



FEB - 6 2020

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

RECEIVED
FEB 12, 2020
[Signature]

Dear Mr. YOUNG:

This is in response to your request under the *Access to Information Act*, which was received by this office on November 17, 2016, to obtain:

RCMP HQ Ottawa, K Division, High River Detachment

Reference is being made to the discussions held with Justice Department ATIP Analysts regarding the processing of my ATIP request to the Justice Department (Justice File: A-2016-01141/NR – see copy attached). During these discussions and e-mail exchange, I was informed that a number of records of meetings regarding the RCMP's actions in High River during the 2013 flood were held in the Justice Department but that those records would all be exempted under section 23 Solicitor-Client Privilege.

For the period from June 21, 2013 to present (November 9, 2016), please provide copies of all records, communications, requests, e-mails, correspondence, reports, presentations, briefing notes, etc. showing the nature of the legal matters and/or legal questions related to the RCMP's actions in High River during the and following the High River flood that required legal advice and review by officials in the Department of Justice and Attorney General's office.

Note: I don't need to know what legal advice was provided by the lawyers in the Justice Department – just the legal matters and questions being posed by the RCMP and the originator of the request, and where they worked at the time of the request.

First, allow us to apologize for the delay; however, a significant backlog of access requests prevented us from responding any sooner.

Based on the information provided, a search for records was conducted in the K (Alberta) Division. Enclosed is a copy of the only information available related to your request. Please note that some of the information has been exempted pursuant to subsection 19(1) and 23 of the *Act*, a description of which can be found at: <http://laws-lois.justice.gc.ca/eng/acts/A-1>.

With regard to the application of subsection 19(1), please note that the provisions of subsection 19(2) have been considered and do not apply in this instance.

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

Should you wish to discuss this matter further, you may contact Mrs. Monique McCulloch at 343-547-2258 or Monique.McCulloch@rcmp-grc.gc.ca. Please quote the file number appearing on this letter.

Regards,



Supt. Kent Swin



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

MEMORANDUM

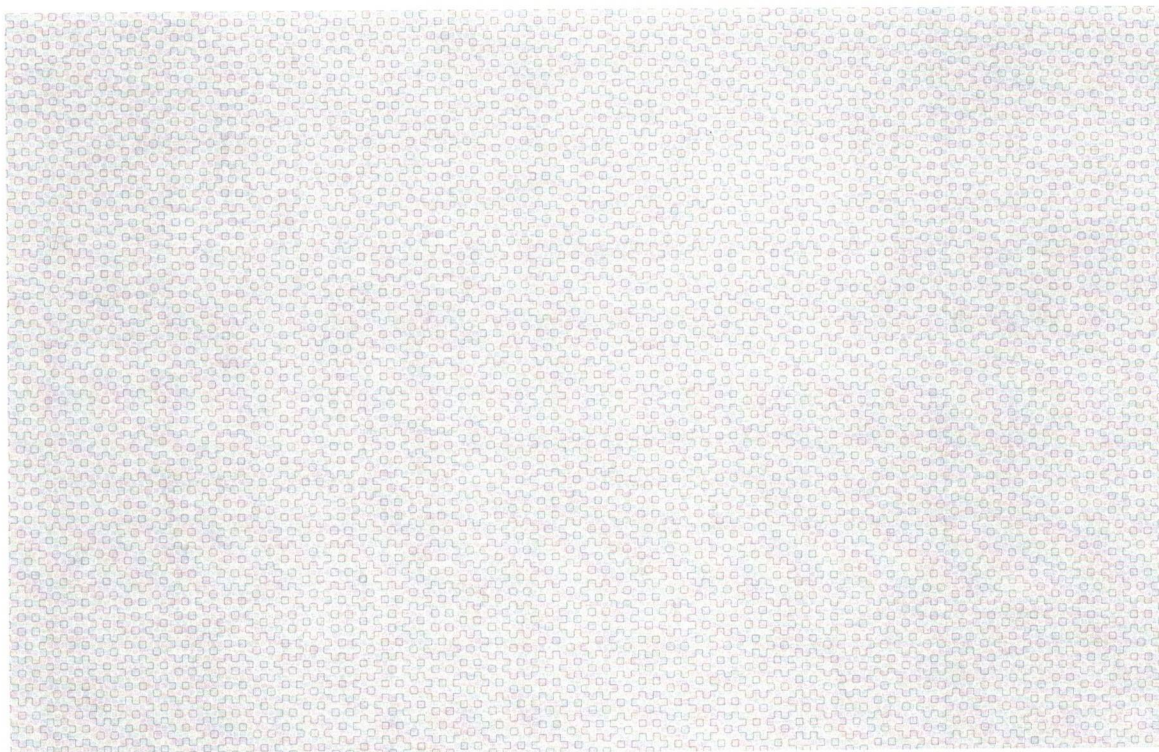
To: AEMA/ K-Division RCMP
From: Peter Mackenzie
Crown Prosecutor
Alberta Justice/ Specialized Prosecutions
Re: Breaches in Emergency Area/ lawful authority
Date: May 19, 2011

