

Members First

The official newsletter of The Mounted Police Members' Legal Fund

Fall 2014



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

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.

As of the printing of this newsletter no decision has been received from the Supreme Court.



Because of privacy concerns and court ordered non-publication of details we do not publish many of the comments we receive.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.

Attending the Supreme Court Hearing on the RCMP Pay Rollback were the following from left to right:
Paul Joyal - Then Chair of the MPMLF, Claude Rochon - SRR Pay and Benefits Committee Chair, Alison McEwen - Co-Counsel
- Nelligan O'Brien Payne, Chris Rootham - Counsel - Nelligan O'Brien Payne, Roy Hill - Assistant Secretary/Treasurer MPMLF,
Abe Townsend - SRR National Executive

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 Representative (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 written contributions from members of the MPMLF are welcomed and encouraged.

MPMLF National Executive Committee:

Cpl. Brian Sauve –
“E” Division – Chairperson
S/Sgt. Barry Russell –
“L” Division – Vice Chairperson
Cpl. Trevor Dinwoodie –
“E” Division – Member
S/Sgt. Scott Bird –
“D” Division – Member
S/Sgt. Jerry Vrabic –
“E” 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.

The Following Item was Published in our fall 2013 Newsletter When We Reported that We Had Won in Small Claims Court. Brookfield Appealed that Decision and the Appeal Trial was Held in Moncton on July 17, 2014.

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.”

APPEAL COURT 17 JULY 2014

Cst. Graham’s lawyer called 3 witnesses: Cst. Graham; RCMP Supt. Mike O’Malley, who testified as to his knowledge of the relocation process and that the policy was in place to ensure that members were not out of pocket due to being relocated and S/Sgt. Gilles Blinn as to his involvement in the process relating to events which occurred subsequent to Brookfield demanding repayment of the previously paid HHT expense.

We have not as yet received the decision of the

court however Cst. Graham’s lawyer has advised that in his opinion it appeared to go in our favour. Brookfield did not call any witnesses. To many, because of the small amount of money involved, this was a little thing however when measured against what might occur to the numerous members faced with transfer expenses, it could become a big thing.

PENSION PORTABILITY

Pension portability became available in the force on September 1, 2012 when amendments to the RCMP Superannuation Regulations came into effect. The Chief Human Resources Officer sent out a message on Sept. 4, 2012 informing members that pension portability was now available. Pension portability was now possible even back to 1992. Some members recruited from other police departments were alleged to have been made certain promises by recruiters. *ie. That pension portability was coming soon after their recruitment.* Several believed that it would be cost free - simply move their prior PS pension over to the RCMP pension.

Claude Rochon, SRR Pay and Benefits Committee Chair, sought, with the financial assistance of the Mounted Police Members’ Legal Fund (Legal Fund), a Legal Opinion from Chris Rootham of the firm of Nelligan, O’Brien Payne, with regard to a possible court action in relation to the matter. The Legal Opinion recommended proceeding by way of a “group action” in Federal Court.

On September 2, 2014 a Statement of Claim, as follows, was filed naming the Attorney General of Canada as the Defendant and forty-seven (47) serving members of the Mounted Police Members’ Legal Fund as Plaintiffs:

1. The plaintiffs claim:
 - a. Damages for negligent misrepresentation and/or breach of fiduciary duty in the amount for each individual plaintiff as set out below;

- b. Special damages for any costs incurred by the plaintiffs in mitigating their losses;
- c. Punitive damages in the amount of \$1,000,000;
- d. In the alternative to paragraph (a), nominal damages for each individual plaintiff in the amount of \$10,000;
- e. Prejudgment and post judgment interest in accordance with ss. 36-37 of the Federal Courts Act, R.S.C. 1985, c. F-7 and ss. 31-31.1 of the Crown Liability and Proceedings Act, R.S.C. 1985, c. C-50;
- f. Costs of this action on a substantial indemnity basis; and
- g. Such further and other relief as this Honourable Court deems just.

