

Members First

The official newsletter of The Mounted Police Members' Legal Fund

Fall 2008



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. For this reason alone it is important for you to show your support.

Are you a member of the MPMLF? If not, you should be! See some of the 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 check our website at www.mplegalfund.com.

Constable Michael Ferguson - Conviction for Manslaughter

(Progress in this matter has previously been reported in our 2005, 2006 and 2007 Newsletters. You can access those copies through our Web Site at www.mplegalfund.com).

Michael was charged with manslaughter as the result of 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 of his life, fired two shots. After two trials he was convicted on the grounds that the jury found the second shot was "just beyond reflex". An appeal was launched and subsequently dismissed by the Alberta Court of Appeal. A final appeal was made to the Supreme Court of Canada and at the printing of our 2007 Newsletter we were

waiting for a date for the hearing.

That hearing took place in Ottawa on November 13, 2007. The Supreme Court ruling dismissing the appeal was received in February 2008. Their decision, which was contained in a 38-page ruling, is too long to reprint here, however I suspect it is available on the Supreme Court of Canada website, should anyone wish a copy.

As Secretary/Treasurer for the Legal Fund, I took the opportunity to attend the court session and met personally with the Lawyer Noel C. O'Brien, Q.C., of the Calgary Firm of O'Brien, Devlin, MacLeod, as well as with Michael Ferguson and his family. I was very impressed by Mr. O'Brien's presentation to the Court, answering questions and quoting legal precedents with apparent ease. He certainly convinced me and I thought from the ques-

tioning he had convinced the Justices as well, obviously not.

I believe it is now up to the Force and other organizations, whose employees must carry a firearm in the course of their duties, to take the following action suggested by Mr. O'Brien: **"It appears to me that the police should lobby hard towards the goal of creating a form of legislative exemption for police officers, from the mandatory sentence imposed by law, where a trial judge determines that such a sentence would be grossly disproportionate to the circumstances."**

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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 Division SRR.

MPMLF 2008 National Executive Committee:

S/Sgt Murray Brown –
“H” Division Chairperson

S/Sgt Greg Nixon –
“HQ” Division Vice Chairperson

Cpl Paul Joyal –
“D” Division Member

Cpl Mike Casault –
“E” Division Member

Sgt Tom Norton –
“E” 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.**

Constable Michael Ferguson

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To: the MP Members' Legal Fund
Attn: Mr. Gordon Clarke,

September 02, 2008



Michael Ferguson and A/Commr (Retired)
A. Gordon Clarke, Secretary/Treasurer MPMLF

“I would like to take this opportunity to thank the MP Members' Legal Fund for covering the costs of my appeals. Without their assistance I would not have been able to pursue them.

I was involved in a cell shooting in the fall of 1999 in southern Alberta. Without going into the circumstances, the RCMP found me to be “On duty and acting within the scope of my duties”. The RCMP came to that conclusion after a full and complete investigation. Six months after the incident the Crown charged me with second degree murder. After a preliminary hearing and three complete jury trials over a period exceeding four years, I was convicted of manslaughter.

In consultation with counsel, a conviction appeal was launched and the Crown appealed the sentence. The Legal Fund was my only avenue to source these appeals outside of my own means. Fortunately, I had been a contributing member of the Legal Fund prior to my incident. Bear in mind, our type of work

lends itself to unusual circumstances that can ‘take on a life of its own’ and lead you down paths that you never thought possible. To have the Legal Fund as a back-up resource is both prudent and wise. I am very grateful to have had this support. The Legal Fund came forward promptly and paid for both of these appeals in full. Though not successful, it was imperative to pursue these appeals for all Police officers' benefit.

