

Airdrie, Alberta
January 2, 2015

The Honourable Jonathan Denis
Alberta Minister of Justice and Solicitor General
403 Legislature Building
10800 - 97 Avenue
Edmonton, AB
T5K 2B6

Dear Minister Denis:

Re: HIGH RIVER - RCMP FORCED ENTRIES, SEARCHES AND SEIZURES

I am disappointed my previous letter to you dated September 30, 2014 has not warranted an acknowledgement nor a reply from your office. I have attached a copy for your easy reference.

I am writing to you again because certain new information regarding the RCMP's forced entries and unwarranted searches and seizures of High River homes has come to my attention. I believe this new information raises certain questions that only you and the Alberta Government can answer.

Please find attached a two-page RCMP spreadsheet listing the 609 firearms seized from 112 High River homes obtained in response to an *Access to Information Act* request. Additionally, this spreadsheet shows other items seized by the RCMP during their unwarranted entries and also shows "location where recovered" for these items. This "location where recovered" column was blanked-out by the RCMP in the first release of this document and was only provided after an investigation by the Office of the Information Commissioner. This new information about the location of the firearms in the homes is very important because it confirms what High River home owners have been telling us, that their firearms were not "in plain view" as claimed repeatedly by the RCMP at the time of the seizures and over the last year and a half.

This document also provides clear evidence that the RCMP were kicking in doors and seizing guns right up to and including July 10, 2013 - 16 days after the Canadian Armed Forces declared there was "**No further danger to civilians (life and limb) and evacuations not requested.**" and 13 days after a Provincial Declaration of Emergency was declared in High River.

1. "The Province of Alberta declared of a State of Emergency for the Town of High River on June 27, 2013. This Provincial declaration automatically nullified the emergency powers of local High River officials by virtue of Section 22(3) of the Emergency Management Act. The provincial declaration is recorded in this link:

http://highriver.ca/images/Protective_Services/2014/AfterActionReport_07-28_web.pdf

QUESTION 1: Who authorized all the forced entries and warrantless entries and seizures by the RCMP from and after June 27, 2013?"

.../2

2. On April 8, 2014, you responded in writing to a constituent who had concerns about who directed the RCMP's actions in High River. Your e-mail stated: *"The decision for the RCMP to enter homes in High River was consistent with their duty to protect life during a state of local emergency. These actions were also consistent with the local authority's powers and obligations under such circumstances. At no time did the Government of Alberta support, endorse or direct this to happen."* [Emphasis added]

And yet, a Canadian Armed Forces e-mail (see copy attached), clearly indicates that provincial emergency measures officials were on the ground in High River as early as 8:30 am on June 22, 2013. This e-mail was obtained from the Department of National Defence through an *Access to Information Act* request. On June 22, 2013 at 8:31 am, Lieutenant Colonel Grimshaw of the Princess Patricia Light Infantry wrote: *"The next coord meeting will occur at 0900hrs at the EOC in High River. I anticipate that the comprehensive search will be completed by the end of the day. There will likely be increased pressure from local residents to return to their homes. I will be meeting with the provincial EM officer, John Evans later this morning to discuss the re-entry and re integration plans for High River."* [Emphasis added]

QUESTION 2 : How do you explain the facts in this e-mail with your previous statement that, "At no time did the Government of Alberta support, endorse or direct this to happen."

3. On May 22, 2013 you appointed former RCMP Deputy Commissioner, Commanding Officer of K Division (Alberta), Bill Sweeney as Assistant Deputy Minister/Director of Law Enforcement, Public Security Division. On June 25, 2014, Mr. Sweeney e-mailed then Asst. Commissioner Marianne Ryan asking her for the "legal authorities" she was using to justify the RCMP's forced entries into High River homes. (see copy attached)

QUESTION 3: Knowledge of the RCMP's forced entries in High River wasn't made public until June 28, 2013. How did your Assistant Deputy Minister find out about the forced entries in High River two days earlier?

