

Members First

The official newsletter of The Mounted Police Members' Legal Fund

Fall 2007



THE MOUNTED POLICE MEMBERS' LEGAL FUND
FONDS DE RECOURS JURIDIQUE DES MEMBRES DE LA GENDARMERIE

10th Anniversary Edition

It is important to remember that all lessons learned and all benefits derived from actions supported by the Mounted Police Members' Legal Fund (MPMLF) accrue to all regular and civilian members of the Royal Canadian Mounted Police (RCMP).

Are you a member of the MPMLF? If not, you should be! Read below and see why.

To become a member, please submit an application form, a fax or an email to your Staff Relations Representative (SRR) or Sub-Representative with your regimental number, name current posting and your permission to deduct the biweekly payment from your regular pay. Or contact the Secretary/Treasurer: A. Gordon Clarke, at 1344 de Papillon Place, Orleans, (Ontario) K4A 1Y9. Telephone 613-834-1681; Fax 613-834-2811; Email: agclarke@istar.ca. For additional information contact our website at www.mpmlfund.com.

February 14, 1997 was a red-letter day for the Royal Canadian Mounted Police (RCMP). This was the day when the majority of the Staff Relations Representatives completed the incorporation of the Mounted Police Members' Legal Fund (MPMLF).

FIRST DIRECTORS



Kevin MacDougall



Bruce Morrison



John MacNeil

WHY IS BEING A MEMBER OF THE MOUNTED POLICE MEMBERS' LEGAL FUND IMPORTANT TO YOU? WHAT HAS IT DONE SINCE ITS INCEPTION? WHAT MAKES IT SO SPECIAL? READ ON TO FIND OUT.

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1. It is important to you as the establishment of the MPMLF marked the beginning of a process whereby the participating Staff Relations Representatives could act through a non-profit corporation to provide needed funding for:

- a. Actions to bring a resolution of issues between members of the MPMLF and Revenue Canada or the Government of Canada;
- b. Actions taken collectively or individually with respect to matters which affect the dignity or welfare of a member or members of the MPMLF which are not funded under benefit programs, including any treasury board policies and directives or any policies and directives of the RCMP, in effect at the date hereof by the RCMP or the Government of Canada for the benefit of members of the RCMP;
- c. Researching, investigating, exploring, analysing, examining, collecting of information or data and hiring outside counsel or organizations to do any of the foregoing in respect of issues described in (a) and (b) above.

2. Generally to do things and transact all business which any person or individual may lawfully do, not inconsistent with the foregoing purposes or with the rights and purposes of a non-profit organization.

Starting from nothing but an idea that such a Fund was required to aggressively pursue issues that concerned the regular and civilian membership of the Force, we have grown into a Corporation that over the past ten years has expended almost 4 million dollars in providing satisfaction and better working conditions for our membership and indeed the whole Force. We have attempted in past Newsletters to give you some idea of the matters handled by publishing brief accounts of our accomplishments. There is no way however that we can share the vast amount of material due to volume and publishing bans. One matter for example, that dealing with the Dispute Resolution Process, takes up 12 inches in the filing cabinet. In this issue, however, we will attempt to bring you up to date on major issues that were recently concluded or are still outstanding. We will also provide summaries of other ones, to better illustrate the wide scope of matters that have come to our attention.

The MPMLF is special as you have made it that way with your continuing support, and your elected Staff Relations Representatives

have assisted by voluntarily giving up their free time to participate in the success of the Corporation.

What have we done or accomplished since February 14, 1997?