I sincerely want to thank the Legal Fund for their involvement in my case. Lastly, I hope this helps our members to understand the potential jeopardy we are placed in on a regular basis. As my case clearly shows, the RCMP policies/training may not necessarily protect us from criminal prosecution, so I urge you to support the Legal Fund”. [sic]

Michael Ferguson
RCMP Constable Regimental # 36331
(Retired)

Michael Ferguson had been a member of The Mounted Police Members' Legal Fund when this terrible incident occurred. As such, we stood behind him and while we could not salvage his career with the Royal Canadian Mounted Police, we were able to assist him by underwriting legal fees in the amount of \$279,846.18. We tried however and Michael has shown his appreciation.

IT'S A FACT!

An issue, which was the subject of a thank you letter in our 2007 Newsletter, commenced in “B” Division around 2005 and continued into “J” Division when the member concerned was transferred. After many months, and an expenditure of over \$17,000.00, our lawyer was ready to take the matter, which involved the Human Rights Act, to court for a Judicial Review. At this point, the Crown conceded the RCMP had made an error and asked that they be given a chance to correct that error, which they subsequently did to the satisfaction of the member. This agreement no doubt saved the Force a considerable amount of money, however an attempt to collect the funds expended by the Legal Fund from the RCMP as a result of their error has not met with success. When you use others with fairness you expect to be used with fairness also.

The following article was received from an “F” Division member of the Legal Fund.

Why Contribute to the Legal Fund

“As a member, we all experience the internal complaint process. In the words of a Staff Sergeant that I worked with recently, ‘It’s the cost of doing business.’

In early 2004, our detachment was advised that a complaint had been made with the Public Complaints Commission regarding the members of the Detachment. The complainant made multiple allegations against each and every member, including the Detachment Commander.

All of the allegations involving me as a member were unfounded and only one allegation was founded for the Detachment. However, the complainant made an allegation accusing me of inappropriate activities with a nineteen year old female. In the internal investigation, he was asked if his allegation meant he thought that I was having sex with this girl, he responded that he did believe that.

When I was informed of this allegation, I was initially shocked. To my knowledge I had few dealings with the complainant and nothing that would lead him to have any animosity towards me. Further, I knew that the investigation would be unfounded and co-operated fully with the investigator to ensure that this happened as soon as possible.

Of course, I knew that I could take no action against the complainant as he was protected from such as the PCC is a quasi judicial forum.

It was shortly after that a local citizen called and told me that the complainant had told him of the same allegation and was concerned that I would not know what was being said around town.

I contacted the SRR that was responsible for the Legal Fund in my area and was invited to send a brief, outlining the situation after the internal investigation was completed, which I did.

My application for funding was accepted and counsel assigned.

Well, over three years later the trial was held and we were successful in our suit. Justice Acton in the Court of Queens Bench for Saskatchewan (2008SKQ20) said, “**This court as well as the court in Jutasi v. Duhaime, supra, has a zero tolerance for the impairing of the morale of a hard-working RCMP officer and the tainting of his reputation earned through devotion to his family and his profession. The plaintiff is a responsible member of the RCMP and an active and responsible member of the community in which he lives.**”

Justice Acton awarded me \$15,000.00* in general damages and costs which will go to repaying the Legal Fund.

I would have sought a civil remedy even if the Legal Fund did not exist but I did not need to. For \$2.00 per pay I received monetary assistance to defend myself and my reputation but more importantly was the support and peace of mind that came with knowing that the Legal Fund was there for me.

If I can give you any advice, it would be to stand up for yourself and your fellow members. Always conduct yourself with dignity and respect. It makes it easier when you have to defend yourself against complaints involving your conduct. **Contribute to the Legal Fund. You or a member that you know may need it one day.**

Thanks to the Legal Fund and all the SRRs that helped. A special thanks to Michael J. Morris of Robertson, Stromberg, Pederson for his hard work.” [sic]

Larry E. Kurtenbach, Constable
Saskatoon Detachment

***The Judgement was for \$15,000.00 with an additional \$3,000.00 in costs. The Legal Fund lawyer is currently attempting to collect those funds.**

IT’S A FACT!