I have been asked to give support to AEMA/ K-Division RCMP with respect to potential breaches of Emergency Declarations in Emergency Areas.

My Contact Information is as follows:

Office: 403-297-3410
After Hours: 
e-mail: peter.mackenzie@gov.ab.ca

I will briefly set out below options for dealing with individuals unlawfully in an Emergency Area contrary to emergency declarations. Individuals refusing to respect emergency barriers (road blocks) or refusing to comply with a lawful request to leave a location, including a business or residence, in an Emergency Area can be dealt with as follows:





Please forward violation ticket numbers/ docket numbers to my attention for follow-up:

Peter Mackenzie
Alberta Justice/ Specialized Prosecutions
#300, Centrium Place
332 – 6th Avenue S.W.
Calgary, Alberta T2P 0B2

Peter.mackenzie@gov.ab.ca

s.23

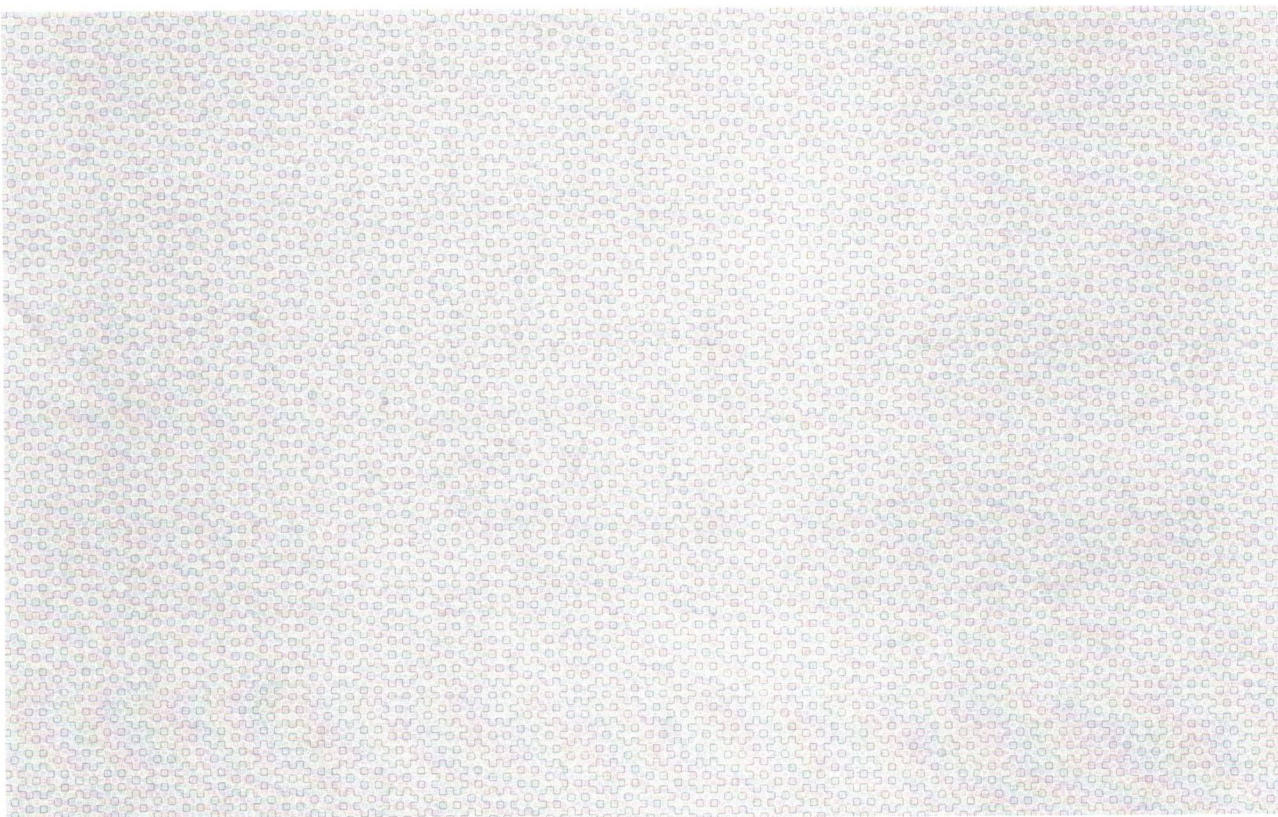
KDIV_Flooding - Breaches in Emergency Area/Lawful authority