We have been involved in one way or another with each of the following issues. (For some issues, such as Defamation, Malicious Prosecution and Assault on Members, we have launched a number of individual actions). We

have been protecting the rights of our members, and by extension, the rights of all of the regular and civilian members of the Force, whether you are a participating member of the MPMLF or not. **As you will see, it is to your advantage, as well as you showing support for your friends and colleagues, to become a member. If you are not a currently a member, remember, assistance can only be given if you are a member before there is an occurrence for which you seek help.**

Taxation of Retirement Moves

PROMOTION

Living Accommodation Charges Directive

SAVE THE CM'S

officer safety

Appeal of Manslaughter Conviction

Dispute Resolution for Promotion Process

Harassment

Pay Equity

Shortage of Resources

Reduction in Rank

Malicious Prosecution

Defamation

RCMP Pay

HEARING LOSS

Suspension

Medical Assistance

Relocation Directive

Dismissal

Housing

Duty to Accommodate

DENIAL OF BENEFITS

HUMAN RIGHTS

Classification

ASSAULT ON MEMBER

Medical Discharge

HEAP

CADETS ROOM AND BOARD

DID YOU KNOW?

Cadets Room and Board - As reported in our Summer 2000 and Spring 2003 Newsletters, Cadets were not receiving any allowance, yet they were being assessed by CCRA on meals, quarters and travel associated with training. The MPMLF authorized expenditure to challenge whether or not these should be considered taxable benefits. Param Dhillon agreed to pursue the matter on behalf of the MPMLF and all of the affected members. The issue was brought to a successful conclusion with many new members being able to obtain refunds.

DID YOU KNOW?

Appeal of Assault Conviction - Our first case was in 1998 when two members were convicted of assault and did not have the money to fund their appeal, an appeal which cost over excess of \$30,000. Fortunately for them they had the foresight to join the Legal Fund upon its inception, they asked for our help, we believed in their innocence and gave them the necessary assistance. The funds expended were eventually returned to the MPMLF.

While this was an isolated case, each and every member of the RCMP face the possibility of such an experience in the performance of their policing duties. **The Force may provide funding to form a defence upon the laying of such charges. However if you are convicted, the RCMP is unable to assist in any subsequent appeal. The MPMLF can and will, if convinced of your innocence and if you were a member of the Fund before the incident.**

DID YOU KNOW?

In our last Newsletter, we reported A, C, N, O and S Divisions with an average of 39.8% of regular and civilian members belonging to the MPMLF. That average has increased to 42.2% this year. In the last Newsletter, we reported that the rest of the Divisions came up with an average of 91% of regular and civilian members belonging to the MPMLF. This year, that average has increased to 93%.

Constable Michael Ferguson - Conviction for Manslaughter

Previously reported in our 2005 and 2006 Newsletters was the case of Michael Ferguson, who was charged with manslaughter following a fatal shooting of a person he had placed under arrest. The facts supported his contention that there was an altercation whereby the arrested person had grabbed his gun and Michael, upon regaining control of the gun and in fear for his life, fired two shots. Two trials resulted in hung juries. In the third trial, the jury found that the second shot was "just beyond reflex" and convicted Michael. The judge in his sentencing decision stated: **"I therefore find that this is one of those rare instances contemplated by Justices Arbour and McLachlin in Morrissey, where I am persuaded that the minimum sentence prescribed by Section 236(a) of the Criminal Code is grossly disproportionate to the particular circumstances of this case. Mr. Ferguson is therefore entitled to a constitutional exemption from the application of Section 236(a) of the Criminal Code. In place of the four year sentence required by Section 236(a) of the Criminal Code, I sentence Mr. Ferguson to two years imprisonment less one day."**

With the assistance of the MPMLF, an appeal of the conviction was launched. It was subsequently dismissed by the Alberta Court of Appeal. It was then decided to ask the Supreme Court of Canada for Leave to Appeal. A defendant does not have an auto-

matic right of appeal to the Supreme Court, it is first necessary to ask them for that right. The application was turned down by the Supreme Court without explanation.

To further complicate the matter, at this point the Alberta Justice Department appealed the two year conditional sentence and the Alberta Court of Appeal, in a majority decision, stated: **"The appeal is allowed and a sentence of four years imprisonment is substituted for the two year conditional sentence imposed by the trial judge. The time already served by Cst. Ferguson (Rtd) under the conditional sentence will be deducted from the term of imprisonment."**

It is common belief that the "constitutional exemption" applies in circumstances like those faced by Michael where he, as a police officer, acted in the course of his duties and was lawfully required to be in the possession of a firearm. While the Alberta Court of Appeal disagreed, they have specifically requested guidance on this issue by the Supreme Court.

