

Airdrie, Alberta
April 12, 2017

MY FILE: 084

Ms. Suzanne Legault
The Information Commissioner of Canada
30 Victoria Street, 7th Floor
Gatineau, Quebec
Ottawa, Ontario
K1A 1H3

Dear Ms. Legault:

Re: FOLLOW-UP COMPLAINT - RCMP FILE: A-2014-05939

I want to thank you for appointing Marc Babineau to take the lead on the investigation of my High River ATIP complaints. He is making significant progress. It is through his efforts that we were able to get the RCMP to release four pages of the RCMP 'Media Relations Plan: Flooding in Southern Alberta June 19-25, 2013'. I have attached a copy of these pages and the RCMP's cover letter dated April 6, 2017. For your easy reference, I am also attached a copy of my original complaint letter to you dated May 13, 2015.

I wish to reaffirm my original complaint regarding the RCMP's continued refusal to provide all the documents requested in my original ATIP request dated August 19, 2014 (copy attached). I also wish to complain about the blanked-out portions from the four pages of the 'Media Relations Plan' the RCMP just released.

Once again, I completely disagree with the RCMP exemption of these records under section 16(1)(a)(ii) of the Act: "*The head of a government institution may refuse to disclose any record requested under this Act that contains (a) information obtained or prepared by any government institution, or part of any government institution, that is an investigative body specified in the regulations in the course of lawful investigations pertaining to (ii) the enforcement of any law of Canada or a province.*"

The RCMP High River door-kicking spree was not a 'law enforcement' operation it was a 'search and rescue' mission. It didn't become a 'law enforcement operation' until the RCMP started unlawfully entering High River homes. The RCMP responses to other ATIP requests and Alberta Government responses to my FOIP requests confirm 2,210 High River homes damaged by the RCMP during these unlawful and unnecessary entries has so far cost taxpayers of \$2.3 million and severely damaged the trust for the RCMP among High River residents.

The Alberta Property Rights Advocate report for 2013 states: "*As previously noted, Deputy Commissioner McGowan advised that the RCMP Members involved in this situation did not take operational direction from elected officials or public service employees. Instead, they relied on the authority of section 19 of the Emergency Management Act. But if such actions were taken by the RCMP Members under section 19 without Ministerial approval or direction, as normally would be required by the Act, their interpretation of that section is misguided.*" The Alberta Government has repeatedly denied giving any such authorization to the RCMP. See the link Alberta Property Rights Advocate's full report below.

Why blank-out any sections of the Media Relations Plan, especially now four years after the event? This information was obviously intended for RCMP officers in their discussions with the media in 2013 – why not me and the concerned residents of High River in 2017? This doesn't make any sense.

The Media Relations Plan released to me are not the records I requested. RCMP Asst. Commissioner Marianne Ryan made this statement in her e-mail to Alberta Justice Asst. Deputy Minister Bill Sweeny, *"You do raise a good point on communicating the legal authorities are using [to forcibly enter private property] and on that point, we will get something on paper from Crown counsel tomorrow morning to give to our folks speaking to media for their reference and confidence in speaking to this issue to the public."* (copy of this e-mail exchange attached). The 'Media Relations Plan' released by the RCMP says only this: *"The RCMP has the authority to enter a residence to verify vacancy and will do so."* This does not describe the 'legal authority' for the forced entries and does not inspire any 'confidence' for RCMP officers speaking to the media or the public. The words 'will do so' does not inspire confidence it is a clear indicator of the arrogance with which senior RCMP officers were treating the entries and excessive force their troops (and soldiers) were entering and searching High River homes. I believe there is another document with the media lines describing the actual "legal authority" that the RCMP have failed to provide in response to my request.

