

Members First

The official newsletter of The Mounted Police Members' Legal Fund

Fall 2013



It is crucial 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 regardless of whether you are a member of the MPMLF or not. Examples of this can be found in practically all the Newsletters copies which are available on our Web Site at www.mplegalfund.com. For these reasons alone it is important for you to show your support.

Are you a member of the MPMLF? If not, you should be! Membership is open to Special Constables; Civilian Members and Regular Members of all ranks. See some of the other reasons in this Newsletter.

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. For additional information don't forget to check our web site at www.mplegalfund.com.

. . . FAST BREAKING NEWS . . . FAST BREAKING NEWS . . .

SCC to hear wage roll back. Date has been set in February 2014 and will be heard following the MPAO Appeal. You will remember we were successful in both issues in lower courts.

We have again had an exceptional year taking on 43 new issues between October 2012 and September 2013 in our quest to promote the improvement of members' conditions of employment and work while maintaining their welfare and dignity. At present we have 90 open files which we are actively pursuing on behalf of our members.

How successful have we been? Read on...

"As an RCMP officer who worked at a large Municipal Detachment, my worst nightmare happened a few years ago. I was wrongly accused of a criminal offence. The matter was investigated by an outside police force. In my opinion the investigation was sub-standard and less than honest. When I contacted the local SRR of "J" Division, then Sgt. Gilles Blinn, he

immediately initiated moral support knowing the circumstances.

The following three years were the hardest in our lives. Not only psychologically and emotionally but also financially. The financial hardship was beyond explanation. The situation was very hard on my wife, my daughters as well as my extended family not to mention co-workers, community, friends and myself.

We suffered through a very long and protracted court trial which totally exonerated me.

Our first action after the trial was to initiate a legal suit against that police force who did a horrible and malicious investigation against me. All legal opinions were that it would

take years, money and there would be only discipline to the investigators without financial reimbursement as I was found clearly not guilty.

I requested a reimbursement of my legal fees at public expense from the Federal Government which took a few years to respond back only to deny my request.

Then Legal Fund Representatives from "J" Division, S/Sgt. Gilles Blinn and the "J" Division Legal Fund Board immediately initiated the process to have my legal fees covered. This consisted of a review of my case to the Legal Fund National Executive. Thinking

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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 direct your comments to your SRR.

MPMLF National Executive Committee:

Sgt. Paul Joyal –
“D” Division – Chairperson
S/Sgt. Richard Marsh –
“E” Division – Vice Chairperson
Cpl. Trevor Dinwoodie –
“E” Division – Member
Cpl. Brian Sauve –
“E” Division – Member
S/Sgt. Barry Russell –
“L” Division – Member

MPMLF Staff:

A. Gordon Clarke, Secretary/Treasurer,
agclarke@istar.ca
Roy Hill, Assistant Secretary/Treasurer,
r.hill@nl.rogers.com

When we take on an issue, we are convinced it is in the best interests of the membership and 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.

How successful have we been? Read on...

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that it would take several months or years we were very anxious over the process. However just a few weeks later I received the news that my request for reimbursement was accepted and I did receive the cheque for the total amount of my legal fees a short time later.

Now we can begin the healing process after all those years of what I would describe as a living hell.

As my case clearly shows the RCMP policies/training did not protect me from criminal prosecution and the jeopardy with respect to having to disburse thousands of dollars out of my own pocket to fight a frivolous and vexatious prosecution.

On behalf of myself and my family, I wanted to express my sincere appreciation as well as a heartfelt “thank you” to the Mounted Police Members’ Legal Fund for relieving our anxiety and financial pressure. In closing, I want to strongly encourage members to support the Legal Fund and join immediately if you are not a member. Any one member can be placed in a position such as I found myself. You never know what can happen to you!

Sgt. Al Boulianne

Because of privacy concerns and court ordered non-publication of details we do not publish many of the comments we receive. We however certainly like it when members show their appreciation and support.

Tribunal and Commissioner Errors

A member in ??? Division was accused of one allegation of disgraceful conduct under the RCMP Code of Conduct. A Hearing took place in 2008 and the Disciplinary Board concluded a breach of the Code of Conduct had taken place and ordered the Member to resign from the Force within 14 days, otherwise face dismissal.

