

Office of the Information and Privacy Commissioner of Alberta
2460, 801 6th Street SW
Calgary, Alberta
T2P 3W2

Dear Commissioner:

Re: REQUEST FOR INQUIRY – ALBERTA JUSTICE AND SOLGEN FOIP FILE: 2014-G-0335

Please find below the links to the following information in support of my request:

1. My completed Request for Inquiry form (OPIC file number 004947).
2. A copy of the Report of Findings from your office dated March 22, 2019 <https://dennisyoung.ca/wp-content/uploads/2019/03/Alberta-Info-Comm-Findings-Justice-FOIP-2014-G-0335-March-22-2019.pdf>
3. URL link to the 31-page second response dated March 5, 2019 <https://dennisyoung.ca/wp-content/uploads/2019/03/Alberta-Justice-FOIP-Response-High-River-Additional-Release-Feb-28-2019.pdf>
4. Copy of my original Request for Review on this FOIP file 2014-G-00335 dated Jan 15, 2017 <https://dennisyoung.ca/wp-content/uploads/2019/03/Alberta-Info-Comm.-Justice-Complaint-2014-G-0335-Jan-15-2017.pdf>
5. URL link to the 492-page first response dated Nov 22, 2016 <https://dennisyoung.ca/wp-content/uploads/2016/12/Alberta-Justice-FOIP-Response-2014-G-0335-Nov-22-2016.pdf>

I am requesting an inquiry because Alberta Justice and Solicitor General failed to provide all the records I requested; specifically, “all meeting minutes, correspondence, letters, e-mails reports, advice, legal opinions” and the withholding of the part of page 148 citing section 20(1)(m) “*Disclosure harmful to law enforcement.*”

A. INADEQUATE SEARCHES

On page 11 of your Letter of Findings dated March 22, 2019 it states: “*However, though it maintains a thorough search was conducted, the Public Body has failed to detail how this search was conducted by FOIP contacts in the respective division(s)/office(s). Without this information I cannot determine whether the Public Body has conducted an adequate search under section 10(1).*”

This has been a consistent problem with Alberta Justice and Solicitor General in response to my FOIP requests on the 2013 High River Forced Entries and Rights Violations.

- In your Letter of Findings on Alberta Justice and Solicitor General File 2014-G-0180 dated July 14, 2015 on page 4 your Investigator stated: “*The Public Body said it cannot confirm the existence of this Crown paper.*” <https://dennisyoung.ca/wp-content/uploads/2019/04/Alberta-Info-Comm-Findings-Justice-FOIP-2014-G-0180-July-14-2015.pdf>
- Then again, in your Report of Findings on Justice and Solicitor General File 2015-G-0268 dated October 18, 2017 your Investigator, once again addressing the Public Body’s search for the ‘Crown paper’ stated on page 2: “*The Public Body has answered that it found no records such as those presumed by the Applicant’s request.*” <https://dennisyoung.ca/wp-content/uploads/2018/10/Alberta-Info-Comm.-Request-for-Inquiry-Justice-FOIP-2015-G-0268-October-24-2017.pdf>
- But in response I received from Alberta Justice and Solicitor General to their FOIP File 2017-G-0570 not only did they admit to having this ‘Crown paper’ but the Public Body refused to provide a copy of the ‘legal authority’ paper entitled: “*The Local State of Emergency-Mandatory Evacuation Order Police Officer Authorities*”

written by Peter Mackenzie, citing *'solicitor-client privilege'* (this 'Crown paper' was also referred to in my previous request as *'legal opinion'* and in the e-mail request by Deputy Solicitor General Bill Sweeney on behalf of Minister of Justice Jonathan Denis, as the *'legal authority'* paper). Alberta Justice and Solicitor General failed to do an adequate search for me or for your own Investigator. On April 19, 2018, you sent me your Confirmation on Inquiry for Justice and Solicitor General File 2015-G-0268 (your case file #004838).

