

FREEDOM OF INFORMATION ACT REQUEST

My File Number: 019

Alberta Government Institution:

Minister of Justice and Solicitor General

Details of the records being requested:

Reference is being made to the attached documents:

- (1) The Letter of Findings prepared by Tara Perverseff for the Alberta Office of the Information and Privacy Commissioner OPIC Review File: 006614 - Alberta Justice & Solicitor General File: 2017-G-0570.
- (2) The original FOIP request asking for a copy of the forced entries legal authorities paper initiated by Alberta Justice Minister and Solicitor General asking his Deputy Minister and Deputy Solicitor General: ***“What legal authority do the police rely upon to forcibly enter private property in the flood stricken area?”*** A legal authorities paper that the federal Office of the Information Commissioner advised was entitled: *“The Local State of Emergency-Mandatory Evacuation Order Police Officer Authorities”* written by Peter Mackenzie. My FOIP request also asked for copies of “. . .any follow-up records referring to this report including: correspondence, e-mails, reports, presentations, meeting minutes, recommendations, etc, etc.”
- (3) The Request of Review submitted to the Alberta Office of the Information Commissioner after Alberta Justice and Solicitor General withheld the copy of the ‘forced entries legal authorities paper’ described in (2) above citing solicitor-client privilege.

Please provide a copy of all records with the ***‘chart listing the four records that were withheld and provided details with a description of the record’*** described in the OPIC Letter of Findings in Item (1) above.

Please provide a copy of the records with the ***‘additional information which included the names of individuals who authored the records which were all members of the Alberta Crown Prosecution Service’*** described in the OPIC Letter of Findings in Item (1) above.

Please provide copies of all responsive records described in the OPIC Letter of Findings in Item (1) including:

(a) All four records withheld from the Applicant on the basis of solicitor-client privilege, (b) *‘Two pages that were outside the time frame by one day’* and (c) *‘The other 2 pages were outside the time frame requested by approximately two years.’*

Please provide copies of all records, correspondence, e-mails, texts, transcripts, minutes, presentations, etc to the RCMP advising the RCMP that the ‘forced entries legal authorities paper’ described in Item 2 was to be held in confidence and not to be released to the public or in response to a federal *Access to Information Act* request.

Kind of Information: General information Private information
Method of access preferred: Receive copies Examine the record
Name of Applicant: Dennis R. Young
Address: 1330 Ravenswood Drive SE
Airdrie, Alberta T4A 0P8
Telephone Number: 587-360-1111 (Day or Evening) E-Mail: dennisryoung@telus.net
Cheque Number: 679

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

Date: December 26, 2018

FOR OFFICE USE ONLY

Date Received:
Request Number:
Comments:

ALBERTA JUSTICE
FOIP 2017-G-0570

Received
Dec 10, 2018
DJ

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (FOIP or the Act)
Letter of Findings
December 5, 2018

BACKGROUND	
File Number	006614
Date Request for Received by OIPC	August 31, 2017
Applicant	Mr. Dennis Young 1330 Ravenswood Drive SE Airdrie, AB T4A 0P8
Public Body	Mr. Richard Marks Director, FOIP Justice and Solicitor General 9 th Floor, John E Brownlee Building Edmonton, AB T5J 3W7
Description of Request for Review	The Applicant submitted a FOIP request to the Public Body requesting access to records related to a mandatory evacuation order report. The Public Body responded noting it had identified 4 records responsive to the Applicant's request for access; however, all 4 records were withheld from the Applicant on the basis of solicitor-client privilege. The Applicant subsequently requested a review of the Public Body's response as well as a request to review the adequacy of search to identify the records.
Issues	Issue 1: Did the Public Body properly apply section 27(1) of the Act (privileged information) to the records? <u>Short Answer:</u> Yes, the Public Body properly applied section 27(1)(a) to the records at issue. Issue 2: Did the Public Body meet its duty to the Applicant, as provided by section 10(1) of the FOIP Act? In this case did the Public Body conduct an adequate search for responsive records? <u>Short Answer:</u> Yes, the Public Body conducted an adequate search for records responsive to the Applicant's request for access under the Act.

FINDINGS AND ANALYSIS

The Applicant supplied reasons for filing his request for review. I note that while I have reviewed these reasons, I am only able to review the Public Body's response to the Applicant and its withholding of records and its search conducted for responsive records. In addition, the Applicant noted that many years have passed since the records requested would have been created. I am not able to comment on timeline as FOIP does not comment on the release of records after a certain amount of time has passed.