We currently have 56 open files. A-1; B-1; C-4; D-1; E-17; F-4; H-3; HQ-1; J-3; K-19; O-1; T-1. These issues involve Harassment; Workplace Treatment; Assault; Malicious Prosecution; Defamation; CM LES Pension Reform; Delay of Process; Standby Pay; Hearing; Human Rights; Overtime Compensation; Ontario Health Premium and Saskatchewan Insurance Benefits to name a few.

IT’S A FACT!

Each year we have been reporting stats involving Divisions and Legal Fund Membership. Each year those figures have been increasing. Last year for Divisions A, C, N, O and S the increase was from 39.8% to 42.2%. This year that increase is from 42.2% to 46%. Last year for the rest of the Divisions we had an increase from 91% to 93%. This year we have maintained the 93% participation.

Subject: Paul Lenzen v. Attorney General of Canada

Some of the issues we support take time. Paul Lenzen was a long serving member of the RCMP and a member of the Legal Fund who was medically discharged from the Force as a result of disabilities which were brought about by three significant duty-related accidents. In November 2002 the Legal Fund approved a funding application from this “K” Division member who wished to pursue a hearing before the Veterans Review and Appeal Board (VRAB).

In April 2008 we received the following message from D. Robb Beeman of the firm of Heenan Blaikie in Calgary:

“As you are aware, this has been a long-standing file of the Legal Fund. The Legal Fund has provided support to Mr. Lenzen to proceed with a judicial review application in Federal Court against a decision by the Veterans Review and Appeal Board. Mr. Lenzen has suffered from significant disabilities as a result of his service and it was our strong view that Veteran Affairs had failed to acknowledge these issues in determining his entitlements to a disability pension.

We are extremely pleased to report that we have now received a decision from the Federal Court of Canada. The decision, which is attached hereto*, allowed our application and has ordered that this matter be remitted to a differently constituted panel of the Veterans Review and Appeal Board for determination. In addition, the Federal Court of Canada has awarded costs against the Attorney General of Canada.

We will be proceeding to negotiate with the Attorney General of Canada to recover these costs and will provide the recovered costs to Mr. Clarke’s office in due course. We will continue to assist Mr. Lenzen in finalizing his claims with the Veterans Review and Appeal Board.

I would like to express my appreciation to Jillian Frank, of our Vancouver office who has worked tirelessly on this claim. As is obvious from reading the decision of the Federal

Court, her legal arguments advanced on behalf of Mr. Lenzen were instrumental in the success of this application.”

*Due to the length of the decision it is not included in this Newsletter

As a result of the above Paul forwarded the following to Robb and the Legal Fund:

“I have just returned home (08/05/05) and read Robb’s comments. I have also just read the attached decision as well. This is definitely great news, and, despite what the final outcome from the VRAB may be I must say that:

From the onset of this appeal I have been treated wonderfully by everyone involved, from the MP Legal fund, the SSR’s department, Robb Beeman and Heenan Blaikie. Thank you all so very much. I would especially like to take this opportunity to thank Jillian Frank for her work in this matter. I find it hard putting into words my great appreciation in this matter but I will try.

As Robb stated in his message Jillian has worked tirelessly on this matter and that was plainly evident in the presentation she made at the Federal Court hearing in October of 2007. I was present for this event and was truly impressed at how professionally and thoroughly prepared she was in her opening statements and the arguments she presented and the manner in which she addressed the court. She knew my file and the circumstances surrounding it inside and out, and recalled events, dates, documents, and small notations and details that I had long forgotten about. The file in this matter had grown substantially from the small handful of documents that I had originally brought in, to volumes.

It was clearly evident that considerable time, effort in research, and investigation on her part had gone into this matter, and as stated, it was meticulously prepared and presented in a clear, concise, and very easy to understand manner. She was able to recall events

and reports from memory when asked by the court and was quickly able to reference specifics of them from her prepared brief and directed the courts attention to these points. It was like my entire file had been memorized by her. Remarkable to say the least. I must apologize for not being more diligent in preparing a letter of appreciation for her work in this matter until now. Regardless of the outcome at the time of the Federal Court hearing I was extremely happy with, and impressed by her work, and I realize that the new board could still bide by the decisions already made by previous boards should they choose to, still, I am very pleased with the efforts by Jillian and her efforts to bring me to this point of the appeal process.