From: Dave MITCHELL
To: HARRISON, Kevin
Date: 6/21/2013 1:41 AM
Subject: Breaches in Emergency Area/Lawful authority
CC: DEGRAND, Marlin; KDIV_Flooding; MAEDA, Gene; MCKENNA, Don; STEPHENSON, George; VAIR, Clint
Attachments: DOC00022.pdf; MITCHELL, Dave.vcf

Attached is a memorandum dated 2011-05-19 from then Crown Prosecutor Peter MacKenzie
Crown Prosecutor Alberta Justice/ Specialized Prosecutions which was used in the Slave Lake Fire disaster.

It said the following:

"I will briefly set out below options for dealing with individuals unlawfully in an Emergency Area contrary to emergency declarations. Individuals refusing to respect emergency barriers (road blocks) or refusing to comply with a lawful request to leave a location, including a business or residence, in an Emergency Area can be dealt with as follows:



Please forward violation ticket numbers/ docket numbers to my attention for follow-up:

A0346029_3-002843

Peter Mackenzie
Alberta Justice/ Specialized Prosecutions
#300, Centrium Place
332 – 6th Avenue S.W.
Calgary, Alberta T2P 0B2
Peter.mackenzie@gov.ab.ca

S/Sgt Dave Mitchell
Alberta Law Enforcement Response Teams
Combined Forces Special Enforcement Unit
Tel 780-509-3565
Cellular 780-913-8548
E-Mail: dave.b.mitchell@rcmp-grc.gc.ca

PEACE OFFICER AUTHORITIES - STATE OF LOCAL EMERGENCY

You have been deployed to assist during a State of Local Emergency which was declared under Section 24(1) of the Alberta Emergency Management Act. The Local Authority is then granted the power to do a number of things under S. 19(1) of the EMA, including the following:

- (e) control or prohibit travel to or from any area of Alberta;
- (g) cause the evacuation of persons and the removal of livestock and personal property from any area of Alberta that is or may be affected by a disaster and make arrangements for the adequate care and protection of those persons or livestock and of the personal property;
- (h) authorize the entry into any building or on any land, without warrant, by any person in the course of implementing an emergency plan or program;

The EMA has an offence section:

17. Any person who

- (a) contravenes this Act or the regulations, or
- (b) interferes with or obstructs any person in the carrying out of a power or duty under this Act or the regulations,

is guilty of an offence and liable to imprisonment for a term of not more than one year or to a fine of not more than \$10 000 or to both imprisonment and fine.

