

## **Chairperson's Final Report After Commissioner's Response Regarding the RCMP's Response to the 2013 Flood in High River, Alberta**

*Royal Canadian Mounted Police Act* Subsection 45.76(3)

April 29, 2016

File No.: PC-2013-2013

<http://www.cpc-cpp.gc.ca/en/chairpersons-final-report-after-commissioners-response-regarding-rcmps-response-2013-flood-high>

### The Complaint

In June and July of 2013 the Town of High River became a focal point for emergency responders from throughout Alberta and elsewhere in Canada, as it bore the brunt of historic levels of flooding. The Highwood River claimed three lives in the area of High River despite the extraordinary efforts of citizens and emergency personnel alike. However, as the waters began to subside and the emergency response entered a new phase, concerns began to surface regarding the actions of RCMP members involved in door-to-door search operations.

Public concern grew following reports that members had entered private residences in the area and seized firearms found within those residences. On

July 5, 2013, the then Interim Chair of the Commission for Public Complaints Against the Royal Canadian Mounted Police (now the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police, <sup>Footnote 1</sup> hereafter referred to as the "Commission") initiated a complaint and public interest investigation into the matter.

Specifically, the complaint focused on the conduct of all RCMP members or other persons appointed or employed under the authority of the *Royal Canadian Mounted Police Act* (RCMP Act) involved in the activities in High River, Alberta, specifically:

1. whether the RCMP members or other persons appointed or employed under the authority of the RCMP Act involved in entering private residences in High River complied with all appropriate training, policies, procedures, guidelines and statutory requirements;
2. whether the RCMP members or other persons appointed or employed under the authority of the RCMP Act involved in seizing firearms from private residences in High River complied with all appropriate training, policies, procedures, guidelines and statutory requirements; and

3. whether the RCMP national-, divisional- and detachment-level policies, procedures and guidelines relating to such incidents are adequate.

## The Commission's Public Interest Investigation and Interim Report

The Commission examined the stated rationales for the RCMP members' actions as well as the relevant policies, procedures and guidelines which existed at the time of the flood. The Commission provided its Public Interest Investigation Interim Report into this matter to the RCMP Commissioner and the Minister of Public Safety Canada on February 12, 2015, and publicly released it that day. The Interim Report made 52 findings and 10 recommendations.

With respect to the entries into private residences, the Commission found that the vast majority of entries were directed by the municipal Emergency Operations Centre (EOC) and authorized by the common law and the Alberta *Emergency Management Act*. However, in some instances the RCMP was found to have entered without authority or to have caused an unreasonable amount of damage to facilitate entry.

The Commission found that the seizure of firearms was not originally planned, but rather commenced on the initiative of individual members who came upon them during the initial searches of residences. While the Commission found that the seizure of unsafely stored firearms and ammunition was authorized by the *Criminal Code*, it also found that in some cases the RCMP wrongly seized firearms which were safely stored. In addition, the Commission found that the RCMP failed to report the seizures to a justice as required by the *Criminal Code*.

Most significantly, in the context of public concern, the Commission found that, at the time, the RCMP lacked a comprehensive policy on emergency management. Similarly, ineffective public communications were found to be the result of inadequate policies, insufficient training, poor planning, under-resourcing and a lack of coordination.

## The Commissioner's Response

This section contains a summary of the Commissioner's Response, dated February 12, 2016, and the Commission's corresponding analysis of the position set forth therein.

## Procedure

Pursuant to subsection 45.76(2) of the RCMP Act,<sup>Footnote2</sup> the Commissioner is required to provide a written response indicating any further action that has been or will be taken in light of the findings and recommendations contained in the Commission's Interim Report.

On February 12, 2016, the Commission received the Commissioner's Response. The Commissioner commenced his response with an objection to the Commission having publicly released its Interim Report before having received the Commissioner's Response. The Commissioner claimed that this affected the members' rights to a fair process and the Commissioner's ability to account to the Canadian public for the actions of the RCMP members involved in the flood response.

The Commissioner did not provide any information to support this claim and there is no information in the balance of his response to support either contention. Quite the contrary, one year after the release of the Interim Report, the Commissioner overwhelmingly agreed with the findings contained in the Interim Report. In view of the Commissioner's unsupported claims related to the negative effect of the public release, the Commission will restate its position on this issue.