These are some of the most important records of all the documents in all the ATIP requests I have filed on High River. I cannot possibly discontinue my complaint for the following reasons:

- (1) If the *"...the RCMP are adamant that it [release of the Crown council paper] would negatively affect the court proceedings,"* then there must be something more in the "Crown council paper" that isn't in the RCMP Public Complaints Commissioner's High River report.
- (2) As stated above, I don't see why the records I requested related to the High River search and rescue mission would be exempted under Section 16(1)(a)(ii) of the Act; especially if, as the RCMP claim, they simply repeat information that was already released in the RCMP Public Complaint Commissioner's High River report. The information I requested was definitely not released in the Complaint Commissioner's High River report. For easy reference, I specifically requested:
 - *Copies of the materials provided to RCMP officers speaking to the media regarding the legal authorities for the forced entries and firearms seizures in High River; and,*
 - *Copies of all the follow-up communications responding to Bill Sweeney's question: "What legal authority do the police rely upon to forcibly enter private property in the flood stricken area?"*
- (3) It's clear that the Charter of Rights and Freedoms failed to protect thousands of residents of High River from having their doors kicked in and damaged, their privacy rights breached, their houses searched without warrant, and their property seized also without warrant by the RCMP. The documents I request are required to get to the bottom of these rights violations.
- (4) As the four National Firearms Association polls have shown, more than half the residents of High River no longer trust the RCMP to protect their property in an emergency. This is the real issue that no official RCMP or Government communication has even acknowledged and the RCMP Commissioner has failed to address these serious concerns in his response to the High

River report prepared by the Chairman of the RCMP Public Complaints Commission. As a consequence, when the next serious flood hits southern Alberta some residents of High River will either refuse to evacuate or delay evacuation putting themselves and their families at greater risk than they otherwise need to be. I can't discontinue this request and complaint until and unless the trust-in-the-RCMP issue is both addressed and corrected, if not by the RCMP then by the Governments of Canada and Alberta.

- (5) Finally, I can't proceed with a Section 41 hearing in Federal Court without a final letter outlining the results of your investigation.

Thanks again for your help and especially for the very capable assistance provided by Marc Babineau.

Yours sincerely,

[Original signed by]

Dennis R. Young
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HIGH RIVER FORCED ENTRIES – ALBERTA PROPERTY RIGHTS ADVOCATE REPORTS - 2013 & 2014
By Lee Cutforth, Alberta Property Rights Advocate
<http://dennisryoung.ca/2015/09/09/high-river-forced-entries-alberta-property-rights-advocate-reports/>

WHO AUTHORIZED RCMP TO MAKE WARRANTLESS ENTRIES INTO HIGH RIVER HOMES DURING THE 2013 FLOOD? Tyranny is like a bad cooking odour. It is always easier to smell in someone else's house
By Rick Hemmingson, J.D., Canada Free Press - October 25, 2014 http://canadafreepress.com/print_friendly/who-authorized-rcmp-to-make-warrantless-entries-into-high-river-homes-during



APR 06 2017

Mr. Dennis R. YOUNG
1330 Ravenswood Drive SE
Airdrie, Alberta
T4A 0P8

Received
APR 12, 2017
[Signature]

Dear Mr. YOUNG:

This is in response to your request under the *Access to Information Act*, which was received by this office on August 26, 2014, to obtain:

Reference is being made to the attached e-mail exchange on June 25, 2013 between Bill SWEENEY, Assistant Deputy Minister/Director of Law Enforcement, Public Safety Division of Alberta Justice and Solicitor General and Marianne Ryan, Assistant Commissioner, Officer in Charge K Division Criminal Operations regarding the 'legal authorities' the RCMP were using for their forced entry into hundreds of homes in High River, Alberta.

Please provide (1) A copy of the 'legal authorities'...'paper from Crown counsel' referred to in the attached e-mail by Marianne RYAN that was prepared 'to give out to our folks speaking to the media for their reference in speaking to this issue to the public'; (2) Copies of the materials provided to RCMP officers speaking to the media regarding the legal authorities for the forced entries and firearms seizures in High River; and (3) Copies of all the follow-up communications responding to Bill SWEENEY's question: 'What legal authority do the police rely upon to forcibly enter private property in the flood stricken area.

Further to your complaint to the Office of the Information Commissioner, we have conducted an additional review and are releasing the enclosed documents. Please note that all the information reviewed still qualifies for exemption pursuant to subparagraph 16(1)(a)(ii) of the Act. We have, however, exercised the discretionary powers provided by the Act and have released some of the information. Enclosed is a copy of all the information to which you are entitled. A description of the exemptions can be found at: <http://laws-lois.justice.gc.ca/eng/acts/A-1>.