Issue 1: Did the Public Body properly apply section 27(1) of the Act (privileged information) to the records?

Section 27(1) of FOIP is a discretionary exception meaning that Public Bodies may use their discretion in withholding records. Section 27(1)(a) used by the Public Body states:

*27(1) The head of a public body may refuse to disclose to an applicant
(a) information that is subject to any type of legal privilege, including solicitor-client privilege or parliamentary privilege*

The Public Body did not supply the 4 records it identified as responsive in its search for my review, but provided a

description of the records.

In Order F2017-028, the issue of records subject to solicitor-client privilege is examined at length. The Order states:

[para 126] On November 25, 2016, the Supreme Court of Canada issued its decision regarding the Commissioner's ability, under the FOIP Act, to compel records over which solicitor-client privilege has been claimed (*Alberta (Information and Privacy Commissioner) v. University of Calgary*, 2016 SCC 53 (CanLII)). In that decision, the Court determined that the language in the FOIP Act is not sufficient to authorize the Commissioner (or me, as her delegate) to compel the production of information over which a public body has claimed solicitor-client privilege. The Court also suggested that the rules applicable to claims of solicitor-client privilege in the context of civil litigation apply to privilege claims in the context of access requests. The Court also cited *Canadian Natural Resources Ltd. V. ShawCor Ltd.*, 2014 ABCA 289 (CanLII), 580 A.R. 265 (ShawCor) as the relevant authority in Alberta. In *ShawCor* the Alberta Court of Appeal stated:

Accordingly, under either interpretation of the relevant Rules, a party must provide a sufficient description of a record claimed to be privileged to assist other parties in assessing the validity of that claim. From this, it follows that all relevant and material records must be numbered and, at a minimum, briefly described, including those records for which privilege is claimed. As noted, though, this is subject to the proviso that the description need not reveal any information that is privileged.

[para 127] As will be discussed later in this Order, after I reviewed the Public Body's submissions, I asked it to provide further support for its claim of solicitor-client privilege, since it had not provided that information for my review. The Public Body responded for my request for further information on November 24, 2016, providing an additional affidavit in camera, with further evidence in the form of a chart. Some additional information was provided in the response exchanged with the Applicant.

[para 128] In general terms, the chart includes the type of record contained on each page, the relevant dates for each page, the correspondents involved, including to whom the information was forwarded or copied. The chart was accompanied by a list of the individuals named in the chart, along with their position titles. The chart also notes the difference between instances where legal advice was given or sought, and where the legal advice given was later discussed.

[para 129] Because I have accepted the affidavit and chart in camera, I cannot reproduce any part of it in this Order. Had this not been the case, I would have provided an excerpt of the chart as a good example of how to provide support for a claim of solicitor-client privilege when the relevant records are not provided to the adjudicator, and without revealing the substance of the advice. I note that the affidavit and chart provided by the Public Body would comply with the new Privilege Practice Note published by this Office, for use by parties claiming solicitor-client or litigation privilege in response to an access request.

I asked the Public Body to review Order F2017-028 as well as the Privilege Practice Note and consider them when drafting its submission to me on solicitor-client privilege. The Public Body provided a chart listing the 4 records that were withheld and provided details with a description of the record. I went back to the Public Body with additional questions as I was not satisfied that its claim of solicitor-client privilege under section 27(1)(a) had been met.

In its subsequent submission, the Public Body provided additional information which included names of individuals who authored the records which were all members of Alberta Crown Prosecution Service. The clients receiving advice were law enforcement officials and the Alberta Emergency Management Agency.

The Public Body also noted that all 4 pages identified in their search were outside the time frame as requested by the Applicant. Two pages are outside the time frame by one day. The other 2 pages were outside the time frame requested by approximately two years. Instead of stating no records existed, the Public Body identified them in an effort to "respond openly, accurately, and completely" to the request for access.

Therefore, technically, all 4 pages were not responsive and would not subject to review.

However, because the Public Body treated them as responsive, I am of the view that, based on the above submission, I find the Public Body properly applied section 27(1)(a) of the Act to the records at issue. The Public Body has met the test in this case for solicitor client privilege.