The Commission publicly released its Interim Report before the Commissioner's Response due to the pressing public interest which cried out for its dissemination. There is nothing in the RCMP Act which precludes the release of the Interim Report, and indeed the Commission has used this practice in the past and will continue to do so when circumstances warrant. Delaying publication of the Interim Report would have served only to keep the Canadian public in the dark for a further year while awaiting the Commissioner's Response.

It is indeed unfortunate that the Commissioner has failed to appreciate the overwhelming public interest held by the people of Alberta to get answers in this matter in a timely fashion. It took the Commissioner one year to arrive at the same conclusion as the Commanding Officer in Alberta at the time of the release of the Interim Report:

I can tell you that the report's findings specific to Alberta come as no surprise to me because our own review of the operation has been underway for a year and a half now.<sup>Footnote3</sup>

High River has already taught us some important lessons about how the extreme steps police **sometimes need to take to ensure public safety can have unintended impacts on people's lives...** The Interim Report reminds us that it is not only what you do, but how your actions are perceived – especially in times of crisis.<sup>Footnote4</sup>

The Commissioner's delay is unacceptable in today's environment of public accountability and transparency. For this reason, the Commission will continue to press for the establishment of service standards for the RCMP in the public complaint process as was done for the CRCC in the *Enhancing Royal Canadian Mounted Police Accountability Act*, which came into force in November 2014.

# Findings

The Commissioner's Response to the 52 findings can be summarized as follows:

- The Commissioner agreed with 45 findings<sup>Footnote5</sup>
- The Commissioner generally agreed with 6 findings<sup>Footnote6</sup>
- The Commissioner disagreed with 1 finding<sup>Footnote7</sup>

A review of the Commissioner's comments in the six instances where he "generally" agreed with the Commission's findings reveals no dispute with the accuracy of the findings themselves. Rather, his comments appear to be aimed at particularizing the extent of unauthorized conduct by members or explaining the remedy for their conduct. This erroneously conveys the impression that there is some substantive element of the finding with which the Commissioner is not in agreement. That is not established by his associated commentary and, accordingly, there remains only one finding with which the Commissioner actually disagreed.

The sole finding disputed by the Commissioner was Finding No. 34, which reads as follows:

Finding No. 34: Where a secondary entry into a building was not authorized under the *Emergency Management Act* or the common law, the seizure of unsecured firearms was also unauthorized.

This finding related to circumstances in which the RCMP re-entered a building without authorization and seized firearms. It specifically dealt with those cases where the RCMP located unsafely stored firearms in a building being searched, recorded the fact and left the building without securing the firearms. Members were later dispatched to the buildings, which were re-entered. Members then seized the unsecured firearms.

The Commissioner agreed with the Interim Report's comment that the Commission "has little guidance from either statutes or the courts" to aid in assessing the propriety of the conduct of those members who entered homes solely for the purpose of seizing firearms.

The Commissioner's disagreement with the Commission's analysis is predicated on his view, unsupported by either case law or statute, that the re-entries to facilitate firearm seizures were authorized by the emergency plans implemented by the EOC. The Commissioner viewed:

... the purpose of re-entering unsecured buildings in a state of emergency to seize unsecured firearms found on an initial [legally authorized] entry as a continuation of the EOC plan. In a sense, the re-entry into the buildings (including private residences) was the continuation of a single entry, given that the state of emergency was still in place and the entry constituted part of that ongoing situation, and not the initiation of a criminal investigation. [Emphasis added]

It is of note that the Commissioner appears to have limited his response to those situations in which members re-entered "unsecured" buildings. The Commission's finding broadly included all re-entries to effect firearm seizures and noted that, given the poor note-keeping, it was not possible to ascertain

the specifics of each entry; a point with which the Commissioner agreed. However, the relevant information included reports of some re-entries having been made into secured buildings. It would appear that the Commissioner did not disagree with the Commission's finding as it relates to secured buildings. The significance of this distinction is addressed below.