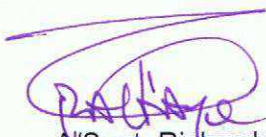
Please be advised that you are entitled to lodge a complaint with the Information Commissioner concerning the processing of your request within 60 days after the day that you become aware that grounds for a complaint exist. In the event you decide to avail yourself of this right, your notice of complaint should be addressed to:

Office of the Information Commissioner of Canada
30 Victoria Street, 7th Floor
Gatineau, Quebec K1A 1H3

Canada

Should you wish to discuss this matter further, you may contact Ms. Crystal Holub at Crystal.Holub@rcmp-grc.gc.ca. Please quote the file number appearing on this letter.

Regards,



A/Supt. Richard Haye
Access to Information and Privacy Branch
Mailstop #61
73 Leikin Drive
Ottawa, Ontario K1A 0R2

Media Relations Plan: Flooding in Southern Alberta June 19-25, 2013

Draft prepared by: Mary Schlosser

In consultation with: Insp. Woolsey OIC Media Relations; Senior MRO Sgt. Neely

Approval:

Issue: As a result of heavy rains have caused severe flooding in numerous communities within the Bow River drainage basin in southern Alberta. The RCMP has been called upon to respond to local state of emergency orders in numerous communities and to ensure traffic safety on regional roads impacted by the flooding.

Goal: To communicate about the RCMP response

Strategic Considerations

- Floods have impacted numerous RCMP detachment areas.
- Scope/multiple locations of emergency present staffing pressures for media outlets
- Multi-agency response requires coordination of communications efforts with partners
- Partner agencies are sending public safety messages in support of police efforts

Target Audiences

- Public
- Residents impacted by flooding
- Partner agencies
- Employees

Strategy:

- To provide 24/7 MRO support to detachments and media outlets out of SAD EOC
- To only release information that has been approved/confirmed by OIC
- To provide regular media updates timed to daily media cycle
- To limit RCMP comment to police/operational matters
- To provide NHQ Communications with timely notice and updates
- To share media relations products/strategies with partner agencies when possible
- To offer/provide RCMP presence at media events planned by partner agencies

Key Messages

Emergency response

- The RCMP Detachment of jurisdiction is notified when state of emergency is declared by local officials, and works with them to ensure public safety needs
- The RCMP is very experienced in emergency response operations. Ex. Slave Lake
- As Alberta's Provincial Police Service, the RCMP has the ability to swiftly deploy personnel from other parts of the province to assist with local emergencies
- The RCMP have enlisted the support of the Canadian Armed Forces.

Rescue

- Rescue is the RCMP's top/first priority in this emergency.
- The RCMP is the agency responsible for managing/directing search and rescue operations including those requiring the assistance of other agencies.

Evacuation

- Evacuation orders are in place for a reason.
- Not complying with an evacuation order may put you and emergency responders at risk.
- Door to door checks are necessary to ensure anyone in need of help gets it.
- The RCMP has the authority to enter a residence to verify vacancy and will do so.
- The RCMP makes every effort to minimize property damage if forced entry is required.
- The RCMP will report any pets found in a home to the local agency responsible for their rescue/care during an evacuation.
- The goal is to get everyone back in their homes as soon as is safely possible.

Fatalities

- The RCMP is the agency responsible for the search of human remains, while the Medical Examiner's Officer is responsible for the recovery of human remains.
- Upon recovery, we assist the Medical Examiner in determining the cause of death.
- Speculation on the status of missing persons is difficult for the families involved.
- The RCMP will not release or confirm the identity of a deceased person until the next of kin notifications are complete.
- Next of kin must consent before the RCMP will release or confirm the identity of a deceased person.

Partner agencies

- Emergencies require a coordinated response.
- The RCMP is very experienced in working with partner agencies.
- The RCMP appreciates their help.
- The RCMP cannot speak to the work/response of other agencies.

Tools/Tactics

Media releases

- Daily Operational updates to be written and distributed by MRO at EOC.
- Senior Communications Strategist (Mary Schlosser) to provide writing support upon request of OIC.
- K Communications Unit (Cory Brenneis) will handle translation and posting of media releases upon request of OIC or Senior MRO.

Media Availabilities

- Daily/regular on-camera opportunity to be provided at SAD EOC.
- Situational availabilities in local communities as required.