QUESTION 4: If your office didn't have serious doubts about the legitimacy of the RCMP's forced entries in High River, why did your Asst. Deputy Minister ask Asst. Commissioner Ryan for the "legal authorities" she was using to justify the RCMP's actions in High River?

QUESTION 5: Did Asst. Commissioner Ryan provide your office with a copy of the "Crown counsel" paper she refers to in her e-mail to your Assistant Deputy Minister? If yes, will you now release a copy of this important document to the public?

QUESTION 6 : We have reports from High River residents that Alberta Sheriff's were also helping the RCMP in High River; however, we were told they were ordered out of High River. How many Alberta Sheriffs were helping out in High River? How long did they remain in High River, why were they ordered out and by whom?

QUESTION 7: A poll taken in High River in August of this year indicates that at least half of the residents of High River no longer trust the RCMP to care for their homes in an emergency and would refuse an evacuation order. What is the Alberta Government doing to rebuild this broken trust?

Yours sincerely,

[Original signed by]

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

cc The Honourable Jim Prentice, Premier of Alberta
Mr. Rob Anderson, MLA

Attachments

RCMP Spreadsheet - Firearms Seized in High River
Canadian Armed Forces L/Col. Grimshaw E-Mail - June 22, 2013
Asst. Deputy Minister Sweeney's E-Mail to Marianne Ryan - June 25, 2013
Letter to Alberta Justice Minister dated September 30, 2014



DEC 16 2014

Mr. Dennis YOUNG
1330 Ravenswood Dr. SE
Airdrie, AB T4A 0P8

Received
24 Dec 2014
[Signature]

Dear Mr. YOUNG:

Further to our response dated February 18, 2014, and based on discussions with the Office of the Information Commissioner, a second review of the material has been conducted and additional material is being released in response to your request for:

For the period from June 19, 2013 to present, please provide copies of all reports and communications related to the search of private homes in High River.

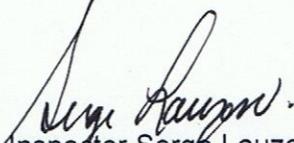
Please note that some of the information reviewed qualifies for exemption pursuant to Subsection 19(1) of the Act. Find enclosed a copy of all the information to which you are entitled. A description of Subsection 19(1) can be found at: <http://laws-lois.justice.gc.ca/eng/acts/A-1>.

You have the right to file a further complaint with the Office of the Information Commissioner with respect to the processing of your request. Should you wish to do so, please address your complaint to:

Office of the Information Commissioner of Canada
30 Victoria Street, 7th Floor
Gatineau, QC K1A 1H3

Should you wish to discuss this matter further, you may contact Ms. Nicole Cook at 613-843-4769 or nicole.l.cook@rcmp-grc.gc.ca. Please quote the file number appearing on this letter.

Regards,



Inspector Serge Lauzon
Access to Information and Privacy Branch
Mailstop #61
73 Leikin Drive
Ottawa, ON K1A 0R2

s.19(1)

Amundsen Capt DR@1 CER@Edmonton

From: Grimshaw LCol NJE@1 PPCLI@Edmonton
Sent: June-22-13 9:29 AM
To: Anderson Col DJ@1 CMBG HQ & Sig Sqn@Edmonton; Niven LCol WK@1 CMBG HQ & Sig Sqn@Edmonton
Cc: McMichael Capt RA@1 PPCLI@Edmonton; Kiens CWO RF@1 PPCLI@Edmonton; Robertson Maj CA2@1 PPCLI@Edmonton; Peyton LCol PJ@LdSH (RC)@Edmonton; Julien LCol JP@1 CER@Edmonton; Angell Maj LB@LFWA HQ@Edmonton; Croucher Capt JC@1 CMBG HQ & Sig Sqn@Edmonton; Clarke Maj DT@1 CER@Edmonton;
Subject: Re: Sitrep - Sector Central - High River

Ack Colonel. I'm still in the coord. I'll contact you when we are complete.

