it meant that he was not thinking clearly regarding the relationship.

[34] Constable Fahie's actions were not consistent with someone who was not looking to deepen a relationship. His consistent texting, personal attendance at the women's shelter and even his spontaneous comments to Staff Sergeant E.N. and Sergeant M.P., discredit his assertion that he did not want a deeper relationship with Ms. K.S. Furthermore, I find that his assertion regarding not thinking clearly is completely without merit. The phrase "little head" is common vernacular referencing when a man is said to be thinking with his penis as opposed to his brain, meaning that he was being led by his sexual desire.

[35] Additionally, Constable Fahie also admitted that, when they seized his police intervention tools at his residence, he told Staff Sergeant E.N. and Sergeant M.P. that he should have "gone ahead and did it". Despite the Subject Member Representative's attempt to parse out a different inference that could be drawn with respect to Constable Fahie's comment, I only arrive at one conclusion, which is that he was saying that he should have engaged in sexual relations with Ms. K.S. if he was going to be treated like he did anyway.

[36] I find that Constable Fahie had developed a friendship with Ms. K.S., which led to a romantic relationship. Consequently, Particular 5 is established.

Particular 9

[37] In her statement, Ms. K.S. claimed that she kissed Constable Fahie on all three of his visits to see her at the women's shelter. However, Ms. K.S. was not summonsed and did not testify; hence, her evidence was not tested. Constable Fahie admitted in both his Response to the Allegations and his testimony to only kissing Ms. K.S. on September 2, 2023. In support of Constable Fahie's account, I note that Ms. K.P. testified to observing the interactions between Ms. K.S. and Constable Fahie on the evening of September 1, 2023, and not witnessing any physical contact between them. Consequently, despite my misgivings about Constable Fahie's evidence, the evidence only establishes that he kissed her on one occasion. Hence, this Particular is established in part.

Particular 10

[38] It is uncontested that Ms. K.S. was residing at a women's shelter at the time of the alleged misconduct. It is also uncontested that this shelter only provided services to women and their children. I heard testimony from Ms. G.M. and Ms. K.P. about the circumstances that lead women to reside at the shelter and the criteria that must be met, including fleeing or experiencing domestic violence.

[39] Constable Fahie testified that he did not believe that Ms. K.S. was a vulnerable person. He stated that he was unaware that Ms. K.S. had experienced domestic violence, despite having added a supplemental report on the file, or that it was a requirement to be eligible for residency at the shelter. He acknowledged that she was looking for a place to live, since she could no longer reside with her mother. Moreover, based on his conversations with Ms. K.S., Constable Fahie believed that she was residing at the shelter for that reason.

[40] Furthermore, the Subject Member Representative argued that Ms. K.S.'s personal circumstances—she was caring for herself and her children, including getting them ready for the beginning of the school year, as well as looking to buy a car and for a place to live—are indications that she was not vulnerable. I disagree.

[41] Section B.7.1.4.8.1 of the *Conduct Measures Guide* (November 2024, version) provides the following definition of a vulnerable person:

Vulnerable person, for the purpose of the administrative conduct process, means a person who is at increased risk of being influenced, coerced, abused or taken advantage of as a result of their situation or circumstances. The individual reasons that someone may be considered a vulnerable person are too numerous to list and will depend largely on the specific situation. Examples of vulnerable persons may include persons in an abusive relationship, children, elderly, youth at risk, persons with disabilities as well as persons experiencing mental health struggles or homelessness.

[42] Ms. K.S. was the supposed victim of domestic violence; was a single mother of three children, one of whom had been diagnosed with autism; was not employed; and did not have a place to live. Accordingly, I find that she was a vulnerable person.

[43] While acknowledging that he told Ms. K.S. about his previous relationship and his two children, Constable Fahie claimed that she did not speak to him about her previous relationships, other than to say that she needed to stop dating “shitty men”. This lacks an air of reality.

[44] Additionally, Constable Fahie stated that he did not know that Ms. K.S. was residing at the shelter until he was on his way to see her on August 27, 2023. At that time, Constable Fahie had over 16 years of service as a member of the RCMP, all of which was in front-line policing and had been working at his current Detachment for more than 2 years.

[45] Given his policing experience in general, and specifically, that involving Ms. K.S. (that is, a previous incident in which he found her child on their own in just a diaper), as well as what I will refer to as “common sense”, it should have been clear to him that Ms. K.S. was likely vulnerable. Accordingly, I find that Constable Fahie knew or ought to have known that Ms. K.S. was a vulnerable person, and Particular 10 is established.