Issue 2: Did the Public Body meet its duty to the Applicant, as provided by section 10(1) of the FOIP Act? In this case did the Public Body conduct an adequate search for responsive records?

In his request for review, the Applicant questioned why there were not additional records identified and asked this office to investigate if the Public Body had conducted an adequate search for the records requested. Section 10 of the Act explains the obligations of a Public Body in responding to an access request stating:

10(1) The head of a public body must make every reasonable effort to assist applicants and to respond to each applicant openly, accurately and completely.

Order F2007-028 states:

[para 32] Consequently, the Public Body has the onus to establish that it has made every reasonable effort to assist the Applicant. Previous orders of my office have established that the duty to assist includes the duty to conduct an adequate search for records. In Order 2001-016, I said:

In Order 97-003, the Commissioner said that a public body must provide sufficient evidence that it has made a reasonable effort to identify and locate records responsive to the request to discharge its obligation under section 9(1) (now 10(1)) of the Act. In Order 97-006, the Commissioner said that the public body has the burden of proving that it has fulfilled its duty under section 9(1) (now 10(1)). Previous orders... say that the public body must show that it conducted an adequate search to fulfill its obligation under section 9(1) of the Act. An adequate search has two components: (1) every reasonable effort must be made to search for the actual record requested and (2) the applicant must be informed in a timely fashion about what has been done.

And in Order F2009-012, the Adjudicator cites specific criteria used to search for responsive records:

[para 12]... It follows that, to successfully respond to the issue as to the adequacy of its search under section 10 of the Act, the Public Body must prove that (1) it made every reasonable effort to identify and locate records responsive to the Access Request, and (2) it informed the Applicant, in a timely fashion, of the steps it took in doing so. As found in Order F2002-016, those criteria must be proven on a balance of probabilities.

[para 13] In Order F2007-029, I said:

In general, evidence as to the adequacy of a search should cover the following points:

- The specific steps taken by the Public Body to identify and locate records responsive to the Applicant's access request
- The scope of the search conducted – for example: physical sites, program areas, specific databases, off-site storage areas, etc.
- The steps taken to identify and locate all possible repositories of records relevant to the access request: keyword searches, records retention and disposition schedules, etc.

- Who did the search
- Why the Public Body believes no more responsive records exist than what has been found or produced

I asked that the above noted criteria be used by the Public Body in its search for responsive records. In its submission, the Public Body provided the following response:

Peter Mackenzie, Executive Director, Specialized Prosecutions (Calgary), being the specific individual named in the applicant's request conducted a search of his email, paper files and electronic files. Further, as the applicant indicated "probably Peter Mackenzie", Orest Yereniuk, Executive Director, Regional Prosecutions and his Executive Assistant also completed a search for records of their email, paper files and electronic files. Both Executive Directors searched for a record entitled "The Local State of Emergency-Mandatory Evacuation Order Police Officer Authority" as specifically identified by the applicant in his request, as well as correspondence, emails, reports, presentations, meeting minutes and recommendations related to the provision of advice to the RCMP as highlighted by the applicant in his request and supporting documentation. Other than the four pages referenced above, no other responsive records exist.

Searches for records requested by the Applicant were completed by the individual whom the Applicant mentioned in his request for access as well as another Executive Director and his Executive Assistant in an effort to identify if any records existed outside of those held by Mr. Mackenzie. Electronic and paper files were searched for all three individuals not only for the record identified by the Applicant, but also for correspondence related to the provision of advice to the RCMP. Based on the above, I am satisfied that the Public Body conducted a reasonable search for records responsive to the Applicant's request for access under section 10(1) of the Act. Further, the Public Body found responsive records outside the time frame of the request, and treated them as responsive despite being outside the requested time frames. In my view, this supports the Public Body as responding as completely as possible.

RECOMMENDATIONS

I have found that the Public Body properly applied section 27(1) to the records at issue as well as conducted a reasonable search under section 10 of the Act. I understand the Applicant believes that these records exist and I have reviewed his request for review to this office, specifically, his wording around the RCMP and its involvement in the records the Applicant is seeking. My recommendations here are for the Applicant to perhaps make his request for access to the RCMP as an attempt to locate the records that were not identified by the Public Body.