Jurists, legal scholars and appellate courts have sought answers to the long-standing uncertainty surrounding the availability of constitutional exemptions for more than twenty years. The question continues to be re-litigated time and time again.

This case raises matters of national and public importance, particularly to police officers and

others who are required as a result of their duties to carry firearms, and advances important issues of constitutional law regarding the legal availability of "constitutional exemptions" from mandatory minimum penalties imposed by law. Noel. C. O'Brien, Q. C. of the Calgary firm of O'Brien, Devlin, MacLeod, acting on behalf of Michael and with the support of the MPMLF, applied for Leave to Appeal this issue with the Supreme Court of Canada and in doing so, asked the following question: **Does Canadian law recognize the legal availability of a stand alone "constitutional exemption" from a mandatory minimum sentence as a remedy for an individual who establishes that the sentence is "cruel and unusual punishment" and did the Alberta Court of Appeal err in failing to uphold the trial judge's decision to grant such a remedy?**

Mr. O'Brien follows up this question with twenty pages of argument included with hundreds of other pages of related material contained in four (4) volumes.

In January 2007, the Supreme Court granted the Leave to Appeal request and we expect a hearing late this fall.

A process such as outlined above costs hundreds of thousands of dollars. If it happened to you, would you be prepared to pay? Probably not, Michael however was a member of the MPMLF when this incident occurred and we have not let him down.

Information

The MPMLF is a private not for profit corporation under the direction of the majority of the Royal Canadian Mounted Police (RCMP) Staff Relations Representatives (SRRs). The views expressed in any material published in this Newsletter are those of the authors and do not reflect those of the RCMP.

Suggestions and contributions from members of the MPMLF are welcomed and encouraged. Please send your correspondence to:

A. Gordon Clarke, Secretary/Treasurer
MPMLF, 1344 de Papillon Place,
Orleans (Ontario)
K4A 1Y9.

MPMLF 2007 National Executive Committee:

S/Sgt. Roy Hill –
“B” Division – Chairperson
S/Sgt. Jim Kay –
“K” Division – Vice Chairperson
S/Sgt. Murray Brown –
“H” Division – Member
Sgt. Gord Dalziel –
“E” Division – Member
S/Sgt. Bob Meredith –
“K” Division – Member

**When we take on an issue,
we are convinced that justice
will triumph.**

**We are not afraid of the cost,
hiring the best lawyers
available to work in
your interest.**

**We cannot however predict
how the court will rule.**

THE FUTURE OF THE MPMLF

As we complete our 10th year of operation, it is important that we now look at what has been accomplished; our outlook for the future and what must be done to ensure we continue to serve the membership of the Mounted Police Members' Legal Fund (Fund) as we have over these past years.

Today we find ourselves at a crossroads. Our office is currently in the basement of the Secretary-Treasurer, who not only receives the mail, including applications; arranges for pay deductions; keeps all of the files; sets up meetings; composes the minutes of those meetings; prepares the financial statements and deals with clients and lawyers, but also supplies the furniture; the file cabinets; the computer, the printer, the fax and the copier. Our cost for this service has been approximately \$23,000 per year. In comparison, a similar not for profit corporation has four employees and expends approximately \$13,200 a year for office space alone; \$150,000 in employee salaries and owns their office equipment and furnishings.

Aside from the need for additional assistance, office space, equipment and furniture, legal

costs set out hereunder have been increasing, and as members become aware of the services we offer, the need for our help has escalated to the point where we currently have over 60 open files (at an already average cost of \$4,500) requiring some level of intervention:

1997/1998/1999	\$270,039.64
2000	\$124,667.08
2001	\$324,726.62
2002	\$538,156.17
2003	\$554,844.73
2004	\$488,454.56
2005	\$521,267.63
2006	\$693,426.61
2007 (To May)	\$315,329.53

At a meeting this past May, the Directors of the Fund met to discuss our future and it was decided that an increase in the Membership Fee from \$2.00 per pay to \$4.00 per pay was required in order to keep up with our growth, maintain the level of service with the acceleration in funding requests, and put us on an even footing with similar professional organizations. This decision will form the basis of a resolution and a vote at our Annual General Meeting to be held in September.