Please note: there are no powers of arrest under the Alberta Emergency Management Act.

If an arrest is necessary, we must find our powers under other provincial or federal statutes. The Ministry of Transportation has closed certain highways accessing Slave Lake and road blocks have been established. This provides us with certain authorities.

This is a very difficult time for the residents of Slave Lake. Common sense and compassion are needed however we must ensure that people are not allowed to expose themselves to dangers they may not fully comprehend. This why the local authorities have taken the steps they have. The two most common situations you may encounter will involve individuals attempting to travel to Slave Lake or individuals who are found in Slave Lake.

SUBJECTS TRAVELING:

Any person traveling on a highway attempting to enter the areas restricted pursuant to the State of Local Emergency are required to comply with your directions under the provisions of the Use of Highways and Rules of the Road Regulations (UHRR) and TSA. Stop them, identify them and determine their intentions (their intentions may assist in providing grounds for arrest should that be required). Inform them there is a State of Emergency and the area is closed to the general public as it is not safe. Ask them to leave the area. If they refuse, advise them they are subject to being arrested for obstructing a peace officer. All efforts should be made to obtain voluntary compliance. Arrest is both a last resort and diverts valuable resources to process the individual.

If individuals attempt to access the restricted area by other means (trails, ATV's, across public land etc.) stop them and provide the information/direction as above. If they refuse to comply determine if you can formulate the grounds to arrest under provincial or Criminal Code authorities. If you cannot, consider if the situation meets the requirements under s. 31 CC (Breach of Peace). If grounds can be formed, arrest and escort the individual from the area if they will not voluntarily comply. They can be charged under S. 17(1) EMA and although discretion should be used individuals can be told that they can be charged and what the penalties may be.

SUBJECTS LOCATED IN THE TOWN OF SLAVE LAKE:

PRIVATE RESIDENCES:

If a person is located in their personal residence we do not have the authority to remove them under the EMA. There may be situations where other authorities may be appropriate (eg. A child in need, a Mental Health Act matter). If there is no authority to remove the individual they should be read the Notice and Waiver, complete the required information if possible and have the individual sign it. If they refuse to sign, indicate that on the form. Retain originals at your Command Post.

If you believe someone is in the residence but there is no answer. Leave a copy of the form at the home. Document this in your Note Book. Inform the Command Post that the home may be occupied.

PUBLIC AREAS:

Only emergency services personnel and those employed in the recovery effort should be on the streets or other public areas. All other subjects should be identified and advised of the State of Local Emergency and Mandatory Evacuation Order. Advise them that they have to leave the area and if they comply ensure they do in fact leave (under escort if necessary).

If they refuse to leave advise them they can be charged under the EMA. If they still refuse to comply assess whether grounds exist to arrest under any of the previously mentioned statutes or authorities. If warranted, charge under the EMA (summons).

ACCESS TO INFORMATION ACT

For official use only:

Access to Information Request Form

My File: 137

Federal Government Institution:

RCMP HQ OTTAWA, 'K' Division HQ, High River Detachment

Details regarding the information being sought:

Reference is being made to the discussions held with Justice Department ATIP Analysts regarding the processing of my ATIP request to the Justice Department (Justice File: A-2016-01141/NR - See copy attached). During these discussions and e-mail exchange, I was informed that a number of records of meetings regarding the RCMP's actions in High River during the 2013 flood were held in the Justice Department but that those records would all be exempted under section 23 Solicitor-Client Privilege.

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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 **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 # 518

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

Date: November 9, 2016