Overview of the Claims

Nature of the Claims

2. The plaintiffs' claim for negligent misrepresentation and breach of fiduciary duty concerns representations made to prospective members of the Royal Canadian Mounted Police ("RCMP") about their ability to transfer their pensions into the pension plan for RCMP members.
3. Each of the plaintiffs to this action is a member of the RCMP who was recruited away from another police service to join the RCMP.
4. During the recruitment process, each plaintiff was given a representation by an RCMP member with responsibility for recruitment that he or she would be able to transfer his or her existing pension benefits into the RCMP'S pension plan within a short period of time. The precise representations and the identity of the person making the representation (when known) are particularized for each plaintiff below.
5. Those representations were all untrue: instead of taking a short period of time, as represented by the RCMP, the ability to transfer existing pension benefits into the RCMP's pension plan did not become available for many years after the plaintiffs joined the RCMP.
6. Each of the plaintiffs pleads:
 - a. That the defendant owed the plaintiffs a duty of care as a result of the special relationship between the plaintiffs and the defendant;
 - b. That the defendant had an obligation to provide sufficient and accurate information to allow the plaintiffs to make an informed decision about whether to join the RCMP;
 - c. The representations made to the plaintiffs were untrue, inaccurate and/or misleading;
 - d. The defendant acted negligently in making those representations;
 - e. The plaintiffs reasonably relied upon those representations, to their detriment. The plaintiffs would not have joined the RCMP in the absence of those misrepresentations; and
 - f. The defendant, as responsible for the RCMP's pension plan, owes a fiduciary duty towards the plaintiffs. The defendant breached its fiduciary duty by making the misrepresentations set out in detail below.

"Pension Portability" and the RCMP Superannuation Plan

7. The pensions for RCMP members are established and regulated by the Royal Canadian Mounted Police Superannuation Act, RSC 1985, c R-11 ("RCMP Superannuation Act"). The RCMP Superannuation Act sets out the terms of the pension plan for RCMP members (the "RCMP Superannuation Plan"). Membership in the RCMP Superannuation Plan is compulsory for all members of the RCMP.
8. The RCMP Superannuation Plan is a contributory, defined benefit pension plan. This means that RCMP members contribute to the RCMP Superannuation Plan and that the benefits available under the RCMP Superannuation Plan are determined by a formula instead of by the value of the contributions.
9. This action concerns a concept referred to colloquially as "pension portability." Pension portability refers to the ability of an employee who changes employers (and changes pension plans) to transfer pensionable service from one pension plan into another.
10. For example, municipal and provincial police forces across Canada have their own defined benefit pension plans. Pension portability for RCMP members would mean that an RCMP member who transferred into the RCMP from a municipal or provincial police force could transfer their pensionable service from the municipal or provincial pension plan into the RCMP Superannuation Plan.
11. Prior to September 1, 2012, there was no opportunity for pension portability into the RCMP. In 1999, the RCMP Superannuation Act was amended by the Public Sector Pension Investment Board Act, S.C. 1999, c.34, s. 172 to add clause 6(b)(ii)(L) to that Act. Clause 6(b)(ii)(L) of the RCMP Superannuation Act permits a contributor (i.e. an RCMP member) to elect to count as service "any period of service of a kind described in the regulations if the contributor elects within the time specified, and in the manner specified, in the regulations to pay for that service." Parliament amended the RCMP Superannuation Act again in 2009 (S.C. 2009, c. 13) to further enhance the regulation making authority including, inter alia, in areas relevant to pension portability. Finally, on June 7, 2012 the Governor in Council amended the Royal Canadian Mounted Police Superannuation Regulations, CRC c. 1393 ("RCMP Superannuation Regulations"). Those regulations came into force on September 1, 2012.
12. As a result of the amendments to the RCMP Superannuation Regulations that came into force on September 1, 2012, pension portability became possible for RCMP members who had transferred from other police services.
13. Pension portability can take place in one of two forms: a "service buyback" or through a pension transfer agreement. A pension transfer agreement is an agreement between the RCMP

Superannuation Plan and another pension plan that permits a member to transfer service from one plan to another. This action does not concern pension transfer agreements, as there were no such agreements in place at the relevant time.