Our member appealed the decision to the External Review Committee (ERC). The ERC after considering all of the facts, recommended to the Commissioner that the Board decision be overturned. The Commissioner disagreed with the ERC recommendation and upheld the decision.

The member made application to the Legal Fund requesting a legal opinion on his plight with a view to taking the matter to Federal Court (FC) for a Judicial Review (JR). Legal counsel supported the matter going to FC, recognizing that the court didn’t have jurisdiction to award damages to the former Member or to order reinstatement. Taking matters to FC is a costly

venture and often in the range of \$40,000.00 - \$50,000.00. (The Legal Opinion obtained in this matter was nine (9) pages long. The story has been condensed for this Newsletter.)

The Legal Fund approved this application and the facts were examined by the FC. In July 2013, the presiding judge ruled that the application for JR was allowed with costs; and the matter was referred back to the Commissioner for redetermination in accordance with the reasons given. The judge concluded that there were serious errors committed by the Board and the Commissioner pertaining to the evidence. The judge even gave legal advice to the Commissioner, for him to use in his redetermination of the matter.

On September 16, 2013 the Commissioner made his decision by:

OVERTURNING THE BOARD’S FINDING THAT THE ALLEGATION WAS ESTABLISHED AND REINSTATED THE MEMBER.

IT’S A FACT!

Despite approximately 70 members of the Legal Fund discharging from the Force each month 75% of the Force actual establishment belong to the Mounted Police Members’ Legal Fund.

Human Rights Complaint

We are providing you with an actual case background to give you some idea of how an issue progresses to the final approval stage. After all processes available to a member within the RCMP and Government are exhausted, a member of the Legal Fund can complete a Schedule B, Application for Funds, to their Division Staff Relations Representative (SRR). The SRR reviews the Application along with other related material and presents it to a Division Board, consisting of all Division SRRs and up to 6 Sub/representatives; The Division Board have the option of obtaining a Legal Opinion for up to \$3,000. to assist in their deliberation. If recommended, the matter is sent to an Applications Review Committee, consisting of a Division SRR, who is the spokesperson for the member, an SRR member of the Legal Fund Executive Committee and two other SRRs who are

Directors of the Legal Fund. This group have the authority to recommend the matter be fully supported, partially supported or not supported. Their recommendation goes to the Legal Fund Executive Committee, made up of five Directors, who have been elected to the position by the other Directors of the Legal Fund, for a final decision.

Issue: In March 2010, our member, with 10 years of service, was attached to X Unit at Z location in “Y” Division. She had an interest and a background in the field of sexual assault/child pornography field investigations. She was made aware that “Y” Division was about to staff a Internet Child Exploitation (ICE) position, so she expressed her interest in that position to Staffing. She disclosed that she was pregnant to a member of “Y” Division Staffing. It is our member’s position that because of her

disclosure of pregnancy, she was not considered for that position and it was given to a male member, who she considered was less qualified. It is her position that discrimination was evident because of her pregnancy.

Our member made a complaint to the Canadian Human Rights Commission (CHRC) after her complaint was dismissed by “Y” Division. Schedule B was submitted by her SRR seeking a legal opinion. Counsel, gave his legal opinion as follows - “Cst. ? has a *prima facie* case of discrimination and that Cst. ? could succeed in her human rights complaint. Since then, CHRC has agreed to investigate and is seeking a response from our member to the RCMP’s position. Our member is seeking the assistance of counsel so that it is properly addressed.

The Legal Fund is of the view that it is a very serious matter and of National importance. Funding was approved for the member to have legal counsel to assist at every stage of the proceedings.

Frivolous and Vexatious Complaint

As persons involved in policing we are often the subject of Frivolous and Vexatious Complaints. In many cases these complaints seem to go on and on without end causing undue pain and suffering to the affected individuals unless some type of restrictive action is taken against the person or persons making the accusations.