Robert A. Read v. Attorney General of Canada

An “A” Division matter ongoing since 2001, we have reported on this affair a number of times on our website and in past issues of the Newsletter, advising in our Fall 2006 printing that the MPMLF had approved funding a Leave to Appeal to the Supreme Court of Canada. The following is reprinted from CTV.ca News staff, dated May 10, 2007.

SCC won't hear appeal from RCMP whistleblower

The nation's top court won't hear the appeal of a former Mountie who was fired after blowing the whistle on allegations of corruption at a diplomatic mission in Hong Kong.

The Supreme Court of Canada gave no reasons for its decision, as is customary in Leave to Appeal cases.

Robert Read, an RCMP corporal and a 26-year veteran of the Force, went public through the media in 1999 with his allegations of corruption and cover-up at the Canadian High Commission in Hong Kong. Read was investigating allegations that staff members at the mission were selling visas to an immigration consultant through a back channel. The former Mountie said he provided media with

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The following article was taken from the Ottawa Citizen of Thursday, August 9, 2007. It fits in well with what we are facing on a daily basis and supports our need to increase the Legal Fund Membership Fee.

Cut Your Crippling Fees, Gomery Tells Lawyers

Retiring judge says costs are killing justice

By Janice Tibbetts

Canada's justice system is on a "suicidal" path that cannot be reversed unless lawyers cut their fees and governments put more money into legal aid, says Justice John Gomery, the straight-shooting judge who led the 2004-2005 inquiry into the federal sponsorship scandal.

Judge Gomery, on the eve of his retirement, told Can-West News Service that the escalating cost of legal services is an "alarming trend" that is putting the justice system out of reach for everyone but the well off.

"The problem is a problem of costs," Judge Gomery said in a telephone interview from his farm in Havelock, Québec. "I think the cost of engaging a lawyer has to be examined".

Judge Gomery stressed that "it is not just the poor; it's the great middle class" who are representing themselves in court because they cannot afford legal fees.

"I don't think the legal profession is giving the proper attention to the problem and it's suicidal, the direction we're going now."

After 25 years on the Québec Superior Court, Judge Gomery steps down today at the mandatory retirement age of 75.

His parting assessment of the administration of justice is the latest shot at a system that has been widely criticized for being inaccessible and producing a surge in litigants showing up in court without lawyers.

The most recent national figures on lawyers' fees contained in a two-year old survey by Canadian Lawyer magazine, peg the average hourly rate for a lawyer with 10 years experience at \$170 to \$260, depending on the region.

The average price of a contested divorce in 2005 was \$8,505, while it cost an average of \$20,830 to go to court for two days in a civil trial. The magazine did not publish a survey in 2006 and 2007 because not enough lawyers responded to make the results meaningful.

Judge Gomery acknowledging that he likes to "say simple things simply," spelled out the access-to-justice problem more plainly than other judges who have weighed in on the matter.

For instance, the Supreme Court of Canada's chief justice, Beverley McLachlin, has said that lawyers have a "crucial role to play" to make the justice system more accessible, but she stopped short of calling on them to lower their fees.

"I think it's for the bar to answer that question", she said at a news conference last August.

The president of the Canadian Bar Association, J. Parker MacCarthy, said lawyers are only a part of a problem that includes governments charging taxes on legal services, along with court delays that are costing extra money, and cumbersome court rules that consume too much time.

FLI/FIT CM Pay Equity

The following was previously reported on our website: www.mplegalfund.com. The matter was and is of such importance we are reproducing it in this Newsletter. HQ SRRs will be following up with the Force, as it is our understanding there is a chance of obtaining the additional information necessary to reopen this matter.

