



Airdrie, Alberta
December 3, 2017

MY FILE: 142

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

Dear Ms. Legault:

Re: MORE ABUSE OF SOLICITOR-CLIENT EXEMPTION - JUSTICE FILE: A-2016-01882

Please find enclosed: (1) a copy of my original *Access to Information Act* request dated February 5, 2017, and (2) this URL with a copy of the 117 pages of 'releasable documents' (of 972 pages) from the Justice Department dated November 7, 2017 denying release of 669 pages of records citing solicitor-client privilege. [https://dennisryoung.ca/wp-content/uploads/Custom_Uploads/Justice Dept. ATIP Response - High River Charter Violations - Nov 7, 2017.pdf](https://dennisryoung.ca/wp-content/uploads/Custom_Uploads/Justice_Dept._ATIP_Response_-_High_River_Charter_Violations_-_Nov_7,_2017.pdf)

I wish to complain about the department's use of section 23 [solicitor-client privilege information] to refuse to provide any real information about the Charter rights of High River homeowners that were violated by the RCMP, Canadian Armed Forces personnel and government officials in the days and weeks following the 2013 flood. I believe it is abuse of process to use the *Access to Information Act* exemptions to keep these vital records, about their legal rights and Charter rights, out of the hands of High River residents, the general public and the media. **Restoring the trust of High River residents in the RCMP in an emergency should be the highest priority for the government – not protecting the departments and bureaucrats who asked for legal advice and opinions regarding which Charter rights were violated in High River during the RCMP's \$2.3 million-dollar door-kicking spree, unlawful entries, unwarranted searches and unwarranted seizures.**

It seems to me the Minister should take control of this High River file and determine which records and what information should be released in the best interests of the residents of High River in order that trust in the RCMP and government officials can be restored before the next flood hits the town. In the absence of her officials or the Minister doing the right thing, the thing that makes the most sense, I wish to provide the following reasons why the Justice Department officials went too far in their application of the solicitor-client privilege exemption.

1. There is no reason why the Justice Department should not release the names of the departments that requested legal advice and opinion regarding Charter rights that were violated by RCMP officers and soldiers in response to the flood emergency and evacuation order in High River, including the date the rights information was requested and the date the advice was provided. Claims of privilege are normally asserted with enough specifics that the other party is able to make a determination about whether to challenge the claim of privilege.
2. The timing of when the legal opinions and advice were sought by the various departments and agencies is very important. The legal authorization given on June 21, 2013 for the RCMP to forcibly enter High River homes might have been justified for the first day or so following the declaration of an emergency; however, may not have authorized kicking in doors or any of the other Charter rights they violated in subsequent days.

This is particularly important considering the fact there is not one documented case of the RCMP finding anyone in any of the homes after kicking in the doors of the hundreds and hundreds of High River homes. Who was in charge of the troops that kept right on kicking in doors day after day after so much damage is caused and no rescues are made? RCMP records show that they seized their last firearm on July 13, 2013 – 23 days after they started kicking in doors and entering and searching High River homes. Were the legal authorities and legal opinions that were requested and provided to the RCMP on June 21, 2013 still in effect 23 days later or did they ask for new legal authorities, so they could continue entering and searching all 4,666 High River homes? Were the requests for legal opinions and advice given to the departments before the RCMP (and soldiers) entered and searched the High River homes or after the fact to cover their collective asses for the millions of dollars in damages they caused to High River homes or to protect them from future law suits or so the unwarranted seizures they made would hold up in court? What was it in the legal authorities, advice and opinions that caused the RCMP to avoid kicking in the doors to businesses in High River? Their stated cause for kicking in doors to High River homes was to search for survivors but residents and owners could just have easily taken refuge in High River business establishments. What was it in the legal authorities, legal advice and opinions about the RCMP admissions of ‘hard decisions’ and ‘unhealthy environment’ that required the removal of all local RCMP officers posted to the High River Detachment three days into the emergency response? Why were these legal authorities, advice and opinions required only for the RCMP High River but not by police serving in the other 30 Alberta communities that also had emergency evacuation orders imposed.

3. Finally, if the above arguments don’t persuade the Justice Minister to release these records to rebuild trust in the RCMP among High River residents, would it be possible for the department to ask their departmental ‘clients’ to waive their privilege? Maybe the Justice Department has no choice but to protect their ‘clients’ privileged information; however, maybe their ‘clients’ no longer believe their records should be protected. Maybe the departmental officials who asked for legal advice about the Charter rights violated in High River believe it is the right thing to do to make their High River rights records with the Department of Justice available to the public and the residents of High River. To that end, I have drafted a Federal Waiver of Solicitor-Client Privilege that Justice Department ‘clients’ might consider using so High River residents finally know the truth.