The following is an example of the length to which some persons will go to blacken our name and, unless you have a partner whose goal is to promote the improvement of members’ conditions of employment or work and prepared to take actions against those who make false accusations affecting our dignity or welfare you may have to endure the pain. In this case the member’s partner has been the Mounted Police Members’ Legal Fund.

Art Dagenais ordered to pay \$10,000 to Mountie

Undated – Arthur Dagenais has been ordered to pay \$10,000 in damages to an RCMP

officer he repeatedly falsely accused of trying to kill him. Dagenais was acting maliciously when he made numerous false complaints that Sgt. Kenneth Palen used a Taser on him, Justice Neil Gabrielson ruled. Palen sued Dagenais for defamation, claiming \$300,000 in damages, but Gabrielson determined \$10,000 was more appropriate. The accusations stemmed from an incident in October 2007 at the RCMP depot in Regina. Dagenais attended a vehicle inspection there during preparations for the murder trial of his son Curt - who is now serving life sentences for first-degree murder in the deaths of two RCMP officers and attempted murder of a third in 2006 near Spiritwood. At one point, as captured on video, Dagenais fell down. On the video, Dagenais then stood up and the inspection continued for about 15 minutes, with no one saying anything else about the fall.

He later claimed in multiple criminal complaints and RCMP discipline complaints that Palen tried to murder him by using a

Taser on him. His complaints were found to be unsubstantiated. Palen commenced court action against Dagenais in August, but Dagenais never filed a statement of defence. In his submissions in court, however, Dagenais continued to accuse Palen of shooting him with a Taser and said the video would confirm it.[...] “While it is clear that Dagenais somehow ended up falling down, as he bent to look under one of the vehicles, his action is consistent with a trip on the crack as alleged in Palen’s statement of claim, rather than any action on the part of Palen, who was not even close to Dagenais at the time,” Gabrielson said in a written decision that was issued earlier this month at Saskatoon Court of Queen’s Bench. Gabrielson granted a permanent injunction prohibiting Dagenais from making further criminal or discipline complaints about the incident or from making accusations to anyone that Palen assaulted him.[...]

As of the writing of this Newsletter we are still waiting for settlement.

The following is reprinted from the October 27, 2010 Franks Facts & Funnies by permission of the author

From: A retired member

In May 1973, I was a serving member when the SRR program was created by Comm. NADON in response to dissatisfaction with conditions in the Force demonstrated by gatherings of groups of members demanding change. All the major police forces in Canada were by that time unionized under their various Provincial Government Labour Laws. We, in contrast were prohibited by federal law from unionizing. There were large meetings of members in Vancouver, Montreal and Toronto culminating with many members travelling to Ottawa by bus (reported to be a total of 2500) to urge that their concerns be heard.

Main concerns;

- the work week (40 Hours) was not defined in regulations.
- no overtime was being paid
- no shift differential pay
- no one to speak to the rank and file to management
- no call out or standby pay
- AND THE BIG ONE, REMOVE THE PROHIBITION FROM UNIONIZING

In response to the gathering in Ottawa, Comm. NADON realized that something had to be done. It was reported to me that he went to the government persons he reported to the next day and asked for budget to pay overtime immediately and for 19 person years. They were to be elected from the rank and file of each division, with no restrictions on the rank of the candidate to represent the members full time. They would have no other duties.

For a lot of years after that when ever some members expressed concern over something they would say, "time to get out the busses".

The changes that came were remarkable:

- representatives elected were removed from their duties and employed full time
- 15 grievances that members were afraid to submit prior to the change become common with the rep. assisting
- reps. were given offices, transport, steno services
- access to all levels of management at any time
- all reps met twice yearly in Ottawa among themselves first to develop an agenda and then held two full days of conference with the Commissioner and his appropriate senior managers according to the agenda
- anything affect members could be on the agenda
- Committees were formed from the reps to follow up with HQ responsibility centres between meetings
- reps could report without restriction, the results of the meetings
- Reps eventually developed the legal fund, \$2.00 a month of your pay. Neither the Comm., nor anyone else but the reps control it
- the history of its use is well known and speaks for its value.

