

March 24, 2014  
Airdrie, Alberta

Mr. Ian McPhail, Q.C., Interim Chair  
Commission for Public Complaints Against the RCMP  
National Intake Office  
P.O. Box 88689,  
Surrey, BC VEW 0X1

Dear Mr. McPhail:

**RE: RCMP ATIP DOCUMENTS RAISE MORE QUESTIONS THAN THEY ANSWER**

I am no longer an Alberta Director for the National Firearms Association. I am writing this letter as an individual, not on behalf of any organization in Canada. The *Access to Information Act* requests I refer to in this or previous letters were filed by and paid for by me as an individual. I would like to acknowledge the support of Sheldon Clare, President of the National Firearms Association for providing the computer links to the documents cited in this letter and for his editing assistance. The views and opinions expressed in this letter are mine alone based on my analysis of the documents that have been sent to me so far by the RCMP and the Department of National Defence.

I have completed my analysis of RCMP 212-PAGE ATI Act response (RCMP ATIP File: A-2013-04640). [https://nfa.ca/sites/default/files/A201304640\\_2014-02-18\\_08-21-23.PDF](https://nfa.ca/sites/default/files/A201304640_2014-02-18_08-21-23.PDF)

**OBSERVATIONS**

**1. Still no documents showing 28 people saved by RCMP kicking in High River doors**

In all 212 pages of the RCMP's response (including 143 pages of handwritten notes from some but not all of the search teams that kicked in doors in High River between June 21, 2013 and July 10, 2013) there is no mention of any person being rescued as a result of warrantless entries and the damage done to more than 1,900 homes.

This despite the fact that my *Access to Information Act* request specifically asked for "...the number of homes broken into using locksmiths, the number of homes broken into using physical force, **the number of people rescued**, the number of dogs, cats and other pets rescued." [emphasis added]

The documents provided by the RCMP show about 300 people were found in their homes and refused to leave, but no mention of anyone being rescued. Obviously, people who refused to leave their homes neither needed nor would accept "rescue" by the RCMP.

On PDF page 145 RCMP officers noted: "EMS worker evac'd". If the RCMP went to the trouble of notating one of the search team being injured and evacuated, they surely would have made a notation about a citizen they saved from the flood. The RCMP search teams made very detailed notes about the firearms they seized, pets they rescued and the damage they inflicted on the High River homes, so it is inconceivable that they forgot to make a note about the people they rescued from flooded homes.

In his letter of 26 August 2013, the K Division Commanding Officer, Dale McGowan wrote to the Alberta Property Rights Advocate that: "During these building searches, several people (28) were indeed found stranded in the homes and were subsequently rescued."

<https://nfa.ca/sites/default/files/Deputy%20Commissioner%20D.N.%20%28Dale%29%20McGowan%2C%20Commanding%20Officer%20of%20K%20Division.pdf>

I sincerely hope the RCMP are more forthcoming with documentation related to these twenty-eight people rescued. Given that we now have evidence that the searches of and seizures from High River homes continued up to and including July 10th, it is also important to know the dates when these twenty-eight people were rescued.

I would like to acknowledge the valuable assistance of lawyer Rick Hemmingson of Lacombe, Alberta who has assisted me with the research and provided his input while I was drafting this letter. After reviewing the 212-pages of RCMP documents he commented, "If it was significant to record that Sylvester was rescued, then it was significant enough to record that Aunt Polly was rescued. But no Aunt Pollies are mentioned. Whoops."

## **2. Documents provided by the RCMP about High River searches woefully incomplete**

In the same three-page letter (see above) Deputy Commissioner McGowan wrote: "By way of overview, during this period, while searching over 4000 residences and businesses..."

After reviewing the 143 pages of handwritten notes from RCMP search teams deployed in High River that were provided to me, I was able to count only 1,801 homes and businesses searched. These handwritten notes also indicate that police seized firearms just twenty-one homes, but the firearms seizure spreadsheets on PDF pages 57/58 indicate police seized firearms from 112 homes. It would therefore appear that many of the searches of High River homes were either not documented by the search teams, or else the RCMP failed to provide me with all the handwritten notes taken by its search teams.