Media Calls

- All calls go through SAD EOC.
- Number/nature of calls to be recorded in order to identify/address issues/

Media Monitoring

- NHQ Communications will handle and will provide summaries to Sgt. Valiquette

Notification to NHQ Communications and partner agencies

- NHQ Communications to receive media releases via ABMedia Account
- During business hours, Senior Communications Strategist (Mary Schlosser) will be responsible for these notifications.
- After business hours, MRO on duty to report emerging events of a significant nature directly via Groupwise address HQ Comms Alert with cc to OIC, Senior MRO and Senior Communications Strategist. Address will self-populate.
- Message should briefly outline issue and divisional response. "Member seriously injured in MVA Bragg Creek. Potential for media interest. MRO prepared with lines."
- NHQ Communications rep will contact sender directly if more information is required.
- OIC and Senior MRO to act as point of contact with partner agencies at local level.
- OIC or Senior Communications Strategist to act as divisional point of contact with provincial and federal partner agencies. Ex. Alberta Justice and Solicitor General, Public Safety Canada, Canadian Armed Forces

Q and A: Internal Use Only

Q: How many people were rescued via helicopter in High River?

A: Approximately 600 by air and another 100-200 by ground rescue.

Q: Why were pets left behind?

A: In an emergency situation like this, saving people is our top priority. The RCMP will report any pets found in a home to the local agency responsible for their rescue/care during an evacuation.

Q: My house wasn't flooded. Why can't I go home?

A: Emergency crews are trying to determine if the town is safe. The risks associated with a gas leak in one home poses significant risk to anyone in the area. Emergency crews are working around the clock to get people back in their homes as soon as possible.

Q: Why do the police need to get into my home when I registered it as empty at the shelter?

A: Information provided by evacuees has been helpful to us in determining which homes might still be occupied but we must guard against the possibility that someone may have made an error in reporting or that someone has returned to the home.

Door to door checks are necessary to ensure anyone in need of help gets it.

The RCMP has the authority to enter a residence to verify vacancy and will do so.

We try to gain access the easiest way possible.

The RCMP makes every effort to minimize property damage if forced entry is required.

Q: What is the RCMP doing to prevent looting?

A: Unconfirmed rumors or reports of looting are very distressing to those who have been forced to leave their homes.

Part of the RCMP's emergency response is to provide security to evacuated properties. We take this responsibility very seriously. RCMP employees have homes here too.

We know who is going in and out of the evacuation zone.

Q: Can you tell us about the events leading up to the recovery of the bodies from the Highwood River.

A: No. We will be working with the Medical Examiner's to determine the circumstances surrounding and causes of those deaths.

Airdrie, Alberta
May 13, 2015

MY FILE: 084

Ms. Suzanne Legault
The Information Commissioner of Canada
30 Victoria Street, 7th Floor
Gatineau, Quebec
Ottawa, Ontario
K1A 1H3

Dear Ms. Legault:

Re: "EXEMPTED IN ITS ENTIRETY" COMPLAINT - RCMP FILE: A-2014-05939

Please find attached the letter from the RCMP dated May 1, 2015 advising me that after more than eight months of waiting for a reply that I was supposed to receive within 30 days, that I won't be receiving any records. I have also attached a copy of my original ATIP request. Below is the timeline documenting the incompetence demonstrated in the processing of this ATIP request by the RCMP.

MY FILE 084 - RCMP - HIGH RIVER Crown counsel paper on "legal authorities"

Filed August 19, 2014 - RCMP FILE: A-2014-05939

Sept 29, 2014 - Letter advising of 60-day extension imposed

May 01, 2014 - Exempted in its entirety due to court proceedings

May 1, 2015 - RCMP response: "Please be advised the information requested in this file has been exempted in its entirety under section 16(1)(a)(ii) of the Act."

COMPLAINT FILED - May 13, 2015

While the RCMP left out an important section of the attached letter, I believe this total exemption is the also a result of court action referred to in my previous letter of complaint to you dated April 25, 2015 regarding RCMP File A-2013-05648. This court action referred to in the RCMP letter was filed on February 12, 2015. If the RCMP ATIP office had processed my request in anything resembling a reasonable timeframe, I would have had the information I requested. Something is very wrong in the RCMP ATIP office.

I look forward to receiving the results of your investigation. I'm very interested in proceeding with a section 41 hearing in the Federal Courts if you don't have any luck overturning this blanket exemption.

Thanks for your help.