I have no doubt that all of Jillian’s work is this well done and her attention to details, and preparedness is evident in all her cases. There is no doubt in my mind that she has a very bright future in her chosen field. I hope that whatever the outcome of this whole matter is that it will be a benefit to other members of the RCMP in the future.

Thank you all again regardless of what the next decisions by the VRAB might be. And a special thank you again to Jillian.” [sic]

Paul Lenzen

IT’S A FACT!

For the first 8 months of this year, we have averaged 115.25 new members of the Legal Fund a month, for a total of 922. We have had, however, an average of 49.75 members quitting the Force or going to pension during the same period. Our net gain has been 524 new members.

Member Complaint to the Public Service Labour Relations Board

(The names of some persons and places involved have been changed for privacy reasons)

Constable Jones was seriously injured in the line of duty in a car accident while she was working at Busy Detachment. While recovering, she developed an illness unrelated to the accident that rendered her unfit for work. Constable Jones unsuccessfully attempted a gradual return to work, resulting in her illness growing worse.

In 2005, Constable Jones received an order from her line officer to report for work for a second gradual return to work, although the medical opinion of both of her attending physicians justified waiting before attempting

a return to work. Constable Jones reported to the office and filed a refusal to work under Part II of the Canadian Labour Code. Following that refusal to work, RCMP representatives, including the Commanding Officer at the time, launched an internal investigation under Part IV of the RCMP Act and threatened Constable Jones with disciplinary measures. Constable Jones then filed a complaint with the Public Service Labour Relations Board claiming that the employer was taking reprisals.

To our knowledge, this was the first time the Public Service Relations Board was to review a complaint of reprisals filed by a regular RCMP member concerning a refusal to work and, as such, may set a precedent.

The Canada Labour Code Arbitrator decided not to render judgement on the perceived danger on this work refusal case. This decision would have been detrimental to all members of the RCMP, and so the Division Legal Fund Board decided, after seeking legal advice, that the Arbitrator, by not rendering judgement, failed to properly exercise his authority to take the matter to the Federal Court of Appeal.

A written submission for appeal has been filed with the Federal Court of Appeal and it is not yet known if this appeal will be contested by Justice Canada. Keep tuned for more news on this matter next issue.

Notice to MPMLF Members

The increase from \$2.00 to \$4.00 per pay in Mounted Police Members' Legal Fund membership fees, which was scheduled to commence in January 2008, has been postponed pending a review of policies and procedures by RCMP Compensation. We expect implementation of the increase when that review is completed.



One Gone Only One Left

S/Sgt Roy Hill, one of the original founding members of the Legal Fund, and until recently one of the “B” Division SRRs and the Chair of the MPMLF Executive Committee, has left the SRR Program and will be taking his pension in the near future. We will miss Roy’s wise counsel and his Newfie wit. The Directors of the MPMLF salute you Roy, thank you for your service and wish you and your family well in your retirement.



S/Sgt Roy Hill,
Chairperson
MPMLF (Retired)

Roy was replaced as Chair of the MPMLF Executive Committee by “H” Division SRR S/Sgt Murray Brown, who is the last Legal Fund founding member still serving as an SRR.

His comments on taking on his new role are as follows:

“It is with great pleasure I assume the role of the chair position of the Mounted Police Members’ Legal Fund (MPMLF). I have been a member of this fund since its creation and involved in the founding meetings resulting in this success. This new role is supported by an Executive representing other areas within Canada that offers numerous experiences. I, like most members, hope I never need to draw on the Fund, but like most insurance programs it will be there for me, should I encounter a situation that meets the Fund’s founding principles.