14. A "service buyback" permits an RCMP member to buy back pension time in another pension plan regardless of whether there is a pension transfer agreement in place. If an RCMP member maintained membership in their previous pension plan (i.e. did not withdraw the value of their accumulated pension and invest it in a retirement investment vehicle), then the member may "buy back" their pensionable time. If the RCMP member withdrew from their previous pension plan, they may only "buy back" their pensionable time for service after 1992.

Pension portability implemented at the RCMP

15. On September 4, 2012, the Chief Human Resource Officer of the RCMP sent a message to RCMP members informing them that pension portability was now available. Members were soon thereafter invited to apply to buy back pensionable service earned in other police forces.
16. The plaintiffs accepted this invitation and applied for a service buyback. They each received details of the amount of money they would need to pay in order to buy back their service in other police forces. For each of the plaintiffs, the cost of this buy back was significantly higher than the value of the assets they held in their previous pension plans (if they kept their money in their old pension plan) or in their retirement investment vehicles (if they withdrew their money from their old pension plan).
17. For each of the plaintiffs, most or all of this additional cost of buying back their previous service was the result of delays in implementing pension portability. For example, the salary used to calculate the value of the pension benefit has increased significantly in years since the plaintiffs transferred from their old police force - leading to higher transfer costs. Further, life expectancies have increased over time, so the calculations were based on different mortality rates - also leading to higher transfer costs.

THE ENTIRE CLAIM, WHICH INCLUDES DETAILS OF EACH MEMBERS ISSUE, COMPRISES 58 PAGES, TOO MANY TO REPRODUCE HERE. WE HOPE TO BE ABLE TO REPORT THE SUCCESSFUL OUTCOME OF THIS ACTION IN OUR NEXT NEWSLETTER.

A Few Current Matters in Brief

DEFAMATION

Member was involved in the investigation of a domestic matter between the defendant and his estranged ex-spouse between 2004 and 2006. Defendant was convicted of uttering threats, assault and breach of probation.

Sometime in 2012, the defendant started a website which details his experience with the legal system, including the member who investigated his case. The website described the member as using extreme profanity and brought into question the member's adherence to RCMP policy and procedure. As an example: "But a store alarm sounded, six cars were found vandalized and (member's name) was going to make something of this! You Want Upside Down.....You Got IT!!!! No this is One Dumb Fxxxxxx Cxxx!!! With an ability to make blood boil with her unsubstantiated uninvestigated conspiracies, ones she has shown more than capable of procuring and concocting.....A serious madness, her madness, (member's name) out of control with her madness, a madness that she created, nurtured.....and was going to follow through with intent demoniacal perseverance!!!"

In addition to generally describing the member in a negative light, the defendant also accused the member of criminal conduct calling into question her abilities as an RCMP Officer.

The Mounted Police Members' Legal Fund became involved when the member submitted a Schedule B for assistance in August 2013 and a Legal Opinion as to whether any civil recourse was available to the member against the defendant. The law firm responded: "The Website is rife with unsubstantiated personal and professional attacks against (member's name). The content would tend to lower the esteem of (member's name) in the minds of the ordinary public. As a result, it is our opinion that (member's name) would be able to maintain an action for defamation against (defendant's name). This would include the ability to seek injunctive relief to have the Website removed (and prohibit any future websites from being created) as well as allow (member's name) to claim damages from (defendant's name).

The issue is ongoing with the filing of a Notice of Civil Claim and Notice of Application and supporting Affidavit on July 28, 2014.

INVESTIGATION ISSUE

Law Firm was asked to provide a Legal Opinion as to whether officers under one statutory regime may be required to participate in investigative proceedings initiated under another statutory regime.

Legal Opinion Executive Summary - "While there is no explicit statutory requirement requiring cross-participation in investigative and disciplinary proceedings, such participation is reasonably requested. The courts have emphasized the purposes of the relevant legislation, as well as the need for public confidence in the administration of justice including in respect of the investigation and discipline of complaints. As a result, it is reasonable for the respective police authorities to request and expect their members' participation in such proceedings."