## **3. Document disproves RCMP claims officers just happened across firearms**

PDF page 185 of the RCMP's response is entitled "FIREARMS LOCATED". The RCMP's repeated use of the word "located" would indicate a successful search for known firearms - not finding random and unexpected firearms lying around.

## **4. Documents disprove RCMP claims that all firearms seized were "not secured"**

In Deputy Commissioner McGowan's letter of August 26, 2013 he wrote: "...our officers did on just over 100 occasions come across firearms that were not properly and lawfully secured."

However, on PDF page 65 the RCMP's response in the RCMP officer's own handwriting it states:  
"1 gun - trigger locked - not in locker"

On PDF page 71 of the RCMP officer's handwritten notes state:  
"Rifle found in unit \_\_\_\_ in case (secure) seized by Riley Scarf".

On PDF page 126 of the RCMP's response in the RCMP officer's own handwriting it states: "Rifles 6 locked 5 handguns in glass cases no triggers - seized 1800 hrs".

## **5. Documents disprove RCMP claims that all firearms seized were in "plain view"**

The RCMP news release titled, *HIGH RIVER FIREARMS IN RCMP POSSESSION*, dated June 28, 2013 at 12:13 pm states: "During police operations in High River to locate and rescue any residents in need of assistance, the RCMP took possession of firearms that [they] came across in plain view."

On PDF page 185 of the RCMP's handwritten notes say where the police located firearms: 3 in the "basement" including a BB gun and 3 in the "upstairs bedroom closet". How could firearms in an upstairs bedroom closet be

in "plain view"? The RCMP claimed they were searching for survivors when they kicked in the doors to High River homes, but did they really expect survivors to be hiding in their upstairs bedroom closet ignoring the sound of their front door being bashed in?

At PDF page 9, it is recorded in a "Tasking" list dated June 27 that "CPIC Firearms seized for Safekeeping". What are "CPIC firearms"? Is there a copy of the long gun registry on the CPIC database that the RCMP continue to use? If so, and bearing in mind that Parliament enacted a law in 2012 to void and destroy that Registry, does retention and use of a copy in the CPIC database amount to contempt of Parliament?

Spreadsheets on PDF pages 57 and 58 show that on eight occasions ammunition and/or powder was seized along with the 609 guns. It also seems highly unlikely that all the ammunition seized was in "plain view" and was more likely seized after a more extensive search of the homes and the reason why High River residents reported finding mud on drawers and cupboards.

In that same RCMP news release, the firearms seizures are justified by stating: "After confirming the home was vacant, police had no way of ensuring the guns left unattended would remain secure." That conclusion seems patently obvious given that the same police had just broken down the entrance door! There is every reason to believe that justification is based on an illegal act and the RCMP can no more justify one illegal act by reference to a prior illegal act than can any ordinary criminal.

## **6. Documents show RCMP seized 609 firearms between June 21 and July 10**

June 24th was a very important day in the search and rescue mission in High River.

National Defence documents dated June 24, 2013 obtained through *Access to Information Act* requests stated: "**No further danger to civilians (life and limb) and evacuations not requested.**" [emphasis added]

An RCMP e-mail dated June 24, 2013 at 7:12 pm from RCMP Superintendent Frank Smart states: "As of 1500hrs today, RCMP led by STO have **completed the physical search of all homes in High River** [emphasis added] (with the exception of a small amount in quadrant 8 which is underwater)." Houses\Buildings 3,337 - Forced Entries 674 - People located 303."

According to other RCMP documents released so far:

- Between June 20th and June 24<sup>th</sup>: 674 forced entries - 386 guns seized.
- Between June 25th and July 10<sup>th</sup>: 1,200+ forced entries - 223 guns seized.