Okay! Okay! SO WHAT! That was over forty years ago. I had 36 years of service of which five years were as a rep. and seven years at HQ in the coordinating office of the program. I knew the agendas over the years, I knew the commitment that the Commissioners and their senior managers gave to the program. THERE WAS NO MUZZLING OR DIRECTION GIVEN!!!

I have every reason to believe that the Reps operate to this date as they did in my day. They, of course, are as good as the members you

elect. If you had a union, who would you elect? What more can unionized reps do that the ones you have now are doing their best to do.

On average, most union dues are about 1% of gross pay. This would be approximately \$500.00 per year. This merely would be for the administration of the union office. No more free offices, travel expenses, no more unlimited access to any office or detachment. If the union has full time reps, the union would be paying their salaries, insurance premiums and pension contributions, etc. If they were not full time, then they have their normal duties to perform as police officers as well as represent you. Ask your fellow municipal or provincial members how much his/her union dues are. Sure, I know they are tax deductible. Ask if their union hires the very best lawyer for each case they defend as your legal fund does.

Finally, I know that your fellow police officers from other forces would love to have you as part of the Association of Police Officers. However, your current status with them is not going to have any change. You and I have always kept them as friends as they are now.

In case any of you think that I was recruited to write this note, you are wrong. I came forward after I had been provided with a copy of the MAP five page epistle urging you to support their dream of a union and how the sun would be stronger and brighter for all of you. I spent twelve years within the SRR program before I retired and many outsiders have said to me, "HOW DID YOU EVER GET THAT?"

All I urge you to do is think twice about giving it away!

Bob Taylor - Ex-member

IT'S A FACT!

15,323 Regular and Special Constable Members; 1,229 Civilian Members and 400 Commissioned Officers are currently members of the Mounted Police Members' Legal Fund.

Here is yet another letter of thanks underlining the value of being a Legal Fund Member!!!!

August 30th, 2013

Re: MP Legal Fund

Dear Sir / Madam;

I would like to take a moment of your time to express my sincere gratitude for the assistance provided to my family and I over the past several months. If you permit, I will also take a moment of your time to attempt to give you a sense of what exactly this meant for us.

I have been a loyal member of the RCMP for more than 31 years and have contributed to our legal fund since its inception. Once I moved into the Officer ranks, and was no longer doing front line policing, I didn't think that I would ever need our legal fund as an insurance package. However, we are caught in some troubling political times and I found myself at a time of conflict within our organization. This situation left me with a feeling of abandonment by the organization that I had given most of my life to with nowhere to turn.

As a regular member of the RCMP I was well aware of how to navigate through these internal struggles within policy and began to do this. However, our organization, in dealing with the situation, made decisions that were questionable in nature and had a very negative effect upon my family. This caused tremendous stress in my household and I needed legal assistance and advice to help us deal with the situation. For the first time in my career I reached out to the legal fund for assistance.

Since my request for help the MP Legal Fund has been there for me. The fund provided me with the ability to get clear guidance at a time of tremendous pressure and helped me ensure that my family was protected from decisions made outside of their control. Had it not been for the support of the legal fund I have no doubt that irreparable harm would have been done to my family as a result of these decisions. The legal fund allowed me to get through this period with both my family and career intact. For this I am eternally grateful.

I would like to close by reassuring you that the existence of this fund is critical to the health and well being of any member who requires justifiable legal assistance as a result of their employee / employer relationship with the force. I will never be able to truly explain the positive impact your support has had for my family and I.

Simply... Thank You.

SUPT.

IT'S A FACT!

The Mounted Police Members' Legal Fund spend an average of \$96,000. a month helping members with actions taken collectively or individually with respect to matters which affect the dignity or welfare of a member or members and to promote the improvement of the members' conditions of employment or work.

To some of you the following may seem like a very small issue. To many it means a lot...