With respect to the Commissioner's suggestion that the seizures were authorized by the EOC emergency plans, the Commission takes a contrary view. While the *Emergency Management Act* authorized members to enter homes in the course of carrying out the EOC's emergency plans, none of the four emergency plans<sup>Footnote8</sup> accounted for entries to search for or facilitate seizure of firearms. The Commissioner's suggestion that the re-entry of unsecured buildings for the purpose of securing unsafely stored firearms was "a continuation of the EOC plan" is not supported by the plans themselves or the statements of those responsible for authorizing them.

If the EOC had a concern about the public safety risk posed by firearms in unsecured homes, one would have expected the emergency plans to reflect this in some way. However, not only were the plans silent with respect to firearms, nowhere do the plans differentiate between unsecured and secured homes.

The Commission's Interim Report identified that the public safety concerns posed by unsafely stored firearms were recognized by the EOC when it was made aware of them. However, it also noted that the EOC directorship did not order seizure of the firearms, which was attributed to the unilateral action of the RCMP.

The Commissioner drew an analogy to pet rescues in that during the initial entries to locate people in need of assistance "the members lacked the time and resources at that point to attempt pet rescues. Along a similar line, the same exit and return was required in the case of the unsecured firearms."

These two cases are vastly different from the perspective of the authority to enter the buildings. In the case of pet rescues, the Interim Report clearly identified that initial entries were overwhelmingly conducted with the consent of the pet owners and without the assistance of RCMP members. This transitioned into a formal procedure involving RCMP assistance under the explicit direction of the EOC.

Although there are a few recorded instances in which firearms owners asked for the help of the RCMP to retrieve firearms, this did not happen to any significant degree. The vast majority of firearm seizures occurred without the knowledge or consent of the firearms owners.

A reading of the Commissioner's comments in their entirety suggests that he was essentially advocating an extension of the emergency plans, based on the members' beliefs that public safety was an issue, by reading into the emergency plan authorizations, which were not explicitly granted.

The Commissioner's suggestion that subsequent entries to seize firearms were part of a continuing entry because there was an ongoing state of emergency ignores the fact that the declaration of a state of emergency does not carry with it any right or authority to enter a building. That authority may

only be given after the declaration of a state of emergency in accordance with the implementation of an emergency plan.

The Commission's finding was premised on the lack of explicit legal authorization by either statute or the courts which would have permitted the members to re-enter a home under these circumstances. The Commissioner took a far more permissive view, as outlined above, without reference to any statutory or common law authority. However, this issue could have been addressed by the courts but for the failure of the RCMP to report to a justice to show that it had reasonable grounds to undertake warrantless seizures pursuant to paragraph 489.1(1)(a) of the *Criminal Code*.<sup>Footnote9</sup> Had this procedure been followed, judicial guidance might have been available not merely as it related to the events of the day but as a source of authority or constraint for future incidents.

For the reasons set forth above, the Commission rejects the Commissioner's conjecture and reiterates its findings in their entirety.

## Recommendations

The Commissioner's Response to the 10 recommendations can be summarized as follows:

- The Commissioner supported 4 recommendations<sup>Footnote10</sup>
- The Commissioner generally supported 5 recommendations<sup>Footnote11</sup>
- The Commissioner did not express either support or disagreement with 1 recommendation<sup>Footnote12</sup>

The Commission will review the Commissioner's comments as they pertain to the six recommendations that he did not fully support.

The Commissioner generally supported Recommendation No. 2, which reads as follows:

Recommendation No. 2: The RCMP should develop a national crisis communications handbook to identify the objectives, policies, and procedures to be followed during emergency operations.

Although the Commissioner generally supported the Commission's recommendation, he reported that a different vehicle had been implemented to make this material available to members.

The Commissioner stated that the RCMP has developed an Emergency Response Operations Guide (EROG) Application, which can be downloaded to smartphones, tablets or desktop computers. This application is currently being field-tested and the Commissioner reported that it contains a communications portion which addresses the substance of the Commission's recommendation.