## **7. Why were the RCMP breaking into homes and seizing firearms after June 24th?**

PDF PAGE 11 and 12 - SAD FLOODING MEETING - JUNE 29, 2013 - 0800

(5 days after National Defence said threat to life and limb ended).

"C/Supt: Stephanson: Of all the firearms seized they were only taken from 40 homes"

"C/Supt: Stephanson: 764 homes were breached"

Here we are at June 29th and the RCMP are saying they have only taken guns from 40 homes and kicked in the doors of 764 homes? If the above numbers are right, this means the RCMP still had 72 more homes to take guns from and maybe as many as 1,100 more doors to kick in. However, the danger to civilian life and limb was over five full days prior to June 29<sup>th</sup>.

Note #1: Spreadsheets on PDF pages 57 and 58 show guns were seized from 112 High River homes.

Note #2: James Wood's Calgary Herald article dated September 4, 2013: "Staff Sgt. Ian Shardlow, head of the High River RCMP detachment, said there were about 1,900 reports of damage caused by entry during the flood.

Some may not involve the RCMP and the damage isn't necessarily from "door kicks" but could be something else, such as contaminated mud tracked into a home, he said."

#### **8. Why were Canadian Forces (CF) told the RCMP were “notifying” homeowners in High River?**

A preliminary analysis of hundreds of pages of National Defence documents received in response to my *Access to Information Act* requests has resulted in the following observations:

At PDF page 198 it is recorded in an email from Gerald Gervais that the RCMP on June 21 asked Canadian Forces (CF) for assistance in conducting “door knocks on citizen residences”. Ref: DND ATIP file: A-2013-01162.

At PDF page 48 of National Defence Response (June 23) it is recorded that RCMP were then conducting house-to-house “notifications”. Ref: DND ATIP file: A-2013-01163.

At PDF page 61 (June 24) it is recorded that RCMP “door checks” are ongoing. Ref: DND ATIP file: A-2013-01163.

At PDF page 72 (June 24 1800 hrs) it again recorded that RCMP continue with their “door checks”. Ref: DND ATIP file: A-2013-01163. The same term is recorded by CF personnel at PDF page 278. Ref: DND ATIP file: A-2013-01162.

When did the RCMP decide that “door knocks” were insufficient to adequately check citizens’ homes? What were their reasons for that shift? Why did the RCMP report to DND that they were doing “door checks” when, in fact, they were breaching doors? It seems the RCMP were not only misleading the public but were misleading the Department of National Defence as well.

Note: These DND ATIP responses are available to the media on request.

#### **9. Documents identify a quantity of ammunition was seized - not just turned in**

In an earlier RCMP ATI Act response there is an e-mail dated July 9, 2013 from Sgt. Sylvain Rousell to Chief Supt. Kevin Harrison: "On this note there has been 400,000 - 450,000 rounds of ammunition that was also surrendered by the public for destruction."

When I asked a retired RCMP expert witness in these matters: "Is this even possible?", he responded: "Well, logic says no. I tell you why, if people had ammo wet and ruined, then it would be the last thing to take care of. I would think on July 9th, they were still salvaging anything they could from personal records, legal documents, family pictures, heirlooms, etc. Loading up the pickup and driving to the Detachment to deliver ammo was low on any list. Those houses that were left insecure, already had ammo seized, so they had no urgency to bring it in. 400-450,000 rounds. Now, that would be a lot of lugging of product into the Detachment and hundreds of people would have seen all this and reported it, or talked about it in the local coffee shop, to which I've heard nothing of the sort."

These new RCMP documents prove that not all the ammunition was "surrendered by the public for destruction" because the RCMP's own handwritten notes document a number of ammunition seizures. On at least one occasion "12 gauge ammo" was seized even though there was no firearm with it. Spreadsheets on PDF pages 57 and 58 show that on eight occasions, ammunition and/or gun powder was seized along with the 609 guns. Why did the RCMP seize the ammunition when they already had the guns? The ammunition and gun powder isn't a public safety risk by itself. What was the real reason for the ammunition seizures?