In February 2010 our member submitted to, and was paid by Brookfield Global Relocation Services Ltd, expenses (\$1,501.52) associated with his house hunting trip (HHT). At that time no issue was identified by Brookfield or the RCMP in relation to his claim. Over two years later Brookfield demanded repayment of these expenses on the grounds that the member did not have authorization to be on his HHT. The office of the Relocation Reviewer was not able to find a completed form 4064 when a closing audit was conducted. Therefore the

assumption was that our member had never filed it. In an attempt to honourably deal with the issue, our member, repaid the money to Brookfield. No one believed that the expenses were not reasonable. The move was a "cost move" at the request of the Force.

In July 2013 the matter was brought to the attention of the Mounted Police Members' Legal Fund. We obtained a Legal Opinion and the matter was eventually sent to the Small Claims Court.

JUDGEMENT OF THE COURT SEPTEMBER 18, 2013

Order: "I hereby order that the defendant, Brookfield Global Relocation Services Ltd, pay to the claimant (our member) the sum of \$1,501.52 plus interest from the date of judgment forthwith."

Remember the old saying or song, "Little things mean a lot."

What can we say, being a member of the Mounted Police Members' Legal Fund sometimes comes in handy.

Mr. Gordon Clarke
Secretary/Treasurer Mounted Police Members' Legal Fund
Mounted Police Members' Legal Fund
1344 Place de Papillon Orleans, Ontario K4A 1Y9

Dear Mr. Clarke,

Over the past year my spouse and I have been subjected to a significant amount of anxiety and financial stress related to a malicious prosecution. We wish to issue a sincere thank you to the Executive and the Fund for choosing to reimburse our out of pocket legal expenses to fight against this malicious prosecution.

Many times throughout the court proceedings I was offered to engage in a guilty plea for reduced penalties. Pleading guilty and ending the matter would have removed the undue anxiety and financial stress. However, I refused to accept as I was completely innocent. A guilty plea would have compromised my integrity as a sworn member of the Royal Canadian Mounted Police.

We may never have the same faith in an Organization and Justice System that I so freely chose to serve. However, we sleep a little easier at night knowing that the Mounted Police Members' Legal Fund protects the membership against malicious allegations related to off-duty conduct, as they always have significant on-duty consequences.

If the Mounted Police Legal Fund wishes to use any information related to our case they are free to do so. We take no issue with our names being used in the Mounted Police Members' Legal Fund News Letter.

Sincerely,
Constable Aaron M. Brown & GERALYN B. MURPHY

Are you a member of the MPMLF?

The following is mostly a reprint from our Fall 2012 Newsletter, a paragraph has been added at 2 for exceptional cases. We continue to get requests for assistance from members who are not members of the Legal Fund or who join and ask that the Legal Fund assist in an action that happened before they became a member of the Legal Fund. We can sympathize however cannot assist. The procedures we must follow are quite clear:

1. Must have been a member of the MPMLF at the time the incident occurred for which you are seeking assistance.

2. Must have exhausted all of the grievance and other procedures available for assistance within the Royal Canadian Mounted Police (RCMP) or Government Services

There is an exception and that is when the circumstances of the case are so serious that it can't wait for the internal processes or the internal processes cannot adequately deal with the issue(s). In the exception category it should be noted that the importance of third party adjudication will depend on the nature of the issue(s), its seriousness and substantiation.

The courts have held that, "...the RCMP grievance process is not an exclusive scheme, rather, attention must be paid to the nature of the dispute at issue and the ability of the regime to comprehensively examine it and provide effective redress" - Merrifield vs Canada, Superior Court of Ontario, 2008-06.27. Upheld on appeal.

JOIN NOW!!!!!!

INTERESTING FACT!

To assist us in assisting you over the years, we have engaged 77 different law firms stretching from Newfoundland Labrador to British Columbia.

Saskatchewan Government Insurance

We asked a prominent law firm to provide a legal opinion in respect to a number of questions we had regarding the Saskatchewan Government Insurance's interpretation of the Automobile Accident Insurance Act.

1. Is Section 202(1)(b) of the Automobile Accident Insurance Act discriminatory against members of the RCMP and if so, what course of action is required?
2. What is the definition of "Employment Income"?
3. What is the definition of "Other Compensation" pursuant to the Automobile Accident Insurance Act?