CONCLUSION

Requesting an Inquiry

- The Applicant may ask that their matters proceed to inquiry, as per section 69 of FOIP.
- The Commissioner's decision to hold an inquiry is discretionary, meaning the Commissioner may or may not decide to hold an inquiry.
- My analysis or conclusions are not used in the inquiry process. The inquiry process is a new evaluation of the issues.
- You will be required to provide a separate submission for the inquiry process to our Adjudication Unit.S
- The Commissioner would consider submissions of both parties and then decide questions of fact and law independent of this investigation process.
- The background information from the Applicant's and Public Body's submissions submitted for this investigation may be used in the inquiry process.

The mediation/investigation phase of this file will conclude **January 2, 2019**. If you believe that the matter is still not settled or resolved and you wish to request an inquiry, please ensure you

do so by this date. The form can be found at our website as follows:
https://www.oipc.ab.ca/media/470120/Form_Inquiry_Request_March2011.pdf.

Further information on the inquiry process can be found at:
<https://www.oipc.ab.ca/action-items/request-a-review-file-a-complaint/inquiries.aspx>

Failure to submit a request for inquiry by this date may require you to provide an explanation to the Commissioner. It will be at the Commissioner's discretion to accept the request for inquiry.



Tara Perverseff
Office of the Information and Privacy Commissioner

Airdrie, Alberta
August 29, 2017

MY FILE: 018

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

Dear Ms. Clayton:

Re: MISSING RECORDS COMPLAINT – JUSTICE AND SOLGEN FOIP FILE: 2017-G-0570

Please find enclosed the following information:

- My completed Request for Review/Complaint Form.
- A copy of my FOIP request dated June 27, 2017
- A copy of the response I received from Justice dated July 28, 2017 withholding the records I requested because the FOIP Coordinator deemed them “Privileged information”.

HIGH RIVER ‘LEGAL AUTHORITIES PAPER’ WITHHELD FROM PUBLIC & MEDIA

More than four years later, Alberta Justice withholds High River Forced Entries ‘legal authorities paper’ paper, entitled: ‘The Local State of Emergency-Mandatory Evacuation Order Police Officer Authorities’ written by Peter Mackenzie, by claiming it is ‘Privileged information’. By Dennis R. Young - August 3, 2017 <http://dennisryoung.ca/2017/08/05/high-river-legal-authorities-paper-withheld-from-public-media/>

CANADA FREE PRESS - THE COVER-UP OF HIGH RIVER FORCED ENTRIES CONTINUES

The 'legal authorities paper' the RCMP and Alberta Justice don't want you to see By Dennis R. Young - August 7, 2017 <http://canadafreepress.com/article/the-cover-up-of-high-river-forced-entries-continues>

I wish to complain about the FOIP Coordinator’s decision to deny the release of the report and supporting correspondence and documentation I requested:

1. On June 25, 2013, Justice Minister Jonathan Denis requested his Deputy Minister to determine the ‘legal authorities’ the RCMP were using to justify kicking in hundreds of doors to High River homes. The e-mail included with my original FOIP request confirms he did this in anticipation that the residents of High River would ask him this specific question. **Consequently, (a) the answer to this question rightfully belongs in the public domain and (b) the Minister of Justice for Alberta should be the one to decide if this information should be released or withheld from the public, the media and High River residents – not a public servant.**
2. On June 25, 2013, RCMP Assistant Commissioner, Maryanne Ryan requested the ‘legal authorities’ paper from Crown counsel with the full intent that the contents should be provided to **‘our folks speaking to the media for their reference and confidence in speaking to this issue to the public.’ A document produced for the RCMP media personnel for the express purpose of reassuring the media and the public deserves to be in the public domain.**
3. The 2013 Annual Report by the Alberta Property Rights Advocate released to the public on June 2, 2014 clearly states: *‘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.

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

This conflicting legal opinion by the Alberta Property Rights Advocate was not addressed in the investigation of the High River Gun Grab conducted by Civilian Review and Complaints Commission for the RCMP.