## **10. Documents prove the RCMP were not focused solely on a search and rescue operation**

On June 30, 2013, Canadian Press reported that Staff Sgt. Brian Jones in response to questions about charges being laid against High River gun owners said, "That wasn't the intention. Our focus was on the search and rescue operations."

The following quotes from the handwritten notes of RCMP search teams suggest otherwise.

Notes on PDF page 59 state: "damage to upstairs door & basement door (locked)"

Notes on PDF page 121 clearly shows doors being "breached" inside the home:

- "basement door breach as well \_\_\_\_\_"
- "Basement door breach"
- "Breach back door - 2 upper level bedroom doors"

On PDF page 122 the RCMP notes state: "inner door breached"

On PDF page 139 the RCMP notes state: "inside door kicked in for inside room access"

On PDF page 145 the RCMP notes state: "R. Storage Breached - Clr."

It appears the RCMP officers were searching for more than just flood survivors. It is beyond belief that people needing to be rescued could be expected to be found hiding behind locked basement doors, locked bedroom doors or in the shed in their back yard. That possibility simply becomes deranged when one further realizes that said people would necessarily have been presumed to have ignored the sound of someone smashing in their doors and remained in their closets and basements.

## **11. There appears to have been an enforcement component to the RCMP searches**

On PDF pages 152 and 158 the RCMP's handwritten notes document finding two homes with marijuana. Searching for marijuana would be a rational reason for kicking in basement doors, upstairs bedroom doors, and storage sheds if police were armed with a warrant (see item #7 above).

Notes on PDF page 149 the RCMP officer's state: "Stepped on rubber maid storage bin in back and it broke." If they were looking for survivors why did they need to step on a storage bin?

Notes on PDF page 204 RCMP officers state: "4 LCD TVs in one room, clothes w tags,".

PDF pages 57 and 58 provide copies of an RCMP spreadsheet documenting all the items seized from High River homes along with the firearms. In addition to the 609 firearms, in the "OTHER" column on the spreadsheets they list as "Seized - Located and Secured": pellet guns, magazines, cases and crates of ammunition, and one seizure of as little as 9 - 30:06 rifle rounds, knives, bayonets, compound bows, crossbows, a safe, firearms accessories, and musket powder. These "other" seized items have nothing to do with public safety and would only be seized if the RCMP were also undertaking some kind of enforcement operation. And finally, what part of a search and rescue mission would require the seizure of a "bag containing two stopwatches, 1 necklace and 1 ring"?

## **12. Why did the RCMP bother searching homes they found high and dry?**

On pages PDF PAGE 148 to 159 the RCMP's handwritten notes show that on June 23rd and 24th "Team 7" checked 138 homes. Of those homes, 108 were noted as "VACANT - DRY".

## **13. RCMP search teams searched some High River homes more than once?**

On PDF page 71 the RCMP officer's notes state: "Majority of doors are kicked in previously"  
PDF page 72 lists 26 homes searched and notes: " \*All doors breached previous"

PDF page 187 RCMP notes: "Already smashed in front door" and "Already smashed in rear door".

If those entries were part of the search for victims in peril, it seems that one would have to conclude that the RCMP actually believed there was a reasonable possibility that someone might have taken refuge inside a home with a breached door – where they now needed and awaited further rescue.

#### **14. Why did the RCMP not kick in the doors to businesses in High River?**

Having reviewed the 147 pages of handwritten notes several times, these records indicate the RCMP only looked into the windows of commercial and business premises to declare those buildings "cleared" - no businesses' doors were kicked in, based on the available documentation.

The letter by K Division Commanding Officer, Dale McGowan, referenced in Item #1 states: "By way of the EMA [Emergency Management Act] we were authorized to enter into buildings, including businesses and private homes, for the purposes of preserving life and protecting property."