Particular 11

[46] Given my findings that Constable Fahie pursued a romantic relationship with Ms. K.S. and that she was a vulnerable person, I must decide whether Constable Fahie abused his position of trust and authority.

[47] Constable Fahie had a number of in-person professional interactions with Ms. K.S. In the course of his interactions with her, he managed to develop enough rapport with her that she would refer to him as “her cop”, which was captured in her statement and acknowledged by Constable Fahie. Saying that he did not like that phrase as he is “nobody’s cop”, Constable Fahie acknowledged that Ms. K.S. reached out to him because she trusted him. In fact, Constable Fahie testified that Ms. K.S. called the office and asked to speak with him or one other member, who were “her cops”. Up to that point, they had only had professional interactions, so clearly, Ms. K.S. trusted him in his position as a police officer.

[48] Constable Fahie then continued to develop a romantic relationship while on duty, visiting her at the shelter on two separate occasions while in uniform and driving a police car.

[49] Hence, I find that he did abuse his position of trust and authority.

[50] Therefore, I find the second element of the test established and must now determine if Constable Fahie's misconduct was discreditable.

Likelihood of behaviour discrediting RCMP

[51] To determine the likelihood of Constable Fahie's behaviour discrediting the RCMP, I must determine whether a reasonable person in society, with knowledge of all the relevant circumstances, including the realities of policing in general and the RCMP in particular, would view Constable Fahie's actions as likely to bring discredit to the RCMP.

[52] Ms. G.M. spoke about the shelter's relationship with the police, advising that there was a lot of mistrust at the beginning, due to police not acting in a trauma-informed manner. She testified to having spent a lot of time and energy building relationships with the local police service and the RCMP. Yet, Ms. G.M. stated that this incident had a negative impact on that relationship, as it was another situation in which she had to make a complaint to the RCMP about a member. Ms. G.M. testified that mistrust is created because staff and residents do not know who to speak to or whether confidentiality will be breached. Moreover, they fear that reporting incidents to the wrong person could cause further harm.

[53] Given the very purpose of women's shelters—to provide safety and support to women experiencing domestic violence and their children—having positive and trusting relationships with their local police agencies is vital. Police may be called to these shelters to assist staff with unwanted persons such as abusive spouses, to provide assistance to social services or for a variety of other reasons. Therefore, a healthy relationship between shelter staff and the police is crucial.

[54] Constable Fahie had a professional relationship with Ms. K.S., a vulnerable person, which transitioned into a friendship and romantic relationship, which he facilitated through his work as a police officer, including attending the shelter while on duty. This is a significant departure from what is expected of police officers, and I feel confident in saying that the general public would be outraged by such behaviour.

[55] Consequently, I find that a reasonable person in society, with knowledge of all the relevant circumstances, including the realities of policing in general and the RCMP in particular, would

view his actions as likely to bring discredit to the RCMP. Thus, the third element of the test is established.

Actions in relation to RCMP duties and functions and need for discipline

[56] Constable Fahie met Ms. K.S. numerous times in the course of his duties as a police officer. On the most recent occasion, he provided her with his personal cell phone number. Moreover, on two of the three occasions when Constable Fahie met Ms. K.S. in person at the shelter for personal reasons, he did so, while on duty, in full uniform and driving a police car. Although Constable Fahie was off duty and driving a personal vehicle on the third occasion, the Code of Conduct applies to members of the RCMP when they are both on and off duty.

[57] Not only did Constable Fahie initiate his relationship with Ms. K.S., and subsequently visit her, while on duty, his involvement with Ms. K.S., given her then circumstances—living in a women’s shelter due to an alleged incident of domestic violence—has a clear connection to his obligations as a police officer. Therefore, I have no difficulty in finding that Constable Fahie’s behaviour is sufficiently related to his duties and functions as to provide the RCMP with a legitimate interest in disciplining him. Accordingly, the fourth and final element of the test is established.

Decision on Allegation 1

[58] Consequently, as all four elements of the test have been met, I find Constable Fahie’s conduct to be discreditable. As a result, I find Allegation 1 to be established on a balance of probabilities.

Allegation 3

[59] To establish an allegation under section 4.6 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) that the subject member used government-issued equipment or property; and
- c) that the subject member used the equipment or property for an activity or purpose that was not authorized or operational.