VETERANS REVIEW AND APPEAL BOARD (VRAB)

We have had three (3) matters dealing with application denials by the VRAB. Two have ended with successful results while the third is ongoing. Each were approved as disabilities occurred while a member of the Force and a member of the Mounted Police Members' Legal Fund. In the current matter, the Legal Opinion received indicated that the member could apply to either: "The Federal Court for a Judicial Review of the VRAB decision based on an error of law; or The VRAB for a reconsideration of the pension application based on new evidence." It was the legal firms position that the Federal Court was unlikely to overturn the VRAB's decision for a number of reasons. If however the member could obtain a medical opinion that specifically addressed the factors in the Entitlement Eligibility Guidelines, the VRAB would likely grant a reconsideration. The feasibility of obtaining such a medical opinion is currently being pursued.

ARE ORAL REQUESTS BY SUPERIORS ORDERS?

A Legal Opinion was requested by a Legal Fund member with respect to the following three questions:

1. Are oral requests from (members' names) considered to be orders?
2. If so, were the alleged orders lawful, as described in a French-language dictionary? For example, the Larousse dictionary defines "lawful" as "founded in reason, justice and equity."
3. Are (members' names) requests that I apologize to (person's name) reasonable and justified, considering that those requests stemmed directly from (person's name) breach of Section 8 of the PPSC Service Standards, from not consulting the investigating body before filing a stay of proceedings in a criminal investigation file in which I (the Legal Fund member) was the senior investigator?

Legal Opinion:

1. "The "oral requests of (member's names) are orders.
2. These orders are lawful, based on the applicable criteria.
3. See above; these orders meet the applicable criterial and are lawful orders that give rise to the duty to obey prescribed in Section 40 of the Royal Canadian Mounted Police regulations (1988)."

LATERAL ENTRIES - SENIOR CONSTABLE PROVISIONAL ALLOWANCE (SCPA)

In July 2012 the SRR Program learned that some lateral entry members who had been receiving the Senior Constable Provisional Allowance (SCPA), were advised that they were not qualified to receive the allowance. Several of these members asked that we communicate the service and assistance that they were provided. These members received letters stating that they should not have received the allowance and that the RCMP would be making recovery arrangements for the SCPA. Until July 2012, these members were able to receive the SCPA as long as they had a combined Canadian police service totaling seven years including two years as a regular member and a passing Job Simulation Exercise (JSE) result. The RCMP determined that these members should not have received this allowance due to an interpretation between "Service" and "Service in the Force". The first

advice these members received from their SRRs was to file a grievance. At the same time, with the assistance of the Legal Fund, a legal opinion was sought and received in which our counsel felt that there was legal grounds to fight the recovery of the funds.

In September 2012, the first member received written notice that the force was going to recover over \$11,000.00. Upon learning of this, another grievance was filed with the assistance of the SRR and the Legal Fund. The member then completed a written affidavit with accompanying documentation. In October 2012, our legal counsel filed a "Notice of Motion" to the Federal Court for interlocutory or interim relief - a stay. Over the next months, court processes continued between our legal

counsel and the Attorney General of Canada. During this time, consultation was made between the national policy centers, senior management and Treasury Board.

In the summer of 2014, the affected members were advised that there would be no recovery and for some members the SCPA would be reinstated with retroactivity.

The member who brought their case before federal court provided the following comments: "It has been very stressful and upsetting for me. I find it very difficult to believe that the organization I work for is doing this to so many people. For me, it is a matter of principle and they are wrong. It would be nice for all those involved to hear about this development and

know how quickly you, Marc Bernard and the law firm you have hired were able make the RCMP (AGC) adhere to the interim (pre grievance decision) agreement. I honestly feel that if the SRR program had not been accessible to me, I would not have heard about how many others this situation has affected, I would not have felt supported, I would not have had the means of obtaining the appropriate lawyer and providing him with all the proper and necessary contacts and information. The stress would have been a lot worse. Although you guys are not directly involved, you have taken the situation seriously (Marc, acted very quickly on my behalf) and I feel supported."