B. MISSING MEETING MINUTES

Maybe Alberta Justice and Solicitor General don't call the records they keep of meetings as 'minutes' but there is no possible way that there isn't a record of the meeting referred to on page 339 of the first response from Alberta Justice where Deputy Solicitor General Bill Sweeney states: "*So I think either the FRTF or AEMA should be out front...JSG just organized a meeting to help find a solution. The City and RCMP are in supporting roles.*"

This meeting was to decide who would pay assess and pay the millions in dollars damage claims filed against the RCMP door kicking spree. There will definitely be records in the department with details about who attended, what each of them said, the decisions that were made at the meeting, who was responsible for carrying them, where the money was going to come from and then there would have also been follow-up meetings to make sure that the wishes of the Deputy Solicitor General and the Minister were carried out.

HIGH RIVER DAMAGE CLAIMS SUPPORTING DOCUMENTATION

"Records showing the total number of claims by High River residents and businesses and the final cost to taxpayers for paying and processing the damage claims caused by the RCMP forced entries and searches." Municipal Affairs FOIP response April 3, 2018: Claims Paid Out = 1,580 Total Amount Paid = \$2,455,815.04 Largest Single Claim = \$63,001.06

<https://dennisryoung.ca/2018/04/13/rcmp-door-kicking-sprees-high-river-cost-taxpayers-2-45-million/>

RCMP EXCEL SPREADSHEET WITH 2,210 HIGH RIVER DAMAGE CLAIMS TOTALING MORE THAN \$2.5 MILLION: 50 Damage Claims Over \$5,000 Largest Single Claim = \$201,870.57 <https://dennisryoung.ca/wp-content/uploads/2015/11/RCMP-High-River-Forced-Entry-Damage-Claims-A-2014-08266-Nov-4-2015.xlsx>

NOTE #1: None of these damage claims were reported in the 2015 High River report by the Commission for Public Complaints Against the RCMP. You will note in the department's FOIP response that the Minister of Justice refused to answer many questions about rights violations in High River by deferring to the RCMP Commission's investigation and report in his responses to dozens of complaint letters from constituents. **Excerpt from Alberta Justice Minister Jonathan Denis' Letters on High River Forced Entries** *"Given the public concern expressed, and as a matter of national public interest on July 5, 2013. The Commission for Public Complaints Against the RCMP (CPC) initiated a public interest investigation into the conduct of RCMP members in High River, Alberta. The CPC is an agency created by Parliament to be responsible for ensuring that public complaints made about the conduct of RCMP members are examined fairly and impartially. The CPC is independent of the RCMP. The investigation will examine whether the RCMP members' actions complied with all appropriate policies, procedures, guidelines and statutory requirements. The Province of Alberta, a contracting partner for the services of the RCMP, will work with the CPC, as the federally legislated oversight body, to ensure that sufficient accountability to Alberta and its citizen's results from this independent review. The answers to most of your questions will be answered in the report issued by the CPC, which is expected to be released in June 2014."*

C. MISSING MEETING MINUTES ON RIGHTS VIOLATIONS

There also must be minutes of the meetings the Minister and his senior staff had on the rights violations related to the RCMP door-kicking spree and unwarranted searches of High River homes.

Excerpt from Alberta Justice Minister Jonathan Denis' Letters on High River Forced Entries: *"You asked if the RCMP can come into your home at any time. In answer to that, the Canadian Charter of Rights ensures that everyone has a right to be secure from unreasonable search and seizure. In order to enter a dwelling and seize property from that dwelling, the police must be in possession of a lawful warrant(s). The police have a duty to protect life which, like in the case of the emergency in High River, may result in a permissible encroachment on otherwise protected privacy rights."*

The RCMP had no legal authority to kick in between 754 and 2,210 doors to High River homes. No one was calling for help in those homes. They didn't see people in distress in any of those homes. They didn't kick in the doors, they used

battering rams. They certainly didn't have warrants to search those homes. They certainly didn't have warrants to seize any property in those homes and the RCMP has been unable to produce any records of showing that they saved even one person in any of the homes they entered by their unprecedented violation of Charter rights of High River home owners. Police in none of the 30 other flooded communities resorted to kicking in doors to homes.