Identity of member

[60] Again, the identity of Constable Fahie as the member alleged to have committed the acts as set out in Allegation 3 of the *Notice of Conduct Hearing* is not contested. Therefore, the first element of the test is established.

Used government-issued equipment or property

Particulars 15 and 16

[61] Constable Fahie admits to visiting Ms. K.S. at the women's shelter while on duty, on August 27, 2023, and September 1, 2023. He also admits that he was in his police uniform and using an unmarked RCMP police cruiser on those occasions. Therefore, these Particulars are established along with the second element of the test.

Used the equipment or property for an unauthorized activity or purpose

Particular 17

[62] It is uncontested that the local police were called by the shelter staff to report a suspicious vehicle parked in their loading zone and that two members of that police service attended. Thus, Particular 17 is established.

Particular 18

[63] Constable Fahie admitted that he had attended the shelter for personal reasons. However, he testified that when members of the local police service arrived, he stated that he was there to "see [Ms. K.S.]" or was "following up". Accordingly, Particular 18 is partly established.

Particular 19

[64] Constable Fahie admits that he failed to use government-issued property only for authorized purposes and activities. As a result, Particular 19 is established along with the third and final element of the test.

Decision on Allegation 3

[65] Given my finding that Constable Fahie used government-issued equipment or property for an activity or purpose that was not authorized or operational, I find Allegation 3 to be established.

CONDUCT MEASURES

[66] Having found both Allegations to be established, in accordance with paragraph 36.2(e) of the *RCMP Act*, I am required to impose “conduct measures that are proportionate to the nature and circumstances of the contravention and, where appropriate, that are educative and remedial rather than punitive”.

[67] Prior to making their submissions, the Subject Member Representative and the Conduct Authority Representatives advised that they would be making a joint submission with respect to conduct measures. Moreover, they propose that Constable Fahie be directed to resign from the RCMP within 14 days or be dismissed.

Joint submission

[68] When a conduct board is presented with a joint submission, there are very narrow circumstances in which it may refuse to accept the proposed conduct measures. Courts or administrative tribunals, such as this one, will not override a settlement reached by the parties unless doing so would go against the public interest. The public interest test has a very high threshold. The Supreme Court of Canada has recognized the value of settlement discussions and has indicated “that a joint submission should not be rejected lightly”.⁵

[69] The public interest test has also been applied in the context of professional discipline in *Rault* and *Coleman*.⁶ According to *Rault*, 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 also give cogent reasons as to why it is inappropriate.

⁵ *R. v Anthony-Cook*, 2016 SCC 43, at paragraph 34.

⁶ *Rault v Law Society of Saskatchewan*, 2009 SKCA 81 [*Rault*], at paragraph 28; *Appropriate Officer “F” Division and Coleman* (2018) 18 AD (4th) 270 [*Coleman*], at paragraph 91.

[70] To determine whether the proposed conduct measure submitted by the representatives goes against the public interest, I must determine what the range of possible conduct measures may be. Additionally, it is important to note that dismissal is the most serious punishment that can be imposed in a disciplinary process such as this one.

[71] In their submission, the Conduct Authority Representatives argued that joint submissions are governed by the public interest test as articulated at section A.4.3 of the *Conduct Measures Guide*. They state that Constable Fahie's behaviour falls within the category of sexual misconduct with a member of the public referenced at section B.7.1.4.8.5 of the *Conduct Measures Guide*, noting that this type of behaviour warrants presumptive dismissal. Accordingly, they assert that the conduct measure proposed is within the range of appropriate conduct measures.

[72] Similarly, the Subject Member Representative states that he and the Conduct Authority Representatives have carefully considered the proposal and submits that it satisfies the public interest.

[73] At section B.7.1.4.8.3 of the *Conduct Measures Guide*, the following guidance is provided regarding what constitutes sexual misconduct with member of the public:

Improper relationships with members of the public include sexual relationships between a police officer and a member of the community where the relationship involves an abuse of professional trust. [...]

This subcategory of misconduct also includes police officers inappropriately pursuing sexual relationships with members of the community. [...]

[74] Given my finding that Constable Fahie pursued an inappropriate sexual relationship with Ms. K.S., I agree that the parties identified the correct category of misconduct. As noted by the Conduct Authority Representatives, per the *Conduct Measures Guide*, the recommended conduct measure for sexual misconduct involving a member of the public is presumptive dismissal; therefore, I find that the proposed measure falls within the appropriate range.