Cpl Dione Allen

So You Think This Could Never Happen To You?

A member identified as (Cst X) stationed at an isolated post in "B" Division in May 2009 had a private social at his residence. One of the guests became unruly, resulting in the Cst X requesting immediate assistance of the on call member who lived next door, to take possession of the guest. The on call member did not attend as requested and the guest departed the residence. Cst X had to make an immediate decision - let the person go into the night and risk injury to self or others or place himself on duty and take the person into custody. Cst X chose to do the latter under provisions of the Intoxicated Persons Detention Act (DIP). Guest was placed in cells with instructions to release when sober, the same process as others who are taken into custody under similar circumstances.

Guest (prisoner) a short time later complained of being assaulted by Cst X who did the arrest. The supervisor was notified and responded to the cell area. The supervisor Cpl. deleted the instructions of Cst X to release when sober and gave instructions not to release until later in the day because he wanted to do an interview of the complainant. No authority was ever quoted on this instruction, how a person could be held in custody strictly for the purpose of an interview.

A statutory investigation (assault and unlawful confinement) was immediately commenced and a senior Sgt. detailed as lead investigator. The Sgt. found himself being pressured to arrest the suspect, Cst X and charge, without the benefit of a full investigation, or Cst X being given the opportunity to supply a statement regarding the allegations.

Cst X was arrested, charged and suspended. The Sgt. investigator who still had not completed his investigation was removed from the file and replaced with someone else. The CO sought stoppage of pay (SWOP). Cst X responded to the allegations of the SWOP. The CO ordering the SWOP departed the Division and the new CO after considering the explanation to the allegations by Cst X stopped the SWOP proceedings. Application was made by Cst X for Legal Fees at Public Expense and same was denied. A grievance was filed. Cst X requested financial assistance from the Mounted Police Members Legal Fund (LF) so that he could mount a proper defense of the allegations. Same was approved.

On July 7, 2011 a Provincial Court Judge (PCJ) found Cst X not guilty on both charges. PCJ stated in part: "fundamental errors, however, in the investigation of the charges, the laying of the

charges, the arrest of [insertion of Cst X rather than name] and the conduct of the trial tainted the process to such an extent that I have quashed the information in total, quashed or dismissed the assault charge, stayed or dismissed the case".

The Judge also stated that:

- (a) the Sgt investigator swore to an information stating that he had reasonable and probable grounds to lay these charges, when I find as a fact that the Sgt, on his own evidence, did not have reason to believe [objective element], nor did he believe [subjective element] he had any grounds to lay the charges;
- (b) the Sgt. had only just begun his work as lead investigator;
- (c) the Sgt did not even have the benefit of preliminary interviews of the persons with personal knowledge of the May 25 and 26, 2009 events;
- (d) Criminal Operations in St. John's (CROPS) put extraordinary and unwarranted pressure on the Sgt to lay the charges;
- (e) CROPS effectively ordered the Sgt to lay the charges;
- (f) CROPS, from a functional point of view, transformed the Sgt from a senior RCMP officer into a processing clerk;

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So You Think This Could Never Happen To You?

continued from page 5

- (g) Underlying CROPS order was a threat of discipline if the Sgt failed to obey their orders;
- (h) the Sgt had already decided, following [insertion of Cst X rather than name] arrest, to release him on an undertaking before a peace officer;
- (i) CROPS countermanded the Sgt's decision and ordered him to hold [Cst X] in jail and bring him before circuit court for a bail hearing;
- (j) there was no bail hearing;
- (k) Crown consented to release [Cst X] on an undertaking largely on terms available to the Sgt to impose the day before;
- (l) RCMP abandoned the investigation after the arrest for some time for no reason explained to the court;
- (m) the second group of investigators were at a distinct disadvantage because of the CROPS interference in the Sgt's investigation; and
- (n) The Crown called a Spartan case that failed to include material witnesses.