The Alberta Property Rights Advocate maintains in his 2013 report that the RCMP would have had to have authority from the Minister in order to take such drastic action. <https://dennisyoung.ca/2015/09/09/high-river-forced-entries-alberta-property-rights-advocate-reports/>

Lacombe lawyer Rick Hemmingson's analysis of all the legislative authorities for warrantless entries by the RCMP in High River puts the claims made by Justice Minister Jonathan Denis in his letters to constituents in doubt. <https://canadafreepress.com/article/who-authorized-rcmp-to-make-warrantless-entires-into-high-river-homes-durin>

NOTE #2: In the department's FOIP responses the Minister of Justice deferred to the RCMP Public Complaint(s) Commission's investigation and report in his responses to dozens of complaint letters from constituents. Neither of the above legal opinions that differ from the Minister's were mentioned in the High River report by the Commission for Public Complaints Against the RCMP.

D. CORRESPONDENCE, E-MAILS, REPORTS, ADVICE AND LEGAL OPINIONS

See FOIP page 16 attached. It is inconceivable that Minister of Justice Jonathan Denis asked his Deputy Minister and his Deputy Solicitor General for the 'legal authority' used by the RCMP to kick in the doors to High River homes and then his department to maintain they have no records of how this information the Minister requested was transmitted back to him. See Item A. above relating to the Inadequate searches conducted for the 'legal authority' paper or 'Crown paper'.

E. DISCLOSURE HARMFUL TO LAW ENFORCMENT

I made a mistake in advising your Investigator that I wasn't interested in seeing the page exempted under 20(1)(m). This file has been ongoing for four and a half years and I thought it would speed things up to not worry about this one-page exemption. I was wrong. This whole High River investigation has been an attempt by the government to cover up the truth about who made the decision to kick in the doors to High River homes and hold those persons accountable for their actions. The withholding of the truth from High River residents and concerned Albertans has made it impossible to rebuild trust in the RCMP. I would ask that your inquiry determine what information is being withheld and determine if this exemption was properly applied by Alberta Justice.

Finally, as this Request for Inquiry is so interconnected to your Confirmation on Inquiry for Justice and Solicitor General File 2015-G-0268 (your case file #004838), I would support combining the two inquiries if possible. My long-term goal is to file for a judicial enquiry about this whole cover-up. Trust in the RCMP cannot be rebuilt until and unless the whole truth is made public (see the results of four telephone polls of High River residents below).

Yours sincerely,

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cc Alberta Justice and Solicitor General

FOUR POLLS OF HIGH RIVER RESIDENTS
INDICATE TRUST IS STILL BROKEN

SEPTEMBER 9, 2016

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/>

SEPTEMBER 5, 2015

48% OF HIGH RIVER RESPONDENTS WANT PREMIER NOTLEY TO CALL A JUDICIAL INQUIRY

<https://nfa.ca/media-release-poll-shows-half-of-high-river-residents-want-judicial-inquiry/>

MARCH 9, 2015

67% OF HIGH RIVER RESPONDENTS DO NOT SUPPORT RCMP ENTERING THEIR HOMES IN A FUTURE EMERGENCY

<https://nfa.ca/public-believes-police-actions-at-high-river-unnecessary-3/>

AUGUST 7, 2014

53% OF HIGH RIVER RESPONDENTS WOULD REFUSE ORDERS TO EVACUATE THEIR HOMES IN THE EVENT OF ANOTHER FLOOD

<https://nfa.ca/poll-of-high-river-residents-shows-a-dismal-lack-of-trust-in-rcmp-2/>

EVERYONE SHOULD WORRY: HOW MANY HIGH RIVER RESIDENTS WOULD DISREGARD OR DELAY RESPONDING TO THE NEXT FLOOD EVACUATION ORDER?

NOTE #3: No media outlet has reported these polls and no government in Ottawa, Alberta or High River has bothered to conduct a more scientific poll to verify the above results.

NOTE #4: The Commission for Public Complaints Against the RCMP never mentioned these polls in their High River report or the possible consequences if these four polls are correct.

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 be over come 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 Sisika 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 siezed during the 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