Alleged Breach of Freedom of Information and Privacy Act / Peace Officer Code of Conduct

Report Prepared for:
Alberta Justice and Solicitor General

Prepared by:
Landmark Introspective Group Ltd.
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Scope

On December 22, 2016, Alberta Justice and Solicitor General contracted Landmark Introspective Group Ltd. to conduct investigations regarding an alleged direction to sheriffs to destroy records responsive to an Access to Information request.

The scope of this investigation was identified as:

- Prepare a structured interview plan for the individuals who have been identified by the Province as potential witnesses in the investigation of this matter.
- Prepare a structured interview plan for the interview of the individual who has been previously identified by the Province as a person of interest associated with this investigation.
- Conduct recorded interviews of applicable individuals.
- Prepare and deliver a written report to Erin Skinner summarizing the results of the interviews.

Notably, it was not within this scope to determine whether or not members of the Sheriffs Branch conducted an exhaustive search of their records in response to the FOIP Access to Information Request.

This report does not contain recommendations or conclusions regarding the findings of the investigations, and the details of this report should not be construed as offering any legal advice or direction regarding the dispositions of any matters reported on, or resulting from these investigations.

As the scope of the work to be performed did not include a detailed accounting of investigative steps taken, these particulars were not included in this report. The investigative steps taken are included within the rough electronic notes of the investigator, located on the Investigative USB Drive. If required, a more formal investigative report setting out the investigative steps and an analysis of the evidence can be drafted on demand.
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1. Executive Summary

1.1 On November 01, 2016, an applicant submitted a FOIP Request to Access Information, seeking the following: "I request a copy of the visitor log to the Alberta Legislature", for the date range of "May 15, 2015 – Date Received" (the FOIP request). The FOIP request was received by Alberta Justice and Solicitor General FOIP and Records Management on November 01, 2016. On November 04, 2016, the FOIP request was forwarded to the attention of the Chief Sheriff. The scope of the FOIP request was subsequently narrowed to seek only the Visitor's Logs held by the Sheriffs Branch, which involved visits to Ministers at the Alberta Legislature Building.

1.2 Based upon statements made by Sheriff P1 to Mr. R. Marks, Director of Justice and Solicitor General FOIP and Records Management and Ms. E. Skinner, legal Counsel with Justice and Solicitor General, an investigation was initiated into the following two allegations:

Allegation #1:

It is alleged that on November 04, 2016, Sergeant P1 of the Sheriffs Branch Legislature and Government Security, tore an unknown quantity of pages from a Solicitor General Sign-In Register, and ordered/directed his subordinates, namely Sheriff P1 and Sheriff P1, to shred those pages. It is further alleged that based upon this direction, Sheriff P1 shredded the pages which had been torn from the Sign-In Register. These shredded documents are believed to have been responsive to the FOIP request made by the applicant.

1.3 Allegation #2:

On or about November 04, 2016, Inspector P1 and/or Sergeant P1 may have intentionally deleted, or failed to produce, email records responsive to a FOIP request for all full copy of the Visitor's Logs for the Alberta Legislature, between May 05, 2015 and November 01, 2016.

1.4 During the course of this investigation, evidence was identified that led to the following additional allegation:

Allegation #3:

On November 04, 2016, and again on November 10, 2016, Sergeant P1 made false, misleading or inaccurate statements to Inspector P1 when he advised Inspector P1 that there were no paper records to produce in response to the FOIP request.
1.5 Investigative Summary

1.5.1 Investigations revealed that Sheriff’s recall of specific key events lacked consistency from one interview to the next. His notes also contained errors regarding important facts. As a result, the investigator concluded that Sheriff’s credibility as a witness was of concern in areas where his statements were not corroborated by other physical or testimonial evidence. Given Sheriff’s is the primary witness in this matter, this was somewhat problematic from an investigative standpoint.

1.5.2 Sheriff initially alleged that on the morning of November 04, 2016, Sergeant had ordered him and Sheriff to shred pages that Sergeant had torn from a guest Sign-in Register. In follow-up interviews, Sheriff changed his version to say that Sergeant did not order them to shred the pages. Rather, Sergeant comment to them was more of a "general statement" that the pages needed to be shredded, but was not specifically directed at either himself or Sheriff. Sheriff indicated that he had just interpreted what Sergeant said as an order for them to shred the pages. Sheriff could not recall specifically what Sergeant had said, but he also stated that whatever Sergeant had said to them about the shredding, was not directed specifically at him or at Sheriff. This lack of clarity regarding what Sergeant had specifically said to them was somewhat problematic.

1.5.3 Sergeant had, on other occasions in the past, told his staff that they were not supposed to be keeping the pages in the Sign-in Register. Rather, they were supposed to be shredding them once the related visit had concluded. This was in keeping with a long-standing practice for the handling of these records. Sergeant conceded that, after learning that his staff had not been tearing the pages out of the Sign-in Register on November 04, 2016, he may have again admonished them for this. However, Sergeant denied ever having ordered or directed any of his staff to shred the pages he had torn from the Sign-in Register on November 04, 2016.