HQ SRR, CM Kevin Boisclair, issued the following report. "I attended the Appeal Court hearing regarding the FIT Pay Equity issue on the 28 Feb 2007. The results were not what we

had all hoped for. An official report will be forthcoming from the lawyer (Beth Eva) at a later date, however my interpretation of what transpired is as follows:

There were three judges who heard the case, but in the end the ruling only focused on one issue – official documentation from Treasury Board (TB) that "legally" tied the FIT category to the CR-5 category for pay purposes. In the absence of any official documents proving this essential link, the judges unanimously ruled to dismiss the appeal – no legal/statutory entitle-

ment was imposed on TB to pay the FIT category the retroactive pay benefits ordered by the Canadian Human Rights Tribunal in 1998.

AND FROM CM Don Harrison, Forensic Identification Services to the Executive of the Mounted Police Members' Legal Fund. "This morning I was advised that the Federal Court of Canada has turned down our appeal of the decision concerning our efforts to require Treasury Board to respect the "touch points"

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A Heartfelt Thank-You from a Relieved Member

To: Sgt. Guylaine Chamberland

June 18, 2007

Good day Guylaine:

It is with great pleasure and gratitude that I compose this correspondence to you. I have sent this to you as you were my main point of contact with the Legal Fund during my time of need. As you are aware, last Thursday was a momentous day for me, my family and friends. That is the day that I was informed that I have received a very favourable decision from an Adjudicator tasked with deciding the outcome of two long-outstanding grievances.

As you will recall, I had found myself in the very difficult situation where these two grievances had been rejected at both the Level I and Level II stages of review. Without speculating about the reasoning, these two adjudications never once addressed the subject matter of the grievances, as they should have. I was left with the one recourse - the Federal Court. I am fairly certain that my current financial debt-load would have precluded me from being able to cover these legal costs up front. I would have had to have petitioned family and friends and hoped that I would have been able to raise the required funds. After many long years of injustice I was weighing the scales and finding justice in the balance against funds. Not fun. Enter the Legal Fund. It was suggested that I draw up an application for funding right away. I did that and submitted it to the review committee. I was overjoyed to hear that my application had been accepted and that the required funds would be released! My application to

the Federal Court was expertly handled by my retained Counsel. It was agreed that my matters would be re-reviewed outside of the Atlantic Region starting at the Level I stage as expeditiously as possible.

This has been done as of June 14, 2007.. I was advised on that date by the "B" Division Grievance Unit that I had won both grievances and that redress has been ordered.

My family and I wish to thank the Legal Fund representatives for their financial support that they extended to us in our hour of need. I do what I can to remind my fellow Members of the importance of such a small contribution... God bless all of you.

Sincerely,

(J.D.C. Daley), Cst.
Oromocto R.C.M. Police

Guylaine Chamberland was an SRR in "J" Division, and a Director of the Legal Fund, at the time of this incident. She is now the NCO i/c Recruiting in that Division. Just as this matter was to be taken before the Federal Court, Crown lawyers convinced Daley's counsel that the Force should be given the opportunity to take a second look at the matter. This second look produced the above results.

We owe to you and to the Members' Legal Fund the opportunity to have our case heard and we are truly grateful for your sustained and unfailing support.

On behalf of all the Force's CM Forensic Identification Technicians, past and present, thank you very much indeed".

HIGHWAY PATROL MEMBER APPRECIATES THE VALUE OF AN ONBOARD CAMERA AND THE HELP OF THE MPMLF

You may remember this headline from our Fall 2006 Newsletter. Cst. Armand Liboiron of "K" Division stopped an Anglican minister for speeding and was subsequently defamed when the minister, in a letter to the clerk of the Provincial Court, was highly critical of Cst. Liboiron's conduct during the issuing of the ticket. Of course the minister did not know that the police camera was running during the stop and the pictures played an important part in a legal action launched by Cst. Liboiron.

