



## **FOUR AND A HALF YEARS LATER AND ALBERTA JUSTICE ONCE AGAIN FAILS TO PRODUCE RECORDS REQUESTED ON CHARTER VIOLATIONS BY RCMP IN HIGH RIVER**

“I cannot determine whether the Public Body has conducted an adequate search under section 10(1).”

Excerpt from ‘Letter of Findings’ by the Office Alberta Information Commissioner dated March 22, 2019

### **SEPTEMBER 2, 2014 - ORIGINAL FOIP REQUEST TO ALBERTA JUSTICE AND SOLICITOR GENERAL**

Reference is being made to the **forced entries, unwarranted searches** and seizures of firearms, ammunition, magazines, bows, knives, etc, etc in High River, Alberta that occurred between June 20, 2013 and July 13, 2013.

For the period from June 20, 2013 to present, please provide:

- (1) Copies of **all meeting minutes**, documents, reports and correspondence regarding the Provincial Declaration of Emergency that was declared for High River on or about June 28, 2013;
- (2) Copies of **all meeting minutes** the Minister attended concerning the High River forced entries, searches, seizures, damage claims and compensation; and,
- (3) **Copies of all correspondence, letters, e-mails, reports, advice, legal opinions, sent to the Minister and copies of the replies sent by the Minister or on the Minister's behalf.** Note: In the event, a standard reply was sent to one or more correspondents, one copy of the Minister's standard reply will suffice.

### **JANUARY 15, 2017 – REQUEST FOR REVIEW SENT TO ALBERTA INFORMATION COMMISSIONER**

**EXCERPT:** “I wish to complain about records that are missing from the ministry’s response; in particular, **copies of minutes of meetings, copies of legal opinions and copies of reports on the RCMP’s forced entries, searches and seizures in High River.** The Minutes of the meeting referred to in ADM Bill Sweeney’s e-mail dated September 18, 2013 (FOIP page 339) and also referred to by other officials on FOIP pages 330 and 340, are missing. Since we now know that the Province of Alberta has paid out at least **\$2.3 million in damages** in response to the 2,210 damage claims filed with the RCMP by High River residents for damages caused by the RCMP door-kicking spree and the subsequent illegal searches and seizures, it doesn’t make any sense that there wasn’t one report written for the Minister of Justice detailing how these Charter violations were allowed to occur under his watch and how to ensure it would never happen again.

### **MARCH 5, 2019 – RECEIVED 31-PAGES OF ADDITIONAL RECORDS FROM ALBERTA JUSTICE**

### **MARCH 22, 2019 – RECEIVED 12-PAGE ‘LETTER OF FINDINGS’ FROM INFORMATION COMMISSIONER**

**EXCERPT PAGE 11:** “However, though it maintains a thorough search was conducted, the Public Body has failed to detail how this search was conducted by FOIP contacts in the respective division(s)/office(s). **Without this information I cannot determine whether the Public Body has conducted an adequate search under section 10(1).**” [Emphasis added]

### **MY THIRD REQUEST FOR INQUIRY WILL BE FILED BY DEADLINE OF APRIL 12, 2019**

**Reason #1:** No mention of the existence of the ‘legal authorities paper’ written for Justice Minister Jonathan Denis eventually denied under two subsequent FOIP requests citing solicitor-client privilege.

**Reason #2:** No meeting minutes referred to in Deputy Solicitor General Bill Sweeney’s e-mail dated September 18, 2013 (FOIP page 33) and also referred to by other officials on FOIP pages 330 and 340.

**NOTE:** See details on my previous Requests for Inquiries below.

## APRIL 19, 2018 – ALBERTA INFORMATION COMMISSIONER AGREES TO MY FIRST REQUEST FOR INQUIRY

Re: Alberta Justice refused to divulge to me or the Information Commissioner's Investigator of the existence of the 'legal authorities paper' entitled: "*The Local State of Emergency-Mandatory Evacuation Order Police Officer Authorities*" written by Peter Mackenzie.

## DECEMBER 31, 2018 – SECOND REQUEST FOR INQUIRY TO THE ALBERTA INFORMATION COMMISSIONER

RE: Withholding of 4-pages of Records entitled: "*The Local State of Emergency-Mandatory Evacuation Order Police Officer Authorities*" written by Peter Mackenzie citing solicitor-client privilege and other responsive records identified in the review conducted by Tara Perverseff. OPIC Review File: 006614 Alberta Justice & Solicitor General File: 2017-G-0570 My File: 018

## SUMMARY OF ACTIVITY ON THIS HIGH RIVER FOIP FILE

### **MY HIGH RIVER FOIP FILE: 005 – Alberta Justice & Solicitor General - Reports, Meeting Minutes, etc**

September 2, 2014 - JUSTICE FILE: 2014-G-0335

Sept 18, 2014 - Request for processing fee of \$155.25

September 25, 2014 - Cheque for \$155.25 sent

Sept 29, 2014 - Receipt for \$155.25 and clarification of my request

August 18, 2015 - Sent e-mail for an update

August 18, 2015 - Acting FOIP Manager Sindy Chang advises via e-mail that they are still processing my request and that they are waiving "any and all fees"

October 10, 2015 – Delay Complaint filed

October 28, 2015 – Delay Complaint filed on proper forms

January 4, 2016 – Information Commissioner gave Justice until April 29, 2016 to provide a response.

March 1, 2016 - Information Commissioner ordered Justice to provide the documents

May 9, 2016 – Agreed to a six-month extension to deadline. New date for completion Jan 3, 2017

November 3, 2016 – Maria called to say she is going to miss her Nov 2<sup>nd</sup> release date by two or three weeks. I told her to update me in a couple of weeks. She also promised that she believed her release would answer my FOIP request 010

November 28, 2016 – Received a big pile of records (over 400 pages) and a duplicate of pages sent to me in response to my FOIP request 002.

November 30, 2016 – Sent e-mail asking for "waivers", "Type 2 warrant", meeting minutes and reports.

JAN 15, 2017 - FILED COMPLAINT: No meeting minutes, reports, legal opinions were provided.

March 13, 2017 – Information Commissioner appoints Carmen Mann to investigate

June 21, 2017 – Info Commissioner Extended completion date to January 15, 2018

January 8, 2018 – Info Commissioner extended completion date to July 16, 2018

July 4, 2018 – Info Commissioner letter extending completion date too September 14, 2018

Aug 30, 2018 – Info Commissioner letter extending date for completion to Dec 13, 2018

Dec 12, 2018 – Letter advising that Tara Perverseff would take over this file.

March 5, 2019 – Received 31 pages of additional records dated Feb 28, 2019

March 22, 2019 – Received 12-page "Letter of Findings" from Information Commissioner Investigator Marie Paturel. Inadequate search for records.