The Fund has assisted many members and families in its ten-year history; the outcomes have been both rewarding and disappointing. They have also impacted systems executed by the Force, which were in need of change and one of those was the disclosure issues centring

around the promotional (exam) exercises encountered by Paul Shephard of “B” Division and previously reported in our Spring 2003 and Fall 2005 Newsletters. The existence of this Fund has permitted many responses that prior to its inception were not open to many members; it has supported the Staff Relations Program Representatives in being able to deal with issues which ran the course internally and under the Royal Canadian Mounted Police Act and Regulations.

The cost to belong is reasonable, cheaper than subscribing to some newspaper deliveries or many other miscellaneous purchases. We would like to see every civilian and regular member of the Force join, as we ALL benefit even without being in trouble or facing some enormous pressure. Opinions, negotiations, research and so on concerning so many issues. Please take a few minutes after reading this



S/Sgt Murray
Brown,
Chairperson
MPMLF

publication and action your application. We have done something among ourselves that should make all of us proud. Another creative tool to work successfully on your collective and individual needs.” [Sic]

Murray

BREAKING NEWS

The Board of Directors of the Legal Fund have been actively challenging the Stoppage of Pay and Allowance Regulations over the past several years, through various actions in the Federal Court. It has always been our view that the regulations are extremely problematic, as they provide no guidance to senior management as to the circumstances that will give rise to the stoppage of pay. Most recently, we took that challenge to the Supreme Court of Canada. We have now been advised that the Supreme Court has refused to grant leave to appeal the decision of the Federal Court of Appeal. Unfortunately, there is nowhere left for the Legal Fund to go on this matter. The only potential way to deal with the Stoppage of Pay and Allowance Regulations is for members, probably through the Staff Relations Representatives, to attempt to reach a political and negotiated revision of these regulations.

IT’S A FACT!

At the writing of this Newsletter, 15,422 civilian and regular members of the Force are contributing to the MPMLF: 997 civilian members; 14,425 regular members, 406 of which are Commissioned Officers.

MORE BREAKING NEWS

Ken Smith “J” Division - Harassment
John Hudak “K” Division - Malicious Prosecution

Both long-standing issues supported by the Legal Fund were settled this year in favour of the members. The settlements were made on the understanding that the details and amounts involved would be kept confidential. We can tell you however that the total amount advanced to Ken Smith, \$158,253.14, has been returned to the Legal Fund and \$100,000.00 of the \$180,257.61 advanced to John Hudak has been returned to the Legal Fund to date.

IT’S A FACT!

Since our last Newsletter, we have had many members of the Force seek help from the Legal Fund. Unfortunately three of those persons were not contributing to the Legal Fund and could not be assisted. One of those applicants, a single mother facing hefty legal bills had simply been too busy working to look after something she did not think she would ever require.

Do not hesitate to complete or put off your membership application. In fairness to those who are paying members, we cannot help you as much as we would like after you have been placed in a situation requiring our assistance.

A MATTER OF INTEREST TO MEMBERS RESIDING IN ONTARIO

The MPMLF undertook to support a request for a Legal Opinion as to the merits of funding an action to:

- a) Seek a declaratory relief to the effect that the Ontario Health Premium does not apply to the Royal Canadian Mounted Police (RCMP) Members; or
- b) Seek a declaratory relief to the effect that the Ontario Health Premium must be paid by the RCMP Members' Employer.

In support of this action it was argued that:

- a) RCMP Members have an existing all encompassing health plan for all medical related costs;
- b) The RCMP agreed to cover Health Insurance Premium imposed by the Ontario Government in the 1980's;
- c) The Ontario Health Premium (OHP) amounts to double billing or overbilling; and
- d) No other RCMP Member in other Provinces pays such a premium.

The Legal Opinion received concluded that, "... the chances of success in seeking a declaratory relief to the effect that the OHP does not apply to the RCMP Members is unlikely. That said, should there exist convincing evidence on the issue of the intention of the parties in their negotiating history, the RCMP Members may be successful in obtaining a decision to the effect that the OHP must be paid by the RCMP Members' Employer." There is no indication that such convincing evidence exists.