Surely a dwelling is more sacrosanct than a "building" in Canadian law, and yet the Commanding Officer appears to think all buildings are the same.

There is further serious doubt about that claim of EMA authority because no level of government admits to delegating that power to the RCMP under the EMA, as per ss. 19 and 24 of the EMA.

But even if McGowan's claim was true, the RCMP must have then also believed they had the power to make warrantless and forced entries into commercial buildings and businesses, stores and so on. They did not do so. Why not? Why do the available records show no businesses or commercial premises searched? How could the RCMP know that there could not have been anybody stranded in any of those buildings, and yet guess that somebody might be stranded in a residence? If the rescue scenario was *bona fide*, then why were no businesses/commercial buildings searched? It makes no sense.

Was it because the commercial/business doors were locked? Can't be that - boots and battering rams work on commercial doors, too.

Was it because they knocked on commercial doors and since nobody answered they assumed all was OK? That makes no sense because that would have worked for residential doors, too. Was it because there wouldn't be any guns in businesses or commercial buildings? It might or might not be all of the answer, but it makes sense.

The same reasons that the RCMP advanced to justify breaking down residential doors (searching for possibly stranded people) apply equally to commercial buildings and business doors. If they did not also break down commercial/ business doors, it's because their reasons are false. The police actions were clearly not about rescuing people, especially after June 24th. Clearly there was another purpose for their actions. The failure to knock down any commercial doors calls into question whatever credibility the "looking for people in need of rescue" excuse ever had.

In addition to the preceding questions these new RCMP documents don't shed any light on the questions many of us had right from the start:

- Why was this action taken only in High River but in none of the other flooded and evacuated communities in Alberta?
- Who ordered the RCMP officers to take such drastic and costly actions in High River?
- Why was a warrant not obtained despite the searches and firearms seizures going on from June 21st to July 10th, as the spreadsheets clearly show?

- Why did the RCMP not use more effective means to search for survivors in High River such as thermal imaging technology known as Forward Looking Infrared Radar (FLIR)?
- Why were senior RCMP officers and spokespersons not open and honest with the public right from the start?
- Why drag the reputation of this once great Force through the High River mud for a whole year?
- What are the RCMP hiding and why?

On June 28, 2013, RCMP Inspector Garrett Woolsey told the Calgary Herald: "So, our instructions to our officers, and it's no different than in Slave Lake, was to seize firearms or to secure firearms that were in plain view."

Maybe it's also time to find out what really happened in Slave Lake, Alberta? Maybe that is why the RCMP has failed to answer my *Access to Information Act* request for Slave Lake documentation that I filed on July 8th, 2013. If this course of conduct is rooted in the actions taken in Slave Lake then maybe it needs to be pulled out by the roots?

I close with a quote from a Jen Gerson's National Post article dated July 8, 2013. Greg Kvisle said: "I just don't understand, in the areas where there are no people left and the houses were all high and dry, why were they going through houses two and three times and doing all this damage to homes? All it says is that next time this happens, I'm not leaving my home. I have to protect my home from police, now, as well as looters."

In addition to the civil rights problems with the RCMP conduct, there is a real danger caused by the unexplained and seemingly illegal actions of the RCMP in High River. What happens the next time when people (understandably) refuse to leave their homes in the care of the RCMP? The whole truth has to be made public, and RCMP policies and procedures for evacuated communities reviewed and revised publicly and sanctions levied where appropriate to affirm that we live under the Rule of Law.

This situation continues to fester in High River and in the nation. If the Commission doesn't have the authority to answer all the above questions and interview all the witnesses to the events that took place in High River, I respectfully suggest that the RCMP Commissioner, the Minister of Public Safety, and the Prime Minister should be advised as soon as possible.

Sincerely,

[Original signed by]

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cc Right Honourable Stephen Harper, Prime Minister of Canada  
Honourable Steven Blaney, Minister of Public Safety  
Honourable Peter Mackay, Minister of Justice  
RCMP Commissioner Bob Paulson