In a letter to a constituent dated April 8, 2014, Justice Minister Jonathan Denis 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.'* <https://dennisryoung.ca/wp-content/uploads/2017/08/Jonathan-Denis-Letter-on-High-River-April-8-2014.pdf>

The Alberta Property Rights Advocate maintains that the forced entries into High River homes required the express 'approval or direction' of the Minister. The RCMP Commanding Officer for the Province of Alberta maintains the RCMP kicked in the doors to hundreds of High River homes without taking *'operational direction from elected officials or public service employees'*. Justice Minister Denis states that no one in the Government of Alberta supported, endorsed or directed the RCMP to take these actions. **Release of the 'legal authorities' paper to the public, the media and the residents of High River is required to clarify obvious contradiction to the legal opinion provided by the Alberta Property Rights Advocate.**

4. Four telephone polls of High River residents confirm that a large percentage of High River residents no longer trust the RCMP to protect their homes and property in the event of another declaration of emergency (see links to the poll results below). **Depending on what the Crown counsel's 'legal authorities' paper says, release of this document and the related correspondence, e-mails, reports, presentations, meeting minutes, recommendations, etc could go a long way towards rebuilding this broken trust in the RCMP among High River residents.**
5. Common sense dictates that a four-year old 'legal authorities' paper is unlikely to do any harm now if it is made public, especially since the actions taken were under the previous Progressive Conservative administration – not the NDP government in power today. Does the Premier and her Ministers of Justice and Municipal Affairs even know this 'legal authorities' paper exists? **If this legal document supports the claims made by the RCMP and the previous Minister of Justice, what possible reason could there be for keeping it a secret?**
6. Finally, even if you are unable to convince the government to relax their stranglehold on this four-year old, four-page 'legal authorities' paper, surely, I should be entitled to some of the other records I requested; namely, *'...any follow-up records referring to this report including: correspondence, e-mails, reports, presentations, meeting minutes, recommendations, etc. etc.'*

Thanks for your help to get these important records made public for the residents of High River and the residents of other Alberta communities who may be concerned about the legal authorities the RCMP have during states of emergency to force their way into homes, search those homes without warrant and seize private property also without warrant.

Yours sincerely,

[Original signed by]

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

**FOUR POLLS OF HIGH RIVER RESIDENTS INDICATE
TRUST IN RCMP IS STILL BROKEN**

SEPTEMBER 9, 2016: LESS THAN HALF OF HIGH RIVER RESIDENTS TRUST THE RCMP TO PROTECT THEIR HOMES AND PROPERTY IN THE EVENT OF ANOTHER EMERGENCY EVACUATION.

<http://dennisryoung.ca/2016/09/10/4th-nfa-high-river-poll-trust-in-the-rcmp-still-broken-three-years-after-flood/>

SEPTEMBER 5, 2015: 48% OF HIGH RIVER RESPONDENTS WANT PREMIER NOTLEY TO CALL A JUDICIAL INQUIRY

<https://nfa.ca/media-release-poll-shows-half-of-high-river-residents-want-judicial-inquiry/>

MARCH 9, 2015: 67% OF HIGH RIVER RESPONDENTS DO NOT SUPPORT RCMP ENTERING THEIR HOMES IN A FUTURE EMERGENCY

<https://nfa.ca/public-believes-police-actions-at-high-river-unnecessary-3/>

AUGUST 7, 2014: 53% OF HIGH RIVER RESPONDENTS WOULD REFUSE ORDERS TO EVACUATE THEIR HOMES IN THE EVENT OF ANOTHER FLOOD

<https://nfa.ca/poll-of-high-river-residents-shows-a-dismal-lack-of-trust-in-rcmp-2/>

Reference Number: 2017-G-0570

July 28, 2017

Dennis R. Young
1330 Ravenswood Drive SE
Airdrie AB T4A 0P8

Dear Mr. Young:

Re: *Freedom of Information and Protection of Privacy (FOIP) Act*
Request for Access to General Information

On July 6, 2017, the Alberta Justice and Solicitor General (JSG) FOIP Office received your request under the *FOIP Act* for access to records containing general information.

Specifically, you requested access to "...the Crown counsel paper being referred to above and in the attached e-mail was entitled: "The Local State of Emergency-Mandatory Evacuation Order Police Officer Authorities" written by Peter Mackenzie (probably the Peter Mackenzie whose contact information is below). Please provide me with a copy of this report and any follow-up records referring to this report including: correspondence, e-mails, reports, presentations, meeting minutes, recommendations, etc., etc." for the time frame June 25, 2013 to September 30, 2013.

Please note that nothing in this correspondence (or its attachments) constitutes a waiver of any privilege.

There were a total of four (4) pages responsive to your request. Unfortunately, access to these records is refused under the following section of the *FOIP Act*.