Nick

Sent from my wireless handheld device / Transmis de mon appareil portable

----- Original Message -----

From: Anderson Col DJ@1 CMBG HQ & Sig Sqn@Edmonton
To: Grimshaw LCol NJE@1 PPCLI@Edmonton; Niven LCol WK@1 CMBG HQ & Sig Sqn@Edmonton
Cc: McMichael Capt RA@1 PPCLI@Edmonton; Kiens CWO RF@1 PPCLI@Edmonton; Robertson Maj CA2@1 PPCLI@Edmonton; Peyton LCol PJ@LdSH (RC)@Edmonton; Julien LCol JP@1 CER@Edmonton; Angell Maj LB@LFWA HQ@Edmonton; Croucher Capt JC@1 CMBG HQ & Sig Sqn@Edmonton; Clarke Maj DT@1 CER@Edmonton;

Sent: Sat Jun 22 09:26:42 2013
Subject: Re: Sitrep - Sector Central - High River

Nick,

Reinforcement of the checkpoints is not authorised. This crosses the line to ALEA. I have been fighting a rearguard action with higher wrt the support to the search plan as it is.

Cease immediately please

Col DJ Anderson
 Comd 1 CMBG
 Office: 780-973-1686
 Mobile: 780-862-4384

Sent from my wireless handheld device / Transmis de mon appareil portable

----- Original Message -----

From: Grimshaw LCol NJE@1 PPCLI@Edmonton
To: Anderson Col DJ@1 CMBG HQ & Sig Sqn@Edmonton; Niven LCol WK@1 CMBG HQ & Sig Sqn@Edmonton
Cc: McMichael Capt RA@1 PPCLI@Edmonton; Kiens CWO RF@1 PPCLI@Edmonton; Robertson Maj CA2@1 PPCLI@Edmonton; Peyton LCol PJ@LdSH (RC)@Edmonton; Julien LCol JP@1 CER@Edmonton; Angell Maj LB@LFWA HQ@Edmonton; Croucher Capt JC@1 CMBG HQ & Sig Sqn@Edmonton; Clarke Maj DT@1 CER@Edmonton;



Sent: Sat Jun 22 08:31:28 2013
Subject: Sitrep - Sector Central - High River

Colonel,

All pers from 1VP arrived early this morning in High River. Approx 310 pers on the grnd at the moment. C Coy remains OPCOM to LdSH.

We augmented several static RCMP checkpoints throughout the night and conducted roving ptls in the city.

Comprehensive search of the city will commence this morning. There will be eight search teams comprised of RCMP, military, ATCO Gas and Power reps, along with an Adv Search Team which will consist of RCMP, military (recce and engr) and ATCO gas and power reps. The intent is to systematically move through the various neighborhoods within the city, knocking on all homes and ensuring any remaining civilians are not in danger and all pers are accounted for. Cleared homes will be marked by yellow police tape. The RCMP will gain entry to all homes and will be the initial interface with residents. Military pers will simply augment the RCMP presence and assist with the search for personnel.

The RCMP is also concerned with residents attempting to get back into the city and to their homes. The RCMP have established static checkpoints on the Hwy and around the city. They have requested military assistance simply as an added presence but not in any enforcement role. It is my intent to maintain a CF presence along the main Hwy IOT assist the RCMP with their tasks.

The next coord meeting will occur at 0900hrs at the EOC in High River. I anticipate that the comprehensive search will be completed by the end of the day. There will likely be increased pressure from local residents to return to their homes. I will be meeting with the provincial EM officer, John Evans later this morning to discuss the re-entry and re-integration plans for High River.

We are expecting Cbt Engrs to arrive later this morning with boats etc. The RCMP are eager to have the boats to assist with the search tasks. I cannot confirm the integrity of bridges in the area but we are not aware of any that have been completely compromised at this time.

I will provide an updated sitrep following the morning coord at 0900hrs.