Thanks for your help to uncover the whole truth for High River residents and other Alberta residents who worry what the RCMP might do to their homes and private property if an emergency is declared and an evacuation order given.

Yours sincerely,

[Original signed by]

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cc The Honourable Jody-Wilson Raybold, Minister of Justice and Attorney General
 The Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness
 The Right Honourable Justin Trudeau, Prime Minister of Canada

Federal Waiver of Solicitor-Client Privilege

Instructions

This form must be printed, completed and mailed to:
Minister of Justice
284 Wellington Street
Ottawa, Ontario
K1A 0H8

Please Print

I, _____ [name],
of _____ [city, town, municipality],
in the Province of _____ ,

I am submitting this waiver in relation to legal advice and opinion I sought from officials in the Department of Justice with respect to High River forced entries, unlawful entries, unwarranted searches of thousands of High River homes, unwarranted seizures of property from some of those homes and charges laid as a result of those seizures by the RCMP and Canadian Armed Forces personnel between June 20, 2013 and July 31, 2013.

By signing this document, I waive any solicitor-client privilege to which counsel in the Justice Department are subject. I understand that waiving my solicitor-client privilege means that officials in the Department of Justice are allowed to disclose all forms of communication between myself, the department I work for and them (without disclosing my name or position) and to provide originals or copies of correspondence, documents or anything else that is related to events that took place in High River, Alberta following the 2013 flood when this information is requested under the *Access to Information Act*.

I sign this waiver voluntarily.

Applicant's Signature _____

Date _____

Witness's Signature _____

Date _____

Full Name of Witness _____

Province _____

ACCESS TO INFORMATION ACT

Access to Information Request Form

For official use only:

My File: 142

Federal Government Institution:

JUSTICE DEPARTMENT

Details regarding the information being sought:

- (1) Reference is being made to the Calgary Sun article: **"Damage claims from RCMP's High River gun grab total \$2.3 million"** By Michael Platt, Calgary Sun- Monday, June 13, 2016
<http://dennisryoung.ca/2016/06/14/calgary-sun-damage-claims-from-rcmps-high-river-gun-grab-total-2-3-million/>
Source Documents: <http://dennisryoung.ca/2015/11/19/the-mounties-kicked-in-how-many-doors-in-high-river/>
- (2) Reference is also being made to a telephone poll conducted on behalf of the National Firearms Association on September 9, 2016 showing that less than half of High River residents trust the RCMP to protect their homes and property in the event of another emergency evacuation. <http://dennisryoung.ca/2016/09/10/4th-nfa-high-river-poll-trust-in-the-rcmp-still-broken-three-years-after-flood/>
- (3) Reference is also being made to **Civilian Review and Complaints Commission for the RCMP Chairperson's Final Report After Commissioner's Response Regarding the RCMP's Response to the 2013 Flood in High River, Alberta** dated April 29, 2016 stated in 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." <https://www.crc-cetp.gc.ca/en/chairpersons-final-report-after-commissioners-response-regarding-rcmps-response-2013-flood-high>
- (4) Reference is also being made to the 2013 report by the **Alberta Property Rights Advocate on the High River Forced Entries** which stated: "But if such actions were taken by the RCMP Members under [Alberta Emergency Management Act] section 19 without Ministerial approval or direction, as normally would be required by the Act, their interpretation of that section is misguided." http://justice.alberta.ca/programs_services/about_us/prao/assets/AnnualReport2013.pdf

For the period between June 20, 2013 to present, please provide copies (drafts and final versions) of all documents, records, reports, presentations, briefing notes, Question Period Notes, advice, analyses, opinions, petitions, e-mails, correspondence explaining why our **Charter of Rights and Freedoms** didn't protect the privacy rights and property rights of the residents of High River during and following the 2013 flood and specifically why the Charter didn't protect the residents homes from the RCMP (1) forced entries; (2) unwarranted searches and (3) unwarranted seizures.

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

Name of Applicant: **Dennis R. Young**
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Airdrie, Alberta T4A 0P8

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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 # 527

Signature: _____
[Original signed by]
Dennis R. Young

Date: February 5, 2017