[75] To further assist me in my assessment of a fit conduct measure, I will apply the five foundational principles as set out at section A.2 of the *Conduct Measures Guide*.

Assessing fit conduct measures

[76] Per section A.2.1 of the *Conduct Measures Guide*, the first foundational principle states that “Conduct measures should fully accord with the four 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.

[77] Paragraphs 36.2(b) and (c) of the *RCMP Act* highlight this principle:

Purposes

36.2 The purposes of this Part are

[...]

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

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

[...]

[78] The Supreme Court of Canada has also highlighted the importance of 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”.⁷

[79] The second and third principles provide that remedial and educative measures should prevail, where appropriate, and that the presumption of the least onerous disposition should be imposed. However, both of these principles will be displaced if the public interest or other considerations, such as the seriousness of the misconduct, triumph.

[80] The fourth principle is that the conduct measures imposed must be proportionate to the nature and circumstances of the contravention. This requires the conduct board to identify the relevant proportionality considerations, assess whether they may be mitigating, aggravating or neutral. Finally, the conduct board must appropriately balance and weigh these in consideration of

⁷ *Law Society of Saskatchewan v Abrametz*, 2022 SCC 29, at paragraph 53.

the circumstances of the case and of the four purposes of the police complaint and discipline process.

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

[82] Although I will canvass all five of the principles, they will not be addressed in order, as I believe that the analysis flows more logically in this fashion. Accordingly, I will provide my findings with respect to the second and third principles later in my decision.

Analysis

Accordance with purposes of police complaint and discipline process

[83] The public has an expectation that RCMP members, who have been granted exceptional powers to enforce the laws in our society, will uphold and abide by the law. In the course of their duties, police officers often encounter people that are vulnerable whether as a result of a long-term affliction or of situational factors. Regardless, the public rightfully expects that people experiencing vulnerability will be treated not only with the general respect and courtesy that should be extended to everyone but with a heightened level of compassion and concern. Accordingly, it is particularly troubling when vulnerable individuals are the victims of mistreatment at the hands of our police officers, especially sexual misconduct.

[84] Over the past several decades, the RCMP has been troubled with reports of sexual misconduct. Significant media attention has been garnered, creating a lack of trust both inside the RCMP and in society at large, as well as tarnishing the reputation of the RCMP. To rebuild this trust, the RCMP must demonstrate that it is holding accountable members who contravene the Code of Conduct.

[85] Hence, the RCMP has a significant interest in reassuring the public that sexual misconduct will not be tolerated between its members and other employees or members of the public. In fact, it is difficult to envision any behaviour that could have a more deleterious effect on the restoration of trust than police officers exploiting those who are the most marginalized or disadvantaged.

[86] Constable Fahie's interests must also be considered. He must be afforded the rights dictated by procedural fairness. Additionally, given that the result of an administrative process, such as the RCMP conduct process, will have serious ramifications on his career as well as his personal life, I must be mindful of the educative and remedial objectives of this process.

[87] Constable Fahie's interests have been protected throughout this process, culminating in a full conduct hearing, where he has had the chance to be heard and has been afforded the opportunity to test the Conduct Authority's case.

[88] The interests of the affected parties are also to be considered. Ms. K.S did not participate at the Conduct Hearing, so I cannot speak to the impact that Constable Fahie's actions have had on her. However, I did hear from two staff members from the shelter, who spoke to the reduction in services that Ms. K.S. was accessing since this incident was reported. Additionally, the staff members highlighted the vulnerability of their residents, including the negative experiences with members of the police that some may have experienced and how learning of this incident may influence their perception of the police.

Proportionality

[89] The presence of mitigating, aggravating or neutral considerations plays a role in my decision-making. Thus, I must appropriately weigh these in the context of the case and of the four purposes of the police complaint and discipline process, as enumerated under the first foundational principle.

[90] The *Conduct Measures Guide* provides a non-exhaustive list of factors to be considered in determining proportionality. I will list those that are relevant to this matter and indicate whether I have found them to be mitigating, aggravating or neutral.