NJG

Sent from my wireless handheld device / Transmis de mon appareil portable

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 overcome 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 Siksika 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 seized during 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

Airdrie, Alberta
September 30, 2014

The Honourable Jonathan Denis
Alberta Minister of Justice and Solicitor General
403 Legislature Building
10800 - 97 Avenue
Edmonton, AB
T5K 2B6

Dear Minister Denis:

Re: HIGH RIVER FORCED ENTRIES, SEARCHES AND SEIZURES

Congratulations on being reappointed as Minister of Justice and Solicitor General for our province. Our new Premier must have appreciated your efforts under the previous administration and must also have great faith in your abilities as he works to get Alberta back on the right track especially in regard to his commitment to better protect our rights to own and enjoy property.

I am writing you for your advice and assistance with regard to two issues. First, section 18 (5.1) of the Alberta Emergency Management Act states: *"Unless otherwise provided for in the order for a declaration of a state of emergency, where an order for a declaration of a state of emergency is made, and there is a conflict between this Act or a regulation made under this Act and any other Act or regulation, **other than the Alberta Bill of Rights or the Alberta Human Rights Act or a regulation made under either of those Acts**, during the time that the order is in effect, this Act and the regulations made under this Act shall prevail in Alberta or that part of Alberta in respect of which the order was made."*

Many people are wondering why section 18 didn't protect the residents of High River from the RCMP's kicking in the doors to many hundreds of their homes, the unwarranted search of thousands of their homes, and the unwarranted seizure of property from more than a hundred homes including a number of arrests and charges being laid (many of which have still not been made public).

Alberta Emergency Management Act
<http://www.qp.alberta.ca/documents/Acts/E06P8.pdf>

Alberta Bill of Rights
<http://www.qp.alberta.ca/documents/Acts/A14.pdf>

Secondly, I have reached an impasse and am respectfully asking for your assistance with one element of my investigation of the RCMP's forced entries and unwarranted searches and seizures of High River homes during the flood of 2013.

On September 5, 2013, while I was in High River attending a Town Hall meeting I was approached by a fellow retired RCMP officer who told me that the RCMP had applied for a general warrant for their searches of and seizures from High River homes and that their application for a warrant had been denied.

I filed an *Access to Information Act* request with the RCMP and they advised that they were unable to locate any record of this warrant application. I asked the Office of the Information Commissioner in Ottawa to investigate and they concluded that the RCMP had conducted a proper search for these records.

After this I was informed by a lawyer friend that police in Alberta can apply for warrants over the phone and I filed the following FOIP request with your office: *"For each of the days for the period from June 21st to July 13, 2013, please provide copies of all warrant applications whether made in person, in writing, by fax or by phone that make any mention of High River, Alberta. If the applications were made by phone please provide copies of the voice recordings or a transcript of the voice recordings of all warrant applications (including approved applications and denied applications) made at any of the Alberta Judicial Centres by the RCMP for all residences in High River, Alberta (i.e. a general warrant) and individual warrants for specific residences in High River, Alberta."*

I received the following response from your office: *"The FOIP Act does not apply to information in a court file as per section 4(1)(a) (Records to which this Act applies) of the Act. Should you require this documentation, copies may be obtained directly from the relevant Alberta court."*

I am at a loss to where I should now look for these records especially if the RCMP made the warrant application by phone. I have no idea where these warrant application records are held, who controls the records or the process for accessing them. Is there a central registry or database for all warrant applications the police make over the phone? My wife is sick with primary progressive multiple sclerosis and I am her primary caregiver so I don't have a lot of time to visit court houses in search of these records. I was hoping that your staff would be able to conduct a thorough search of the RCMP warrant applications for High River between June 21, 2013 and July 13, 2013 and advise me of the results.

Thanks for your time and consideration of this request. I look forward to hearing from you soon.

Yours sincerely,

[Original signed by]

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

cc The Honourable Jim Prentice, Premier of Alberta