Yours sincerely,

[Original signed by]

Dennis R. Young
1330 Ravenswood Drive SE
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Home Phone: 587-360-1111
E-Mail: dennisryoung@telus.net

cc. Right Honourable Stephen Harper, Prime Minister of Canada
Honourable Steven Blaney, Minister of Public Safety
Honourable Peter Mackay, Minister of Justice
Ian McPhail, Chair, Civilian Review and Complaints Commission for the RCMP

ACCESS TO INFORMATION ACT

Access to Information Request Form

For official use only:

My File: 084

Federal Government Institution:

RCMP - OTTAWA HQ, K DIVISION, SOUTHERN ALBERTA DISTRICT & HIGH RIVER
DETACHMENT

Details regarding the information being sought:

Reference is being made to the attached e-mail exchange on June 25, 2013 between Bill Sweeney, Assistant Deputy Minister/Director of Law Enforcement, Public Security Division of Alberta Justice and Solicitor General and Marianne Ryan, Assistant Commissioner, Office in Charge "K" Division Criminal Operations regarding the "legal authorities" the RCMP were using for their forced entry into hundreds homes in High River, Alberta.

Please provide (1) A copy of the "legal authorities" . . . "paper from Crown counsel" referred to in the attached e-mail by Marianne Ryan that was prepared "to give out to our folks speaking to the media for their reference and confidence in speaking to this issue to the public"; (2) Copies of the materials provided to RCMP officers speaking to the media regarding the legal authorities for the forced entries and firearms seizures in High River; and, (3) Copies of all the follow-up communications responding to Bill Sweeney's question: "What legal authority do the police rely upon to forcibly enter private property in the flood stricken area?"

Method of access preferred: ☒ Receive copies of originals ☐ Examine originals in government offices

Name of Applicant: Dennis R. Young
Address: 1330 Ravenswood Drive SE
Airdrie, Alberta T4A 0P8

Telephone Number: 587-360-1111 New E-Mail: dennisryoung@telus.net

This request for access to information under the Access to Information Act is being made by:

☒ a Canadian citizen, permanent resident or another individual present in Canada, or
☐ a corporation present in Canada

Cheque # 339

Signature: _____

Date: August 19, 2014

Marie Anne Babie

From: Marianne RYAN <marianne.ryan@rcmp-grc.gc.ca>
Sent: Tuesday, June 25, 2013 6:54 PM
To: Bill Sweeney
Subject: Re: Questions

Hello Bill. I am following up on your question with respect to our presence on the FN's (Morley and Siksika) but to my knowledge, there haven't been any specific complaints made to us about the level of security we're providing in those areas. But I have made a call to get some specifics and numbers of our resource deployments for those areas for your reference to confirm.

With respect to your second question, we are operating under common law authority to preserve human life. We are checking residences to make sure there are no shut-ins, people with special needs, the elderly who may have been overcome by gas etc. We use as little force as is necessary to gain entry and once the residences are checked, we secure them again when we leave. With respect to the seizure of unsecured firearms, that would be under the "plain view" doctrine.

You do raise a good point on communicating what legal authorities we are using and on that point, we will get something on paper from Crown counsel tomorrow morning to give to our folks speaking to media for their reference and confidence in speaking to this issue to the public.

I should be able to get back to you tonight to confirm what we're doing for the FN's. Marianne

Marianne Ryan
Assistant Commissioner
Officer in Charge
"K" Division Criminal Operations
780-412-5451 (Office)
780-217-0779 (Cell)
2959D116 (PIN)

-----Original Message-----

From: Bill Sweeney <bill.sweeney@gov.ab.ca>
To: RYAN, Marianne <marianne.ryan@rcmp-grc.gc.ca>

Sent: 6/25/2013 8:20:43 PM

Subject: Questions

Marianne:

I just received a call from Tim Grant. Our Minister apparently had two questions for him.

(1) The First Nations Chiefs in Morley and Siksika have apparently made comments that they need more police presence in securing and assisting with flood related problems in their communities. The question was: are we providing this support now and is it adequate and effective?

(2) What legal authority do the police rely upon to forcibly enter private property in the flood stricken area? This was in relation to High River and breaking into homes to look for casualties. The Minister was aware that firearms that have not been properly stored were seized during these searches and also anticipates that some residents will ask this question later.

I believe that Tim will be sending these same questions to Dale but thought you should know they are coming.

I have my thoughts on both questions but the response should come from you.

Thanks Marianne.

Bill