Opinion: "We do not feel that the Automobile Accident Insurance Act would be found in the Federal Court to be discriminatory in relation to the Royal Canadian Mounted Police as it applies not just to that Act, but any other legislation, Provincial or Federal whereby an individual would be entitled to compensation pursuant to that legislation. If however, a person is not entitled to compensation pursuant

to the Royal Canadian Mounted Police Superannuation Act, or the Pension Act, then there should be an entitlement to coverage under the Automobile Accident Insurance Act. It is clear from the case law that RCMP officers are not 'on-duty' 24/7 as Saskatchewan Government Insurance has taken the position. This is contrary to the case law in relation to both the RCMP Act and pieces of Federal Legislation. Accordingly, it would appear that the entitlement is first to compensation if available under the Federal legislation and if not available, then under the Automobile Accident Insurance Act."

How bad can it get and Where can you get help?

A member was served in 2003 a Notice of Disciplinary hearing, alleging three violations of the Code of Conduct. While awaiting a hearing, the member was served in 2005 with another three violations of the Code of Conduct reaching back to 1993 and 1996. The six allegations were heard at the same time by a Disciplinary Board and its written decision on September 6, 2005 found that all six allegations were substantiated and directed that the member within fourteen days resign or, in default, be dismissed.

The member appealed the Board's findings with respect to allegations #3, 4, 5 and 6 and the sanction imposed. The matter was forwarded to the External Review Committee (ERC). Both the member and the Respondent (RCMP) were permitted to file additional materials with ERC. It was the members position that certain witnesses perjured themselves before the Board.

The ERC in its findings and recommendations dated Feb 10, 2009 recommended to the Commr:

- a) the Commr take into account the additional information submitted by the parties at the appeal stage pertaining to the allegations of perjured witnesses;
- b) the Commr allow Member's appeal on the merits, find that allegation #3 was not

established, and order a new hearing before a different Board with respect to allegations 4, 5 and 6;

- c) the Commr allow Member's appeal on sanction and impose a reprimand and forfeiture 3 days' pay for allegations #1, and a reprimand and forfeiture of 3 days pay for allegation #2;
- d) if the Commr doesn't agree with the ERC recommendations on the merits, that the Commr find that the Board made errors in its decision on sanction.

Commr's decision was released on April 29, 2011:

- a) acknowledged that member's wife perjured herself before the Board, but went on to hold that the perjury did not affect the outcome of the Boards decision;
- b) gave an opinion that the testimony of member's wife was credible;
- c) upheld the Board's findings that allegations #4,5 and 6 were established, even though the findings were based on the evidence of member's wife;
- d) didn't view the perjury as an error in fairness and didn't order a new hearing;

e) didn't give full regard to the ERC's conclusions and recommendations, however did strike down allegation #3; and

- f) ordered Member resign from the RCMP within 14 days and if he failed to resign, he would be dismissed.

Member didn't resign and he was subsequently dismissed from the RCMP. Management also sought to even deny him his pension and severance entitlements. He subsequently requested assistance from the LF seeking a Judicial Review (JR) in Federal Court (FC) plus assistance in submitting a response with regard to his pension and severance holdback by Treasury Board.

On 25 JAN 2013 the FC announced its decision on the JR. Decision - THIS COURT'S JUDGEMENT - "is that the application for judicial review is granted and the Commissioner's decision is set aside and the matter remitted to him for reconsideration in accordance with these reasons".

The Commissioner rendered his decision on 18 MAR 2013. He didn't order a new Hearing on allegations #4, 5 and 6, but rather imposed a demotion and certain other conditions. Member has been reinstated but there are other challenges ongoing.

Please be advised that the Mounted Police Members' Legal Fund Head Office is now at:

149 Canterbury Lane, Fall River, Nova Scotia B2T 1T1

Telephone: 1-902-861-3184

Fax: 1-902-861-2107

Email: agclarke@istar.ca

Another letter hot out of the mailbox and just in time for publication in this newsletter

Dear Members of the RCMP, and the Mounted Police Legal Fund.

I write to express my extreme gratitude to the legal fund, and the Staff Relations Members who carried me through the most difficult time of my life.