The use of the latest technology may well serve to more readily facilitate the dissemination of information during a crisis. It is a welcome addition to the tools available to members during an emergency response. However, this information should be available in written form as well. This would have been particularly helpful in the circumstances of the High River flood, when cellular and

landline telephone access was disrupted and power was unavailable for an extended period after the floodwaters subsided. Furthermore, given that emergency responses are usually managed in accordance with provincial legislation, it will be critical to ensure that members can access information appropriate to the jurisdiction in which the emergency response is taking place.

The Commissioner did not specify whether he supported or disagreed with Recommendation No. 5, which reads as follows:

Recommendation No. 5: The RCMP should review its emergency management policies at the national and divisional level to ensure that they provide clear and comprehensive direction with respect to the legal authorities and duties of its members in emergency situations, taking into consideration the specific authorities and duties set forth in provincial or territorial legislation.

The Commissioner noted that the EROG application referred to above includes the legal authorities for evacuations. The Commissioner also reported that the application will be modified to include a process which will "ensure that members contact the EOC during an emergency response to ensure that they have and are using the correct authorities for any seizure of property . . . ."

The Commissioner concluded that the facts of each incident could give rise to varying authorities. He raised the concern that the inclusion of each eventuality in the national or divisional policy could render them "unnecessarily complex in terms of members attempting to apply them in the middle of an active emergency situation."

The Commissioner's suggestion that the members contact a central control for confirmation of these authorities should enhance consistent application of the law and is responsive to the substance of the Commission's recommendation. The Commission commented above with approval on the development of the EROG application, and its anticipated use by members in future emergencies should prove to be beneficial. The Commissioner's desire to have straight-forward articulation of legal authorities for emergency responders and a centralized control is reasonable.

However, the lack of clarity around the legal authorities to act that was experienced during the High River flood response demonstrates that a more detailed list of authorities and articulation serves a useful purpose. The authorities were not always readily identified or conveyed to members by the central control, that is to say the EOC or the Incident Command, which was the RCMP component of the EOC. Indeed, the RCMP sought a legal opinion to ascertain the legal authorities which were operative during the course of the emergency response. Having a reference to the possible authorities available to Incident Command in a more comprehensive form than the EROG application would likely prove beneficial.

The Commissioner generally supported Recommendation No. 6, which reads as follows:

Recommendation No. 6: The RCMP should create procedures or guidelines with respect to the seizure of firearms, ammunition and contraband in disaster response situations like the High River flood.

In his response to this recommendation, the Commissioner again preferred the use of the EROG application, with specific reference to the EOC for confirmation of the proper authorities.

The Commissioner reported that the application "is currently implementing procedures and guidelines for the seizure of property . . . ." It does not specifically deal with firearms, ammunition or contraband but includes a step directing members to contact the EOC.

Coupled with the changes set forth in Recommendation No. 5, the Commission views these actions to be a reasonable response to Recommendation No. 6.

The Commissioner generally supported Recommendations No. 7 and No. 8, which read as follows:

Recommendation No. 7: The RCMP should develop guidelines for members that respect their health and safety needs when responding to such emergencies within their own communities, with consideration given to how their conduct will affect the response of other residents.

Recommendation No. 8: RCMP policy or guidelines should direct that, insofar as possible, RCMP emergency responders whose homes are located in an evacuation zone should vacate their homes in accordance with evacuation orders.

The sole aspect of Recommendation No. 7 which the Commissioner did not support was that in his view "any guidelines that are made cannot contemplate perceptions that residents in a community may develop . . . ." [Emphasis added] The Commission rejects this contention. Guidelines are established in anticipation of events and possible outcomes. Often these are learned from past experiences but well-reasoned policies should be predictive of future possible and probable outcomes. The Commission made these recommendations after reviewing the impact of the emergency response itself on the citizens of High River. For reasons cited in the Interim Report, community perception of the emergency response took on a negative tone. In fact, as noted in the Interim Report, the stories of the heroic actions of first responders were lost to a narrative of anger and confusion arising from predictable public perception. Given similar circumstances in future emergencies, one can easily contemplate the community developing similar negative perceptions.

Furthermore, when assessing Recommendation No. 8, the Commissioner specifically acknowledges the emotions and perceptions of the community which arose as a result of the members' conduct. It is difficult to reconcile how those perceptions are relevant in the development of one policy but not the other. Lastly, any list of considerations need not be exhaustive.