- a) **Public interest:** As I noted previously, the public has a profound interest in ensuring that those in a position of authority can be trusted to protect them. Any act of sexual misconduct has the opposite effect, especially when it is directed toward a vulnerable person. Accordingly, it is an aggravating factor.
- b) **Seriousness of misconduct:** Any act of sexual misconduct is serious. While Constable Fahie's actions are not the most serious type of sexual misconduct that can occur, there

are several factors that elevate their severity: he met Ms. K.S. several times in the performance of his duties, gaining her trust; Ms. K.S. was clearly vulnerable, as evidenced by her residing at a women's shelter; he furthered his relationship with Ms. K.S. while on duty and using RCMP equipment; and his misconduct impacted the RCMP's relationship with the shelter staff and required the involvement of a police service partner. Hence, it is an aggravating factor.

- c) **Recognition of seriousness of misconduct (remorse):** During his testimony on conduct measures, Constable Fahie took responsibility for his actions and expressed his desire to apologize to those affected by his actions, including Ms. K.S. and the shelter staff. He indicated that he did not see the big picture—the impact of his actions—at the time but now recognizes the significance. However, during his testimony on the Allegations, he continued to minimize the seriousness of his misconduct. Accordingly, I find it only to be a slightly mitigating factor.
- d) **Disability and other relevant considerations:** Constable Fahie referenced several mental health conditions while testifying, the diagnoses of which were confirmed by letters from his medical practitioners. Although Constable Fahie indicated that there may have been some causality, no expert evidence was introduced that demonstrated a link between his conditions and his misconduct. However, I do note that Constable Fahie was directly engaged in some of the most serious incidents with which the RCMP has been involved in recent memory. I have no doubt that those incidents would have left their mark on him. Consequently, I find this to be a mitigating factor.
- e) **Employment history:** I have considered the letters of reference provided on behalf of Constable Fahie, his performance reviews and Staff Sergeant E.N.'s comments with respect to Constable Fahie's contributions to the RCMP. Constable Fahie appears to be well liked and respected as it relates to his operational abilities. Constable Fahie is noted to be a team player, who freely shares his knowledge and expertise with other members, and is known province-wide as a resource for impaired driving investigations. However, he has three incidents of prior misconduct. The first incident, which occurred in 2012, relates to an inappropriate relationship he developed with a 16-year-old girl, and which was uncovered after a letter professing his affection for her was discovered by the girl's mother. In 2017, there was an incident in which

Constable Fahie made an inappropriate comment about a colleague's figure. In 2019, after developing a professional relationship with a young woman, Constable Fahie furthered that relationship through text communications with her. The relationship culminated with an instance where the young woman performed oral sex on him while he was in uniform and operating a marked police vehicle. Despite Constable Fahie's good performance and value to the RCMP, his repeated misconduct of a sexual nature eclipses any mitigation that may have been attributed to his employment history. Therefore, I find it to be an aggravating factor.

- f) **Potential to reform or rehabilitate:** As noted in the previous section, Constable Fahie has three incidents of prior misconduct that have similarities that are reflected in this matter, including their sexual nature, the vulnerability of the recipient of his affection and the abuse of his position of authority, amongst others. This is the fourth documented instance of misconduct that necessitated the imposition of discipline on Constable Fahie in the span of 12 years. He has not demonstrated an ability to learn from his mistakes and improve his behaviour. Consequently, I have no confidence in his rehabilitative potential. This is a particularly aggravating factor.
- g) **Effect on police officer and their family:** Constable Fahie spoke about his family situation, including his two children. He testified with respect to his involvement in their lives and the financial support he provides. I have no doubt that the loss of his employment would have profound consequences for both him and his children, perhaps even ones that could influence their future pursuits. As such, I find this to be a mitigating factor.
- h) **Parity (consistency of disposition):** The Conduct Authority Representatives and the Subject Member Representative reference the *James* decision⁸ in which an RCMP member was found to have engaged in inappropriate sexual conversations with a minor and to have sexually assaulted her by putting his hand on her leg on several occasions. In *James*, a joint submission for an order to resign within 14 days or be dismissed was accepted by the conduct board. The Subject Member Representative also points to the *Thibodeau* decision,⁹ in which the conduct board accepted a joint submission on

⁸ Designated Conduct Authority for "K" Division and *James*, 2025 CAD 08 [*James*].