The records located contain information that is withheld from disclosure under the *FOIP Act* and are withheld from disclosure under the following section:

- Section 27(1)(a) – Privileged information,

We have included a copy of the relevant section of the *FOIP Act* to explain why information was withheld.

If you feel that your request has not been answered completely or you require further clarification, please contact Christine Badach, FOIP Advisor at 780-643-2834.

Please note that under section 65 of the *FOIP Act*, you may ask the Information and Privacy Commissioner of Alberta to review our foregoing response to your request. To request a review, you must complete and deliver a *Request for Review* form within 60 days from the date of this notice to:

Received
August 3, 2017
[Signature]

Office of the Information and Privacy Commissioner
410, 9925 – 109 Street NW
Edmonton, AB, T5K 2J8

The form is available under the Resources tab on the Commissioner's website www.oipc.ab.ca or you can call 1-888-878-4044 (in Edmonton, call 780-422-6860) to request a copy of the form.

If you wish to request a review, please provide the Office of the Information and Privacy Commissioner (OIPC) with the following information:

1. A copy of this letter.
2. A copy of your original request form that you sent to Alberta Justice and Solicitor General.
3. A completed OIPC *Request for Review* Form.

Sincerely,



Richard Marks
Director and FOIP Coordinator
Alberta Justice and Solicitor General

Enclosure: Section 27(1) of the *FOIP Act*

Privileged information

27(1) The head of a public body may refuse to disclose to an applicant

- (a) information that is subject to any type of legal privilege, including solicitor-client privilege or parliamentary privilege,
- (b) information prepared by or for
 - (i) the Minister of Justice and Attorney General,
 - (ii) an agent or lawyer of the Minister of Justice and Attorney General, or
 - (iii) an agent or lawyer of a public body,in relation to a matter involving the provision of legal services, or
- (c) information in correspondence between
 - (i) the Minister of Justice and Attorney General,
 - (ii) an agent or lawyer of the Minister of Justice and Attorney General, or
 - (iii) an agent or lawyer of a public body,

and any other person in relation to a matter involving the provision of advice or other services by the Minister of Justice and Attorney General or by the agent or lawyer.

(2) The head of a public body must refuse to disclose information described in subsection (1)(a) that relates to a person other than a public body.

(3) Only the Speaker of the Legislative Assembly may determine whether information is subject to parliamentary privilege.

FREEDOM OF INFORMATION ACT REQUEST

My File Number: 018

Alberta Government Institution:

Minister of Justice and Solicitor General

Details of the records being requested:

Reference is being made to the attached e-mail from Bill Sweeney to RCMP Assistant Commissioner Marianne Ryan dated June 25, 2013 in which he asks: "**Marianne: I just received a call from Tim Grant. Our Minister apparently had two questions for him. . . (2) What legal authority do the police rely upon to forcibly enter private property in the flood stricken area?**" In her e-mail response on the same page, Asst. Commissioner Ryan states: "**You do raise a good point on communicating the legal authorities we are using and on that point, we will get something on paper from the 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 have now learned that the Crown counsel paper being referred to above and in the attached e-mail was entitled: "**The Local State of Emergency-Mandatory Evacuation Order Police Officer Authorities**" written by Peter Mackenzie (probably the Peter Mackenzie whose contact information is below). Please provide me with a copy of this report and any follow-up records referring to this report including: correspondence, e-mails, reports, presentations, meeting minutes, recommendations, etc, etc.

Peter Mackenzie, Assistant Chief Crown Prosecutor

Crown Prosecutor's Office

600 Centrium Place - 332-6 Ave. S.W.

Calgary, Alberta T2P 0B2

Phone: 403-297-8444

Email: peter.mackenzie@gov.ab.ca

Kind of Information: General information Private information
Method of access preferred: Receive copies Examine the record

Name of Applicant: Dennis R. Young
Address: 1330 Ravenswood Drive SE
 Airdrie, Alberta T4A 0P8

Telephone Number: 587-360-1111 (Day or Evening) E-Mail: dennisyoung@telus.net

Cheque Number: 559

Signature: (Original signed by)

 Dennis R. Young

Date: June 27, 2017

FOR OFFICE USE ONLY

Date Received:
Request Number:
Comments:

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 over come 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 Sisika 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 siezed during the 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