The Judge further stated, "CROPS interference reminded me of the type of interference Eastern Health officials were responsible

for in the breast cancer scandal. They took off their peace officers' hats and threw them in the corner, in the same way that hospital administrators, doctors, and medical technicians threw their stethoscopes and microscopes in the corner and picked up the techniques and language of public relations consultants, risk managers and lawyers. CROPS representative should have been providing support as peace officers to (insert of Sgt rather than name) and his Labrador investigative team, and they did not do so".

The Crown appealed both acquittals to the Supreme Court. Cst X submitted a request for re-consideration of Legal Fees at Public Expense and also requested Public Fees at Public Expense for the Appeal. While awaiting a response, Cst X requested additional funding from the LF for the appeal. Same was approved.

On Nov 28, 2012 both the Commissioner and the Minister denied both the re-consideration and the appeal requests for legal funding at Public Expense. The Appeal was heard in Supreme Court on Jan 30, 2012, at which time the Crown abandoned the assault charge but pursued the charge of unlawful confinement. The decision was rendered on Jan 22, 2013, dismissing the Crown's appeal and ruling that in fact Cst X had legitimately placed himself on

duty on the date in question and was justified in taking the action as per the evidence.

On Apr 30, 2013 Cst X submitted another application for re-consideration to the Commissioner and the Minister for Legal Fees at Public Expense given the appeal decision of the Supreme Court. Well, guess what? Both the Commissioner and the Minister now changed their original decision and both agreed now that Cst X was on duty on the date in question and met the criteria of entitlement of Legal Fees at Public Expense.

This whole ordeal has shattered Cst X. He never thought that he would ever be treated in such a shoddy fashion and kicked to the curb. Has any one been held to account for the injustice to this member, you may ask? No.

As Cst X stated, "To anyone who isn't a member of the Legal Fund you are missing the cheapest form of insurance available, and if you think this could never happen to you, I hope it never does, but I thought the same thing. When everyone else turned their backs on me, the Legal Fund walked in and supported me and are still supporting me. Thank God for the Legal Fund, they saved my life".

INTERESTING FACT!

As of the writing of this note on 4 September 2014 we have 87 open files. Some have been ongoing for a number of years: 1- 1999; 1 - 2005; 2 - 2006; 2 - 2008; 3 - 2009; 3 - 2010; 5 - 2011; 19 -2012; 23 -2013; 28 - 2014. We follow these matters until all options available to the member have been completed, hopefully successfully.

Don't Miss Out

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.

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.

JOIN NOW!!!!!!

How is an Application Handled?

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.

DID YOU KNOW!

Since incorporation of the MPMLF in February 1998, the MPMLF has spent \$7,724,058.90 in Legal Fees with eighty-seven (87) different law firms across Canada and \$1,022,083.07 in Consulting Fees assisting members and promoting the improvement of their conditions of employment or work.

DID YOU KNOW!

Since January 2014 to the printing of this Newsletter the MPMLF have taken on thirty-eight (38) new matters on behalf of the Membership.



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 _____

*Following Reprinted from the Halifax
Chronicle Herald Dated 10-10-2014*

Kamloops, B.C.

Mountie not guilty in jail sex-watching case

A senior Mountie accused of watching two female inmates have sex in a jail cell in Kamloops, B.C., has been found not guilty of breach of trust by a public officer.

Cpl. Rick Brown was the watch commander on duty in August 2010 when he and other RCMP officers and at least one jail guard allegedly viewed the women's sex acts on closed-circuit monitor.

The Crown said at trial that Brown should have intervened but seemed to consider the entire episode entertaining and even invited others to watch the women with him.

Brown's lawyer argues there were no guidelines in place at the time governing what should be done in such situations.

Charges against two other Mounties were stayed and a jail guard who pleaded guilty last year was placed on a year-long probation term.

B.C. Supreme Court Judge Selwyn Romilly seemed skeptical of the Crown's case and had requested a special hearing to determine whether the trial should even proceed. (CP)