With respect to the balance of Recommendation No. 7 the Commissioner fully agreed with the benefit of implementing the guidelines in support of the members.

Despite indicating that he "generally" supports Recommendation No. 8, the Commissioner's comments reveal that he fully supports the recommendation, as he indicated that he will direct that the action recommended be done. The Commissioner's other comments amount to a contextual narrative.



The Commissioner generally supported Recommendation No. 10, which reads as follows:

Recommendation No. 10: The RCMP should develop national practice guidelines requiring the creation and use of neighbourhood inquiry sheets or similar documentation for emergency responders.

This is another instance in which the Commissioner has chosen to implement these measures within the EROG application. This step will reasonably facilitate the thrust of the Commission's recommendation.

In light of the foregoing, the Commission reiterates all of its recommendations.

## The Commission's Findings and Recommendations

Finding No. 1: Pursuant to the Alberta *Emergency Management Act*, High River was under a state of local emergency on June 20 and later a provincial state of emergency on June 27.

Finding No. 2: Pursuant to the *Emergency Management Act*, the Emergency Operations Centre prepared and authorized the implementation of four emergency plans requiring rescue and recovery, security, search and re-entry of residences.

Finding No. 3: Pursuant to the *Emergency Management Act*, the Emergency Operations Centre authorized and instructed the RCMP's entry without warrant and search of every High River building as part of the Emergency Operations Centre's emergency plans.

Finding No. 4: RCMP members participating in the emergency response were acting as peace officers pursuant to the authorities and duties derived from the Alberta *Police Act* and the RCMP Act.

Finding No. 5: RCMP members participating in the emergency response were acting pursuant to a duty derived from the *Emergency Management Act*.

Finding No. 6: RCMP members participating in the emergency response were under a common law duty to protect life and preserve public safety.

Finding No. 7: Forcible entry was implicitly permitted for the purpose of effecting the searches to protect life, to the extent that the minimum amount of damage necessary was caused.

Finding No. 8: While inadequate records were kept, it is reasonable to conclude that given their role in the emergency plans, RCMP members determined the means used to gain entry to the buildings.

Finding No. 9: Given the emergency circumstances which existed during the 72 hours of the searches to protect life, the entry of homes without a warrant by the RCMP was a justifiable use of police powers in furtherance of their common law duty to protect life.

Finding No. 10: Given the emergency circumstances which existed at the time, the reasonable use of force to enter buildings to protect life was justified.

Finding No. 11: It was reasonable for the RCMP members to secure buildings after completing their search.

Finding No. 12: The decision not to bring in equipment and extra resources to secure buildings which had been damaged by entry was reasonable in the circumstances.

Finding No. 13: Given the emergency circumstances which existed during the time of the initial entries to protect life, the entry of all buildings in furtherance of the EOC order was appropriate.

Finding No. 14: The RCMP conducted entries for the retrieval of personal property at the request and with the consent of residents.

Finding No. 15: RCMP members were present during entries for the purpose of rescuing pets mainly at the request and with the consent of residents.

Finding No. 16: RCMP members entered homes to escort pet rescue personnel and ensure their safety.

Finding No. 17: The Emergency Operations Centre authorized the inspections of buildings in the town of High River as part of the emergency plan.

Finding No. 18: Pursuant to the *Emergency Management Act*, the Emergency Operations Centre authorized and instructed the RCMP's entry of High River buildings without warrant to escort home inspection teams as part of the emergency plan.

Finding No. 19: The Emergency Operations Centre did not direct how buildings were to be entered but did assign the RCMP to supervise the entries.

Finding No. 20: RCMP members failed to maintain proper notebook entries during their escort of home inspection teams, in particular with respect to the use of force to gain entry into buildings.

Finding No. 21: Pursuant to the direction of the Emergency Operations Centre that the RCMP supervise the entries of the home inspections, the use of force to enter buildings was authorized by the *Emergency Management Act*.

Finding No. 22: RCMP members' entries of buildings unaffected by the flood to facilitate home inspections were directed by the EOC, and the RCMP's forcible entries were authorized by the emergency plan only insofar as minimal damage was caused.