In January 2011 I was on Duty as a Constable in Kelowna BC, working as a member of a GIS unit with slightly more than three years experience on the Force.

While I can't recount the full details here, in short; we received a tone-alert call for an Active-Shooter. Dispatch advised that an ex-employee had returned to his former employers business, and was firing a shotgun. I was one of more than a dozen junior Constables who responded from both General Duty and GIS sections. For reasons still unknown to me, no NCO'S, or Commissioned Officers of any rank ever responded, or even acknowledged the call.

Updates to the call stated that two shots had been fired, and the suspect had left the scene in a vehicle. While travelling towards the scene, I came across the vehicle in a very crowded intersection.

In short, I initiated an arrest, and during the course of the arrest, delivered a kick to the head of the suspect in attempts end the situation. I made some serious tactical mistakes that led me to this decision, which I regret to this day, however, at the time, I was simply trying to end the situation without lives-lost.

Local media were chasing the call via Police scanner, and the arrest was partially recorded by a local reporter, showing the kick to the suspect.

There was an instant media blow-out, and scandal about a Police Brutality that took on a life of it's own.

Within hours of the incident, I was brought in front of my Superintendent, stripped of my gun and my badge, and sent home. Within 24 hours I was suspended, and an outside Police agency was brought in to Conduct a Criminal investigation.

My world was Chaos, local media and local Police Haters were trespassing on my property, walking on my back deck and video-taping me and my family through any open door or window. I was receiving threats of violence online, and had to move my family and pets to a different location to ensure their safety. The RCMP Managers offered no help in removing the trespassers, or investigating threats, claiming they didn't want to be seen as "interfering" with the media's "rights".

Within a week the outside agency had "concluded" their investigation, and recommended I be charged with assault, without ever even asking me to provide a statement of account.

This now meant that the only way I would ever be able to articulate my defence would be in Court, which would carry with it exorbitant legal costs approaching the six

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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 LEGAL FUND

The Mounted Police Members' Legal Fund (Legal Fund) is a not-for-profit private corporation set up in 1997 by the majority of Staff Relations Representatives to generally fund actions to bring a resolution of issues between Regular and Civilian members of the RCMP who belong to the Legal Fund and the Government of Canada and to fund actions taken collectively or individually with respect to matters which affect the dignity or welfare of a member or members of the Legal Fund which are not funded under benefit programs available within the RCMP or the Government of Canada. We are concerned primarily with members' pay, benefits and rights.

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

Name _____
(Print)

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

Division _____ Regimental# _____

Collator Code _____ HRMIS# _____

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

Signature _____

Date _____

Another letter (cont'd.)

figure range. RCMP Management ensured that I wouldn't be able to pay these costs on my own, as in short order, they suspended me without pay, and cut off my legal funding at public expense.

I was now unemployed, with no salary, no medical benefits, and no legal funding from the RCMP, with a trial more than two years in the future. I couldn't pay my mortgage, I couldn't afford to keep seeing a Police psychiatrist, and I had to leave my family in BC and seek employment out of province.

The Staff Relations Representatives, Tom Almasi, Mike Casault, and Jerry Vrabic, along with the legal fund, were my saviors. They set to work from day one, working to secure legal funding, trying to get me back to work in an Administrative Capacity, all the while grieving the unethical position that RCMP Management was taking.

They were able to secure legal funding through the MPLF, which saved me from Bankruptcy, I am eternally grateful for their hard work, dedication, and compassionate nature.

After my matter went to trial and the facts of the matter were revealed, the Crown tempered their position and I accepted a guilty plea, and subsequently resigned from the RCMP, as I could no longer accept the risks that operational RCMP members incur, both from the dangers of the job, and the dangers of their own organizations management.

I would implore any member of the RCMP who is not a member of the legal fund to enroll immediately, as if the day ever comes where you are face-to-face in a legal battle with the Force, you will feel like a speck of sand in front of a mountain; and neither the Courts, the Public, nor RCMP management will come to your aid. The Legal Fund will.

Geoffrey A. Mantler,
Former Constable, Reg. 54861
Royal Canadian Mounted Police.