The judge found for Cst. Liboiron, fixing compensatory and punitive damages in the amount of \$5,000 each with costs. The Reverend appealed on technical grounds. On the 16th day of January 2007, the judge ordered: 1. That the appeal be dismissed and, 2. That the Respondent shall have their costs of the Appeal, together with all reasonable disbursements. The following is a breakdown of the funds received:

Court of Queen's Bench Judgment	\$10,000.00
Costs awarded on Queen's Bench Judgment	9,156.42
Costs awarded on Appeal Judgment	3,577.37
Total	*\$22,733.79*

*These funds were returned to the MPMLF

FLI/FIT CM Pay Equity

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that have determined the salaries of the Force's CM Forensic Identification Technicians for more than thirty years.

We've been informed, in effect, that Treasury Board has no obligation whatever to respect

the "touch points" that it insisted be established and that it has no obligation whatever to produce relevant documents concerning its decisions.

That being the case, the "touch points" are obviously worthless. Our Members have neither further recourse, nor any effective representation whatever in salary negotiations.

THE MEDIA IN ALBERTA TOOK A SPECIAL INTEREST IN THIS CASE.

LESSON LEARNED DON'T DEFAME A MEMBER OF THE RCMP WHO IS A MEMBER OF THE MPMLF, ESPECIALLY IF THE VIDEO CAMERA IS RECORDING.

Robert A. Read v. Attorney General

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documents detailing the allegations after he was urged by his superiors to turn a blind eye. "This is water under the bridge, why go over this again", Read said he was told.

After he encountered more and more road-blocks thrown up by his bosses and government bureaucrats, he told W-Five in 2004 that he "arrived at the opinion that the progress I was making was not that pleasing to my superiors". In 2002, an internal adjudication board ruled that Read was guilty of disgraceful conduct after he broke his oath of secrecy. He was ordered to quit or be fired. The RCMP reacted quickly and dismissed the veteran Mountie. But Read appealed the dismissal and one year later, an RCMP review committee issued a scathing indictment over the handling of the Hong Kong affair. "The RCMP was walking on eggshells whenever it conducted an investigation into activities at a Canadian mission abroad and basically restricted to what the Department of Foreign Affairs was willing to allow it to investigate," the committee wrote in its decision. "What is at issue was a deliberate choice made by the RCMP not to pursue an investigation into possible wrongdoing even though the numerous examples had been drawn to its attention of incidents that suggested an immigration fraud ring was operating within the very premises of the mission and possibly involved employees of the Government of Canada." The committee ordered him reinstated after finding Read was justified in his action. But senior RCMP officials rejected that decision and upheld the dismissal.

The decision of the Supreme Court means that nothing more can be done with respect to this matter by Robert or the MPMLF. He has thanked us for our involvement.

SRR MEMBERS WHO ATTENDED THE FIRST ANNUAL MEETING OF THE LEGAL FUND

ON SEPTEMBER 12, 1998

ROY HILL	"B" Division	HARRY HIBBS	"G" Division
REG TROWELL	"D" Division	MURRAY BROWN	"H" Division
PAT DAUK	"D" Division	BRIAN FLANAGAN	"H" Division
BRIAN COOK	"Depot" Division	RON LEWIS	"HQ" Division
BRUCE MORRISON	"E" Division	DAVE MACDONALD	"HQ" Division
TIM KENNEDY	"E" Division	BERNIE BERGEVIN	"J" Division
RICHARD DINWOODIE	"E" Division	JOE MITCHELL	"K" Division
LES ALLEN	"E" Division	RICK NEVILLE	"K" Division
CRAIG GATES	"E" Division	DES BULGER	"K" Division
STEVE WILLS	"E" Division	JOE MARTIN	"L" Division
DON TAYLOR	"F" Division	EVERETT PARKER	"M" Division
RANDY THOMPSON	"F" Division		

DID YOU KNOW?

In a survey of the costs of our concluded cases, the average cost was \$11,777. The average cost of cases still under investigation, and we have over 60, to date is \$4,500.