Finding No. 23: In a number of cases, RCMP members' forcible entries to facilitate home inspections caused significant damage and were not reasonable in circumstances where buildings were unaffected by the flood.

Finding No. 24: The secondary entries for the specific purpose of seizing unsecured firearms were not authorized by the *Emergency Management Act*.

Finding No. 25: The seizure of firearms was not initially planned.

Finding No. 26: When unsecured firearms were located, individual members of the search teams made the decision to seize them.

Finding No. 27: Upon being notified of the seizures, the Special Tactical Operations command approved the action.

Finding No. 28: RCMP members were authorized to seize unsecured firearms pursuant to section 489 of the *Criminal Code*.

Finding No. 29: In a number of cases the RCMP seized firearms which were lawfully secured.

Finding No. 30: RCMP members were not authorized by the *Criminal Code* to seize secured firearms.

Finding No. 31: There is no information to support the claim that RCMP members breached any gun safes.

Finding No. 32: RCMP supervisors failed to provide sufficient guidance to members involved in the seizure of firearms.

Finding No. 33: RCMP members were reasonably justified in seizing unsecured firearms pursuant to the common law plain view doctrine.

Finding No. 34: Where a secondary entry into a building was not authorized under the *Emergency Management Act* or the common law, the seizure of unsecured firearms was also unauthorized.

Finding No. 35: In some cases, RCMP members were authorized to seize carelessly stored ammunition pursuant to subsection 489(2) of the *Criminal Code* and the plain view doctrine.

Finding No. 36: There is insufficient evidence to conclude that every ammunition seizure was authorized by law.

Finding No. 37: In several cases the searches exceeded their authorized scope by expanding from a search for people or pets to a search for firearms or contraband.

Finding No. 38: RCMP supervisors failed to provide sufficient guidance to members in relation to the scope of their authorities to search buildings.

Finding No. 39: RCMP members failed to report to a justice to show that they had reasonable grounds to undertake warrantless seizures pursuant to paragraph 489.1(1)(a) of the *Criminal Code*.

Finding No. 40: The RCMP failed to provide adequate supervision with respect to the duties of members pursuant to paragraph 489.1(1)(a) of the *Criminal Code*.

Finding No. 41: It was reasonable for the RCMP to query seized firearms on the Canadian Police Information Centre database.

Finding No. 42: Seized firearms were returned in as orderly and timely a manner as was possible in the circumstances.

Finding No. 43: Lead RCMP members failed to integrate a strong communications strategy into the emergency response.

Finding No. 44: Divisional RCMP members with communications expertise were not available in sufficient numbers at the outset of the emergency.

Finding No. 45: National RCMP communications staff had limited involvement in the emergency response.

Finding No. 46: Overall, the RCMP's communications approach to the High River flooding crisis was ineffective and resulted in a negative impact on RCMP emergency operations and reputation.

Finding No. 47: The ineffectiveness of RCMP public communications during the High River flood was the direct result of:

- a) inadequate policies, procedures and plans relative to communications;
- b) insufficient training on existing public communications policies and procedures;
- c) poor planning;
- d) under-resourcing of the communications function;

- e) confusion about roles and responsibilities; and
- f) lack of coordination of public communications internally and with partners.

Finding No. 48: At the time of the flood, the RCMP lacked a comprehensive policy on emergency response management that outlined the legal authorities and duties of members in emergency situations with respect to:

- a) conducting evacuations and enforcing evacuation orders, including when it may be appropriate to arrest a person who fails to leave an evacuation area;
- b) entering buildings, including a distinction between entries effected pursuant to the common law powers of police and those pursuant to an authorization provided by a provincial or local authority under legislation such as the *Alberta Emergency Management Act*;
- c) searching buildings; and
- d) seizing items in buildings.

Finding No. 49: Sergeant Powers, the Acting Detachment Commander of the High River Detachment, should have acted as the RCMP representative at the High River Emergency Operations Centre.

Finding No. 50: The RCMP has not fully implemented the Incident Command System into its emergency preparedness framework.

Finding No. 51: Note-taking by search teams lacked consistency and sufficient detail.

Finding No. 52: There were several instances in which note-taking by members not engaged in the original emergency response lacked sufficient detail.

