

AUG 26 2013

Royal Canadian Mounted Police



Gendarmerie royale du Canada

Commanding Officer
"K" Division

Commandant
de la division "K"

August 16, 2013

N. Lee Cutforth, B.A. LL. B.
Alberta Property Rights Advocate
Provincial Building, Main Floor South East
200-5 Avenue South
Lethbridge, AB T1J 4L1

Dear Sir:

RE: Firearms Seizures – High River, Alberta

This will acknowledge receipt of your letter to Commissioner Paulson dated July 12, 2013.

I would like to provide some information with respect to the authorities and legal justification the members of the RCMP were operating under in High River during the search and rescue phase of this flooding. Most, if not all of this information was previously provided to your ministry.

By way of background, on Thursday June 20th, the heavy rain and fast flowing water through the Town of High River resulted in an emergency evacuation for all residents of High River. As first responders, the RCMP immediately engaged in the coordination and evacuation of as many of the residents as possible under some very challenging and dangerous weather and flooding conditions. As the RCMP we have local, provincial and national authorities and mandates to provide and lead search and rescue operations in these circumstances. This also means that as sworn officers we are duty bound to protect life and property and have common law authorities, and in deed obligations, to take necessary actions to do this, including entering into buildings such as businesses and residences as necessary.

Due to the very fast flowing water and rising water levels, many of the residents were not able to leave their homes through normal exits and were forced to retreat to higher areas of their homes including their roof tops. Despite efforts to rescue stranded people over ground and with boats and other marine assets, the boat rescue operation also had to be suspended due to the fast flowing volumes of water and large floating debris (garden sheds, vehicles, picnic tables) in the streets of the town. Efforts quickly

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turned to a request for air assets to assist in the rescue of residents from their roof tops and to that end, a private Helicopter Company from Red Deer was quickly contacted and deployed to High River. In addition, a call for assistance to the Canadian military was made for the deployment of Search and Rescue (SAR) helicopters to hoist people from the roof tops of their homes and businesses. During the course of the air rescue, 600 rescue missions were performed by both the private helicopter company and the Canadian Forces resources. These air assets played an important role in supporting the police search and rescue operation which included many dangerous missions for our members who had to hang off platforms on helicopters. Despite the heroic efforts of the rescuers we tragically still had three (3) deaths of citizens caught in this flash flooding.

On June 20th, a local State of Emergency was declared by the Town of High River. The provisions of the Emergency Management Act (EMA Section 19) provided us additional authorities under the state of emergencies. By way of the EMA we were authorized to enter into buildings, including businesses and private homes, for the purposes of preserving life and protecting property. In carrying out our duties over the next several days the RCMP was acting in concert with our partner agencies as a part of the overall emergency response plan and program implemented by the local authority, however it should be clear that we did not take operational direction from any elected officials or public service employees to enter in private homes and remove personal property. By way of overview, during this period, while searching over 4000 residences and businesses our officers did on just over 100 occasions, come across firearms which were not properly and lawfully secured. In those instances the weapons were seized under the authorities provided for within the Criminal Code of Canada and made secure until they could be later returned to their owners. In addition to the removal of unsecure weapons, police also secured over 1000 animals/pets and hundreds of vehicles. These animals and vehicles were also removed to other locations for safekeeping.

On Friday June 21st, the mission of the RCMP moved from the active rescue of known persons in distress to efforts to locate people who may have been stranded inside their homes from the previous day and were unable to escape due to a physical disability, age, or perhaps being pinned or barricaded by items inside the homes. Again, based on the premise that police are subject to a common law duty to protect life and the exigent circumstances which existed at the time of this flooding disaster, in addition to the authorities derived by the declaration of the state of local emergency, RCMP officers entered businesses and private residences in High River (without a search warrant) to search for occupants who may be at risk or harm. In some cases entry was gained by breaching windows and/or doors. In other cases, windows and doors were blown out from the floodwaters. As the search progressed, lock smiths were able to be brought in to assist in making entry in some cases. During these building searches, several people (28) were indeed found stranded in their homes and were subsequently rescued.

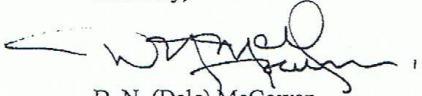
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While we were engaged in these residential searches for stranded occupants we came across situations where firearms had been left unsecured inside the home. Legally we could not ignore these situations and under provisions of the Criminal Code of Canada we seized the weapons and secure them until such time as they could be returned to their owner. We recognize people were forced to leave with little or no notice and as such may well not have had time to secure their firearms, so we are not interested in pursuing those types of charges. It is also important to note, however, that at that time the entire town site was not secure with over 300 residents remaining and disregarding evacuation orders and continued excursions beyond the roadblocks. Beyond that, there were daily instances of people noted to be attempting to breach the security perimeters around the evacuated areas.

Given the chaotic evacuation of some southern Alberta towns and latent dangers like ruptured fuel lines, the need to enter to ensure public safety and protection of property was at the forefront of all emergency services responding to this extraordinary event.

To summarize, I believe our actions taken as a result of the flooding were done in good faith and with full and proper legal justification. Similar authorities and actions have been done in other recent large scale emergencies such as the Slave Lake Fires here in Alberta.

Sincerely,



D. N. (Dale) McGowan
Deputy Commissioner, M.O.M.
Commanding Officer "K" Division

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