⁹ Designated Conduct Authority for "H" Division and *Thibodeau*, 2024 CAD 17 [*Thibodeau*].

conduct measures consisting of the forfeiture of 40 days' pay and a direction to work under close supervision for a period of 1 year. The Subject Member Representative argues that the circumstances in *Thibodeau*, where an RCMP member began a sexual relationship with the victim of a domestic violence complaint that he was investigating, were more serious than those in the present matter. In the case of *Thibodeau*, I note that there were significant mitigating factors, including a lack of prior discipline. Hence, I find this to be a neutral factor.

- i) **Specific and general deterrence:** Given Constable Fahie's repeated misuse of his position to further his romantic or sexual interests, I find that specific deterrence is necessary. Furthermore, considering the detrimental impact that instances of this nature can have on the public trust, conduct of this nature must be denounced in no uncertain terms. Accordingly, I find that general deterrence is also required. Therefore, it is an aggravating factor.
- j) **Public confidence in the police service:** As I have spoken about the importance of maintaining the public's trust, I will not revisit it again other than to note its importance to having an effective policing organization. Hence, I find this to be an aggravating factor.

[91] In weighing all the factors, I find that the balance shifts to the side of aggravation.

Public expectations

[92] As I noted at the onset, the public expects that police officers will be held to a higher standard of behaviour.

Predominance of educative and remedial conduct measures and presumption of least onerous one

[93] Section B.7.1.4.8 "Sexual Misconduct" of the *Conduct Measures Guide* provides the following commentary with respect to sexual misconduct with members of the public (including minors or vulnerable persons):

These situations reinforce the importance of maintaining the highest level of professionalism when serving Canadians and when interacting with the public

and each other. **Sexual misconduct involving a power imbalance or an abuse of professional trust has no place in the RCMP or elsewhere.** This type of behaviour significantly damages public and employee trust in the organization. [Bold added]

[94] Additionally, the *Conduct Measures Guide*, at section B.7.4.8.5, states that presumptive dismissal is the appropriate outcome for sexual misconduct with members of the public. Presumptive dismissal means that “if established, and in the absence of exceptional mitigating circumstances, the member can reasonably expect dismissal as a probable outcome”.

[95] Constable Fahie met Ms. K.S. through the course of his official police duties, including the execution of two endorsed warrants on her. He developed a professional relationship in which she came to trust him. Due to this trust, Ms. K.S. reached out to him about a professional matter and he then began to pursue a romantic relationship with her. Given the way he came to know Ms. K.S. in his professional capacity, it was inappropriate for him to pursue a romantic relationship with her. Moreover, once Constable Fahie learned that she was vulnerable, which he ought to have deduced as soon as he learned that she was residing in a women’s shelter, it was incumbent upon him to extinguish any romantic interest he may have had in her.

[96] However, despite acquiring that knowledge, Constable Fahie visited Ms. K.S. at the shelter on three occasions; twice while he was on duty, in uniform and while operating a police vehicle. On one of these occasions, the local police were called to attend a complaint of a suspicious vehicle. Furthermore, Constable Fahie continually minimized his actions throughout the investigation and in his testimony before me.

[97] Constable Fahie’s actions are a betrayal of the public trust placed in members of law enforcement and have had a significant impact on the relationship between the women’s shelter and the RCMP. A relationship that, given the unfortunate prevalence of domestic violence in our society must be solidified, not weakened. Moreover, I have difficulty believing that an incident of this nature would not impact the RCMP’s relationship with a police partner as well.

[98] I have considered the preference for the imposition of educative and remedial conduct measures, where appropriate, and that the presumption of the least onerous disposition should be imposed. However, when I consider the totality of the circumstances, particularly the breach of

trust that has occurred and that the proportionality factors lean on the aggravating side, I conclude that these principles should be displaced.

Decision on conduct measures

[99] As previously stated, the parties have brought a joint submission on conduct measures, requesting that Constable Fahie be directed to resign within 14 days or be dismissed. I find that the proposed conduct measure is in the appropriate range and is not contrary to the public interest.

[100] Constable Fahie has severed the employment relationship between himself and the RCMP. His retention would not only erode public confidence in the RCMP but could lead to mistrust in our police officers. Consequently, I direct Constable Fahie to resign within 14 days or be dismissed.

DECISION

[101] The Allegations are established. In accordance with paragraph 45(4)(b) of the *RCMP Act*, I direct Constable Fahie to resign within 14 days or be dismissed.

[102] 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 Fahie, 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.

Colin Miller
Conduct Board

October 22, 2025
Ottawa, Ontario