Recommendation No. 1: **“K” Division** RCMP should conduct a comprehensive review of its communications function to address the shortcomings exposed during the High River crisis communications response, ensure proper alignment of communication and operational priorities, and address resourcing of the communications function in the Division.

Recommendation No. 2: The RCMP should develop a national crisis communications handbook to identify the objectives, policies, and procedures to be followed during emergency operations.

Recommendation No. 3: The RCMP should ensure that emergency management policies and procedures recognize and support the close integration of communications and operations.

Recommendation No. 4: The RCMP should work with its key partners to ensure that coordinated communication is recognized as essential to a successful emergency response, and must form part of any future emergency response.

Recommendation No. 5: The RCMP should review its emergency management policies at the national and divisional level to ensure that they provide clear and comprehensive direction with respect to the legal authorities and duties of its members in emergency situations, taking into consideration the specific authorities and duties set forth in provincial or territorial legislation.

Recommendation No. 6: The RCMP should create procedures or guidelines with respect to the seizure of firearms, ammunition and contraband in disaster response situations like the High River flood.

Recommendation No. 7: The RCMP should develop guidelines for members that respect their health and safety needs when responding to such emergencies within their own communities, with consideration given to how their conduct will affect the response of other residents.

Recommendation No. 8: RCMP policy or guidelines should direct that, insofar as possible, RCMP emergency responders whose homes are located in an evacuation zone should vacate their homes in accordance with evacuation orders.

Recommendation No. 9: The RCMP should develop a policy requiring Incident Command System training for key positions including Detachment Commanders, at a level commensurate with their responsibilities in an emergency response situation.

Recommendation No. 10: The RCMP should develop national practice guidelines requiring the creation and use of neighbourhood inquiry sheets or similar documentation for emergency responders.

Pursuant to subsection 45.76(3) of the RCMP Act, the Commission respectfully submits its Final Report and, accordingly, the Commission's mandate in this matter is ended.

Ian McPhail, Q.C.  
Chairperson

## Footnotes

### Footnote 1

As a result of the coming into force on November 28, 2014, of the *Enhancing Royal Canadian Mounted Police Accountability Act*, the Commission for Public Complaints Against the Royal

Canadian Mounted Police was replaced with the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police.

[Return to footnote1referrer](#)

**Footnote 2**

References herein to the RCMP Act pertain to the new version of the Act, as amended by the *Enhancing Royal Canadian Mounted Police Accountability Act* on November 28, 2014.

[Return to footnote2referrer](#)

**Footnote 3**

Comments made by Deputy Commissioner Marianne Ryan on February 12, 2015, at a press conference to discuss the Commission's Interim Report: <http://calgary.ctvnews.ca/review-highly-critical-of-rcmp-actions-in-high-river-during-2013-flood-1.2232576>

[Return to footnote3referrer](#)

**Footnote 4**

February 12, 2015, news release by Deputy Commissioner Marianne Ryan, Commanding Officer of "K" Division, the RCMP's Alberta division: <http://www.rcmp-grc.gc.ca/ab/news-nouvelles/2015/150212-hr-ccrc-ccetp-eng.htm>.

[Return to footnote4referrer](#)

**Footnote 5**

Findings Nos. 1–22, 24, 26, 30, 32, 33, and 35–52.

[Return to footnote5referrer](#)

**Footnote 6**

Findings Nos. 23, 25, 27–29, and 31.

[Return to footnote6referrer](#)

**Footnote 7**

Finding No. 34.

[Return to footnote7referrer](#)

**Footnote 8**

The four emergency plans were 1) rescue and recovery, 2) security, 3) search (for people and pets), and 4) re-entry efforts.

[Return to footnote8referrer](#)

**Footnote 9**

This failure to report was set out in Finding No. 39 and was agreed to by the Commissioner in his response.

[Return to footnote9referrer](#)

**Footnote 10**

Recommendations Nos. 1, 3, 4, and 9.

[Return to footnote10referrer](#)

**Footnote 11**

Recommendations Nos. 2, 6–8, and 10.

[Return to footnote11referrer](#)

**Footnote 12**

Recommendation No. 5.