

Airdrie, Alberta
October 10, 2014

MY FILE: 001

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 - MUNICIPAL AFFAIRS FILE: 2014-G-0026

Please find attached a copy of my original *FOIP* request and a copy of the Ministry's response dated August 15, 2014 that I received on August 21, 2014. I wish to complain about the records that are missing from this response.

Considering the fact that the Minister of Municipal Affairs was also the Minister Responsible for Emergency Response, I found the twelve pages of records released by the Ministry to be very disappointing. The requests from the RCMP in response to the flooding emergency in High River must have been far more extensive than the very limited number of records provided.

See the attached e-mails I received from the RCMP in response to a federal *Access to Information Act* request. Three issues are mentioned in these e-mails that would have resulted in some kind of request or communication between the RCMP and Municipal Affairs:

(1) **June 26, 2013 - (page 39 of 45) - "The matter involving Minister Griffiths and CRAWFORD has been taken over by Sgt. Rob Kropp of MCU."** What matter? Where are the records explaining this matter and what follow-up records exist with respect to the resolution of this matter?

(2) **June 25, 2013 (page 34 of 45) - "Cpl. AKITT just called me. She was looking at the High River Web page and came across a link to a Facebook Page. High River Take Back Our Town - They are talking about storming the checkpoints tomorrow at noon with guns. Laura says there are already 19 people joined to this page."**
June 27, 2013 - (page 39 of 45) - "Reportedly, at Checkpoint #8, there are a number of locals planning to storm the barricade tomorrow at noon." It is hard to believe that an issue as serious as this was not communicated with the Minister Responsible for Emergency Response and requests made of the Minister and/or his officials. This is important, because as this was going on, the RCMP were still kicking in hundreds and hundreds of doors in High River, searching thousands of homes without warrants and seizing guns, ammunition, firearms magazines, knives, bayonets, compound bows, cross bows, etcetera. Are these two issues connected and how could the Minister not be intimately involved in the decisions made regarding the actions being taken by the RCMP in High River?

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(3) **June 27, 2013 - (page 39 of 45) - "As well, there was an incident at / nearby check point where a citizen who was refusing to leave was struck by a police vehicle."** Once again, it is hard to believe that an issue as serious as this was not communicated to the Minister and the Minister and his officials not involved in the decisions made regarding this incident.

This website link provides access to all 45 pages of the ATIP response from the RCMP including the e-mails mentioned above. <https://nfa.ca/sites/default/files/RCMP%20ATI%20Response%20-%20High%20River%20Radio%20Communications%20-%20February%205%202014.pdf>

We have also learned that a Provincial State of Emergency was declared in High River on June 28, 2013 and we have been told it was in effect anywhere from two weeks to ninety days. The RCMP must have been involved in making this request because it gave them continued access to High River homes and their unwarranted searches, seizures and gathering evidence of criminal offences which they followed up with arrests and charges. RCMP records show they seized their last firearm on July 10, 2013. The Minister himself must have approved the Provincial State of Emergency. Where are the records justifying the need for this declaration and Minister's response to the RCMP requests and their law enforcement activities in High River? The Minister must have known the RCMP actions would have serious legal and compensation claims against his government and must have responded accordingly.

Finally, I have attached a copies of two other e-mails, one dated June 25, 2013 obtained by a FOIP request from Alberta Justice and Solicitor General and the second dated July 12, 2013 obtained from the RCMP by an *Access to Information Act* request. I believe both e-mails are between Bill Sweeney, Assistant Deputy Minister/Director of Law Enforcement, Public Security Division of Alberta Justice and Solicitor General and Marianne Ryan, Assistant Commissioner, Office in Charge "K" Division Criminal Operations are in regard to the "legal authorities" the RCMP were using to justify their forced entry into hundreds High River homes, and subsequent unwarranted searches and seizures.

In the Justice e-mail, Asst. Commissioner Ryan states: **"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 our folks speaking to the media for their reference and confidence in speaking to this issue to the public."**

In the RCMP e-mail Asst. Commissioner Ryan states: **"I am also aware of the provisions of the Emergency Management Act and we have obtained a legal opinion from our counsel through the DOJ as to how and when we should consider the provisions of this Act. It is my understanding that authority from the Minister should be obtained if homes are to be inspected for any health or structural issues." [Emphasis added]**

The Minister being referred to in this second e-mail would be Minister Griffiths, Minister Responsible for Emergency Response. It would be most odd that a similar discussion would not also have taken place with officials in Municipal Affairs and records of same should have been provided in response to my request. Was the Minister Responsible for Emergency Response not just as concerned about the legal authorities being used or abused by the RCMP? Did the Minister and his officials not get a request from the RCMP about the extent of their authorities under the *Alberta Emergency Management Act* and whether they needed his approval? Did the Minister approve of these RCMP forced entries? From documents tabled in Parliament by the RCMP on September 15, 2014, we now know that no persons were rescued as a result of 754 forced entries in High River. Was the Minister not getting daily reports from High River about the RCMP forced entries, damages to homes and the results they were achieving under his watch?

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