Secretary-Treasurer A. Gordon Clarke Honoured by MPMLF Directors

Gordon was recruited by Kevin MacDougall and has been with the MPMLF since June 1997. His resume lead note says it all:

"A dedicated professional having hands-on experience in most facets of law enforcement operations and government administration. A team player with strong organizational and communication skills committed to bringing out the very best in his people."

He has lived up to that statement and more.

Aside from being with us for our 10th Anniversary, this year marks the 50th year that Gordon has been associated with the RCMP and its members. We are proud to continue to have him as a colleague and friend. On May 29, 2007 at a meeting of the MPMLF held in Toronto, Gordon was presented with a memorial trophy by the Chair of the Executive Committee, S/Sgt. Roy Hill. The trophy, made of sculptured glass was engraved as follows:



Gordon Clarke
Assistant Commissioner (Retired)
Secretary - Treasurer
In appreciation and recognition of
outstanding service, dedication
and commitment to the
Mounted Police Members' Legal Fund
10 Years of Excellence
1997 -2007



THE MOUNTED POLICE MEMBERS' LEGAL FUND
FONDS DE RECOURS JURIDIQUE DES MEMBRES DE LA GENDARMERIE



APPLICATION FOR MEMBERSHIP TO THE MOUNTED POLICE MEMBERS' LEGAL FUND

THE MOUNTED POLICE MEMBERS' LEGAL FUND IS
ADMINISTERED BY THE NATIONAL SRR CAUCUS

THE LEGAL FUND

As members of a diverse, internationally recognized organization, there are many issues that concern us. It is imperative we establish a way to aggressively pursue these issues. The protection of a LEGAL FUND, solely supported by the membership of the RCMP, will fulfill that need.

Your Division Representatives and Committee of Sub/Representatives, will have the ability to challenge many of the problems facing us in the performance of our duties.

MEMBER Complete and mail to your Staff
Relations Representative (SRR).

Name _____
(Print)

(Detachment, section, unit, squad, etc.)

Division _____ Regimental# _____

Collator Code _____ Hermis# _____

I hereby authorize a payroll deduction from my pay
and authorize transfer of those funds to the Mounted
Police Members' Legal Fund.

Signature _____

Date _____

In our Fall 2006 Newsletter, we mentioned some "Interesting Matters to Look for on our website or in Future Issues of the Members First Newsletter".

Assault on Member - One of those matters involved a civil case where an "E" Division member, upon making an arrest, was pushed into a large bonfire and sustained serious burn injuries. This action has been commenced in the B. C. Supreme Court and the Claim has been served upon the Defendant. The Defendant's counsel has filed a Statement of Defence and Counterclaim. The matter is proceeding through the litigation process and will be reported upon as further information is provided.

H.E.A.P. - A second matter dealt with a Judicial Review Application by an "O" Division member with respect to H.E.A.P. As a result of this Application, supported by the MPMLF, the RCMP/Treasury Board provided the member with the relief he was seeking.

Loss of Basic Requirement - We have faced a few of these situations, mainly with members being stopped for Impaired Driving. While we have been successful in a couple of instances, these matters appear to be handled differently depending on the Division. We are looking for a common approach to the matter. The issue is an important one and will no doubt be reported upon again in the future.

Hearing before the Veterans Review and Appeal Board (VRAB) - Member was medically discharged in 2002. The MPMLF was involved with respect to his discharge and pension entitlement. In 2006, through our lawyer, we participated in a hearing before the VRAB to advocate an increase to his pension entitlement. We received an unfavourable ruling and strongly believed that a Judicial Review Application should be brought on behalf of the member. The matter is scheduled for a hearing in the Federal Court in October 2007.

DID YOU KNOW?

At the printing of this Newsletter over
77% of the Regular and Civilian
Members of the RCMP are members
of the MPMLF.

JUST IN...

Ongoing since 1999, the Regina, Sask. firm of Robertson, Stromberg and Pedersen LLP have advised they have secured a judgment against a complainant who falsely accused three "F" Division members of assault. The total judgment with costs is \$177,215.94 or \$57,071.98 for each of the three plaintiffs. Another success with the assistance of the MPMLF.