

Airdrie, Alberta
August 29, 2014

MY FILE: 002

Ms. Jill Clayton, Information and Privacy Commissioner
Office of the Information and Privacy Commissioner (Edmonton)
410, 9925 - 109 Street NW
Edmonton, Alberta
T5K 2J8

Dear Ms. Clayton:

Re: MISSING RECORDS COMPLAINT - JUSTICE FILE: 2014-G-0180

Please find attached a copy of my original *FOIP* request and a copy of the Ministry's response dated August 8, 2014 that I received on August 13, 2014. I wish to complain about the records that are missing from this response.

1. High River residents report that Alberta Sheriffs from other communities in Alberta were in High River during the flood assisting with the RCMP's door-to-door searches and firearms seizures. Where are the records documenting how the Sheriff's from other communities ended up in High River? The RCMP must have requested their assistance. High River residents also report that the Alberta Sheriffs were sent home early. Where are the records documenting why they were sent home early? Did the RCMP order the Sheriffs home early? The RCMP kept more than 300 Canadian Armed Forces personnel and equipment in High River until late on June 26, 2013. The RCMP kept entering homes without warrant, searching homes and seizing guns, ammunition, accessories and other weapons right up to and including July 10, 2014. Were the Sheriff's asked by the RCMP to conduct forced entries and unwarranted searches of and seizures from High River homes? Were the Sheriffs sent home early because the Sheriffs refused these RCMP requests? Did the Alberta Sheriff's working in High River report the RCMP's forced entries into and seizures from those homes to Bill Sweeny, Assistant Deputy Minister/Director of Law Enforcement, Public Security Division?

2. On page 16 of the Ministry's response, Bill Sweeny, Assistant Deputy Minister/Director of Law Enforcement, Public Security Division with Alberta Justice e-mailed RCMP Asst. Commissioner Marianne Ryan on June 25, 2013 asking her for the "legal authorities" for the RCMP's forced entries into hundreds and hundreds of High River homes. Where is the copy of the "paper from Crown counsel" referred to by Marianne Ryan in her e-mail? I'm sure Asst. Commissioner Ryan shared the contents of this Crown counsel paper with ADM Sweeny to validate her own justification for ordering the RCMP to take these actions in High River. Ms. Ryan also says in the e-mail that she was going to give the contents of this Crown counsel paper to her "folks speaking with the media" in High River. Therefore, the follow-up e-mails to Mr. Sweeny including contents of this Crown counsel paper were intended for public consumption and should have been disclosed as part of these records I requested.

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3. It appears the documents provided by Alberta Justice have been thoroughly sanitized before being released to me. The Ministry provides records referring to "door knocks" in High River but makes no mention of RCMP kicking in the doors of hundreds and hundreds of homes in High River. Asst. Commissioner Ryan defends the Force's seizing firearms, ammunition, magazines, bows, knives, etc, etc under the "plain view doctrine." But this is untrue because the RCMP were not in these High River homes lawfully, as the Alberta Property Rights Advocate pointed out in his report tabled in the Legislature on June 2, 2014. Here is an excerpt from his report: **"As previously noted, Deputy Commissioner McGowan advised that the RCMP Members involved in this situation did not take operational direction from elected officials or public service employees. Instead, they relied on the authority of section 19 of the Emergency Management Act. But if such actions were taken by the RCMP Members under section 19 without Ministerial approval or direction, as normally would be required by the Act, their interpretation of that section is misguided."** Note: Link to his full report provided below.

ALBERTA PROPERTY RIGHTS ADVOCATE 2013 ANNUAL REPORT - JUNE 2, 2014

Forced Entry of Homes in the Town of High River (Pages 17-21)

http://justice.alberta.ca/programs_services/about_us/prao/assets/AnnualReport2013.pdf

ADM Sweeny had to know that the RCMP did not have legal authority to enter hundreds of High River homes as no Alberta Minister gave his "approval or direction" for these actions. He must also have raised the matter with Asst. Commissioner Ryan and yet no such documents were provided in the Alberta Justice response. Additionally, Gloria Ohrt, Executive Director of the Law Enforcement and Oversight Branch and would have pointed out that the RCMP did not have legal authority to conduct unwarranted searches and seizures to ADM Sweeney because that is her job, so where are these records?

4. It is a matter of public record that a Provincial Declaration of Emergency was declared for High River on June 28th and yet no records were provided in the response I received from Alberta Justice. Once this Provincial Declaration of Emergency came into effect, Asst. Commissioner Ryan continued ordering the RCMP's forced entries in High River, referring to these follow-up searches of 4,666 High River homes as "inspections." And yet, during these "inspections" the RCMP kept right on seizing guns, ammunition, firearm magazines, bows, knives, etc, etc as they went (see spreadsheet and analysis below); again without legal authority being granted by the Alberta Minister responsible. Why are there no records of the communications that took place between Ms. Ryan and Mr. Sweeney about the "legal authorities" used for these ongoing forced entries and unwarranted searches and seizures?

Please see the spreadsheet on PDF pages 57 and 58 in this document:

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

HIGH RIVER FIREARMS, AMMUNITION, ETC, ETC SEIZED BY DATE

<https://nfa.ca/news/high-river-firearms-seized-date-june-6-2014>

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5. It is now a known fact from the many reports received from High River residents that firearm, ammunition, magazines, etc, etc seized from their homes were not all in "plain view" and "unsecured" as the RCMP maintains in the records released. We also know that the RCMP laid charges and arrested residents of High River as a result of their unwarranted searches. It would be very odd for these facts not to have been reported by Ms. Ryan to ADM Sweeney during the time period covered by my request and these records should have been provided to me in the Ministry's response.

6. Finally, the records released refer to social media being monitored but no records were released with the actual social media reports they were concerned about such as the threat on Facebook to storm the RCMP's road blocks in High River that was made on June 23, 2013.

Thanks for your help to obtain copies of all the records requested.

Yours sincerely,

[Original signed by]

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cc Mr. Ian McPhail, Chairman, Commission for Public Complaints Against the RCMP
The Right Honourable Stephen Harper, Prime Minister of Canada
The Honourable Steven Blaney, Minister of Public Safety and Emergency Preparedness
Ms. Danielle Smith, MLA for Highwood

NOTE: A copy of the 34-page Alberta Justice FOIP response is available at this link:
<https://nfa.ca/sites/default/files/Alberta%20Justice%20FOIP%20Response%20on%20High%20River%20-%20Aug%208%202014.pdf>