



Airdrie, Alberta
October 29, 2018

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: EXEMPTIONS COMPLAINT- RCMP ATIP FILE: A-2014-05939

Please find attached the summary of my four-year quest to get a copy of a Crown Counsel document to answer a question vital to the rebuilding of trust in the RCMP and government among the residents of High River and by extension reassuring residents of any town (policed by the RCMP) concerned about what the RCMP might do to their homes and property when a State of Local Emergency is declared. I will send a copy of this letter to your Investigator Ari Daigen so you have access to the documents made available in hyperlinks in this letter.

The vital question asked of RCMP Asst. Commissioner Marianne Ryan on behalf of Alberta Justice Minister Jonathan Denis on June 25, 2013 was: *“What legal authority do the police rely upon to forcibly enter private property in the flood-stricken area?”* The answer to the Minister and his staff was provided in an Alberta Crown Counsel Paper entitled: *“The Local State of Emergency-Mandatory Evacuation Order Police Officer Authorities”*

As you can see from the attached summary, the RCMP has used the past four years and various exemptions under the *Access to Information Act* to keep this important legal authorities paper out of my hands and, therefore, out of the public domain. What most everyone wants to know is: **Why is withholding vital evidence in the High River forced entries investigation and protecting the reputation of the RCMP more important than rebuilding trust in the RCMP when emergency evacuations are ordered in High River or elsewhere?**

While you only have authority to rule on the validity of the exemptions (see list below) used by the RCMP to withhold the text of this Crown Counsel paper, I need the results of your investigation before I can apply to the Federal Court under section 41 to review the whole matter.

- 13 (1)** Subject to subsection (2), the head of a government institution shall refuse to disclose any record requested under this Act that contains information that was obtained in confidence from (c) the government of a province or an institution thereof
- 16 (1)** 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

16 (2) The head of a government institution may refuse to disclose any record requested under this Act that contains information that could reasonably be expected to facilitate the commission of an offence, including, without restricting the generality of the foregoing, any such information

23 The head of a government institution may refuse to disclose any record requested under this Act that contains information that is subject to solicitor-client privilege.

41 Any person who has been refused access to a record requested under this Act or a part thereof may, if a complaint has been made to the Information Commissioner in respect of the refusal, apply to the Court for a review of the matter within forty-five days after the time the results of an investigation of the complaint by the Information Commissioner are reported to the complainant under subsection 37(2) or within such further time as the Court may, either before or after the expiration of those forty-five days, fix or allow.

While I wait to receive the results of your investigation, I hope that clearer heads will prevail among our political leaders and they will choose do the right thing and release this Crown Counsel paper that should have been released as a part of the investigation undertaken by the Commission for Public Complaints Against the RCMP between 2013 and 2015.

Yours sincerely,

[Original signed by]

Dennis R. Young
1330 Ravenswood Drive SE
AIRDRIE, AB
T4A 0P8
Home Phone: 587-360-1111
E-Mail: dennisryoung@telus.net
Website: www.dennisryoung.ca

cc The Right Honorable Justin Trudeau, Prime Minister of Canada
The Honourable Andrew Sheer, Leader of the Official Opposition
The Honourable Rachel Notley, Premier of Alberta
The Honourable Jason Kenney, Leader United Conservative Party of Alberta
RCMP Commissioner Brenda Lucki
[United Nations High Commissioner for Human Rights - Human Rights Council Branch](#)

**‘LEGAL AUTHORITIES PAPER’ USED IN HIGH RIVER FORCED ENTRIES?
FOUR YEARS OF RCMP STONEWALLING
By Dennis R. Young – October 19, 2018**

AUGUST 19, 2014 ATIP REQUEST 084 - RCMP FILE: A-2014-05939

[“Please provide \(1\) A copy of the ‘legal authorities . . . paper from Crown counsel’ referred to in the attached e-mail by RCMP Asst. Commissioner 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?’”](#)

[May 13, 2015 – Filed a complaint with the Office of the Information Commissioner of Canada](#) disputing the RCMP exempting the documents in its entirety due to court proceedings citing section 16(1)(a)(ii) of the *Access to Information Act*. **(16 (1)** 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]

[April 12, 2017 – Filed a follow-up complaint based on the RCMP release of 4-pages of Media Lines](#)

Once again, the RCMP refused to release the Crown Counsel legal authorities paper citing *Access to Information Act* section 16(1)(a)(ii) [enforcement of any law of Canada or a province]. Excerpt from my letter: “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.”

[September 14, 2017 Filed another missing records complaint:](#) Excerpt from my letter: “*What does the Alberta Crown counsel legal authorities paper say that will be so embarrassing or legally damaging to the RCMP that they have been going to such lengths over the last three years to keep it a state secret? What are they hiding, who are they protecting and why?*”

October 4, 2018 – Received an e-mail from the Investigator at the Office of the Information Commissioner of Canada advising: *The text of the legal authorities paper is being withheld under both paragraph 13(1)(c) (information received in confidence from the government of a province), and section 23 (solicitor-client privilege). My office intends to accept the exemption under 13(1)(c), without passing judgment on whether section 23 also applies. I replied asking for clarification: The RCMP have never used these two exemptions before and if he has proof that the paper was received in confidence?*

[October 18, 2018 – LOCAL STATE OF EMERGENCY - MANDATORY EVACUATION: ORDER POLICE OFFICER AUTHORITIES.](#) Received 202-page response exempting the entire Alberta Crown Counsel legal authorities paper citing *under both paragraph 13(1)(c) (information received in confidence from the government of a province), and section 23 (solicitor-client privilege).*