The following is an article from Paul Turenne of the Winnipeg Sun published on August 1, 2008: You fight the law, the law wins - by Paul Turenne

"By now you're probably sick to death of hearing about Tasers, so let's just talk about good, old-fashioned police brutality — and the notion of a fair fight. In the old days, police brutality might have meant a baton to your ribs, a knee dug into your back or a flashlight to the teeth. Ask Rodney King. He knows. Nowadays, the source of the pain may have changed from fists and elbows to Tasers, but the same cries of "excessive force" can still be heard. And most of them are just as bogus as they've always been.

I agree that it's important for us to question the efficiency and safety of the weapons that we arm our police officers with, but under no circumstances will I argue that police should not use these weapons when the need arises. I'll admit I'm a bit of an apologist for the police (which is ironic considering the extent of my gangster rap collection). But the way I see it, there is no way we can ever allow anyone to get into a fair fight with a cop. Although this was only touched on a little bit with the recent death of Michael Langan, who died last week after he was hit by a Taser fired by Winnipeg police, it's something we've heard a lot of in this town in the past few years.

The most vocal proponents of allowing people to challenge the cops mano-a-mano made themselves heard following the police shooting of Matthew Dumas in 2005, and once again last June during the inquest into that fatal shooting. The claim, in its various incarnations out of the mouths of different people, usually went something like this:

'He's a 150-pound guy, you're two big, burly cops. Couldn't you just wrestle the screwdriver away from him?'

No. Because it doesn't work that way. The police have a "one-up" policy that we, as a society, have given them and need them to have. You start spitting, they bring out their fists. You start kicking and punching, out comes the pepper spray. You whip out a knife or a screwdriver, it's Taser time. And if you start waving a gun at the cops, consider yourself lucky if they give you one chance to drop it. If that sounds unfair, that's because it is. But it needs to be.

There can be no notion of a fair fight with police.

If an off-duty cop gets on your nerves and you want to take him on, be my guest, but the second he or she puts on that uniform, there can be no challengers. Police represent order and defence of the laws that we as a society have decided we want to live by. You start fighting them, you're not fighting the individual dressed in the blue shirt and pants, you're fighting 'the law.' And we all know how that song goes.

Believe me, I do recognize the importance of ensuring that no cowboys take that law into their own hands and rough people up unnecessarily, but don't for a minute think that there is much sympathy out there for anyone who questions whether a knife is 'dangerous enough' to warrant a response from a more substantial weapon, or think that police should treat a 150-pound man differently than a 275-pound man. There are only two weight classes when it comes to police: The Law, and everyone else."



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 _____

WHAT IS NEW?

The following are just a few of the actual cases being pursued by the MPMLF. Names and Divisions have been deleted for privacy reasons.

OVERTIME CLAIM... L'Arbitre Niveau II The Level II Adjudicator upheld the Level I decision to pay member only a portion of his overtime claim, despite there being no issue that member worked the overtime claimed.

MEMBER INJURY... Member injured by a co-worker while executing a search warrant. Member applied for financial benefit pursuant to the Victims of Crime Financial Benefits Program offered by the Province. Under a strict application of the interpretation of the Act by Provincial authorities, the member's request was rejected.

DEFAMATION... Members subject to several letters and communications sent by an individual to various persons both within and outside the RCMP in relation to one member's conduct and character and the handling of the individual's complaint by two other members.

DEFAMATION... Individual alleged that he was assaulted while in police custody; that the police denied him medical services and that the police defamed his character by stating he was a hard core criminal. While statements made by the individual under the RCMP public complaint process were made on occasion of absolute privilege and would therefore not support an action in defamation, it would appear that the individual may have repeated these allegations to several of his friends and associates.

ASSAULT AND BATTERY... Member was intentionally injured by an occupant of a building while the member was entering the building to arrest another person.