1.5.4 Sheriff initially alleged that he refused to shred these pages, so Sheriff got up and shredded them. During his interviews, Sheriff began to second-guess what happened to the pages after Sergeant had torn them from the Sign-in Register. This lapse in recall caused the investigator to question whether or not Sheriff had actually witnessed Sheriff pick up the pages and shred them. Further complicating attempts to determine what happened to the noted Sign-in Register pages, was the fact that Sheriff could not (or would not) say if he shredded the noted pages that morning. Sergeant stated that, after tearing the pages out of the Sign-in Register and locating a few Visitor’s Log sheets that were responsive to the FOIP request, he kept these documents in his possession, intending to produce them in response to the FOIP request. Sergeant stated that he did not know what his staff may have shredded that morning, but was adamant about his having retained these pages.
1.5.5 Despite his claim that he retained the noted paper records in his possession, with intent to produce them in response to the FOIP request, within three hours of allegedly securing these pages, Sergeant then sent an email to Inspector which appeared to contradict this claim. The email read, “There are no paper copies available within the time frame asked for”. When confronted with the contradicting content of this email regarding his claim that he had intended to produce these records, Sergeant could offer no explanation.

1.5.6 Initially reported that he believed he had provided Inspector with the paper records that he had seized from the security counter and the electronic email records on November 10, 2016. Even so, he described having no specific recall of actually providing either the paper or electronic records to Inspector on that date.

1.5.7 On November 10, 2016, Inspector sent Sergeant an email asking him to provide him with the electronic records, and any paper records that Sergeant had gathered the previous Friday (November 04, 2016). Sergeant response to this request contradicted his version whereby he believed that he had provided Inspector with the paper records on that date. Sergeant email response to Inspector stated, “Yes. There is no paper or hard copies for the dates indicated.” Very shortly after sending this email, Sergeant provided Inspector with only electronic records in response to the FOIP request. When confronted with the contradictory nature of his email response to Inspector, Sergeant could offer no explanation.

1.5.8 recalled Sergeant telling him there were no paper records that fell within the date range of the FOIP request. As a result, when he received only the electronic records on a USB drive on November 10, 2016, he concluded that the Sheriffs Branch possessed no further records that were responsive to the FOIP request. He in turn reported these facts to Superintendent Cruikshank, who then advised Mr. Marks and Ms. Stanton that there were no paper records to produce.

1.5.9 The paper copies that Sergeant had torn from the Sign-In Register, and the few loose pages of Visitor’s Log sheets he located on November 04, 2016, have never been recovered. While there is circumstantial evidence to suggest these records were, in fact, shredded on November 04, 2016, there is a break in the chain of evidence, and as well as a lack of clear credible statement evidence to confirm this fact.

1.5.10 No evidence was found to suggest any electronic email copies of Sheriffs Branch Visitor’s Log sheets responsive to the FOIP request were withheld by Inspector or any other member of the Sheriffs Branch. In fact, 410 email records dating between August 25 and November 03, 2016, were produced by the Sheriffs Branch.
1.6 Incidental Issues

1.6.1 Sheriff not Anticipating an Investigation of his Concerns

Sheriff made it clear from the onset that he was concerned about what occurred on November 04, 2016, and had only contacted for advice on what he should do. Then spoke with Mr. Marks who is a work acquaintance of seeking advice about Sheriff concerns. Sheriff was asked to contact Mr. Marks directly. Sheriff was assured that, when he spoke with Mr. Marks, it was to remain an anonymous inquiry.

Mr. Marks in turn contacted Ms. Skinner, legal counsel at Alberta Justice and Solicitor General. Sheriff was then asked to speak with Ms. Skinner. Based upon what Sheriff had told Mr. Marks and Ms. Skinner, it was decided that this matter warranted investigation as a possible breach of FOIP and/or the Peace Officer Act. It was at this juncture that Ms. Skinner directed Sheriff to contact the investigator.

Sheriff was very concerned about how the situation had progressed from his having simply asked for advice, to the matter now being under investigation. It is worthy to note that Mr. Marks had informed Sheriff of the Whistleblower Legislation and/or the possibility of Sheriff himself, going directly to the Information and Privacy Commissioner, if he was concerned about his anonymity, or repercussion arising from his coming forward.

1.6.2 Lack of Sheriffs Branch Policy

Investigations revealed a lack of any Sheriffs Branch policy or training, regarding the retention or destruction of electronic or hard copy visitor-related records. The lack of policy contributed to the manner in which Alberta Sheriffs Branch management team responded to the FOIP request, and Sheriff perception of possible breaches occurring in response to the FOIP request.

Within days of receiving the FOIP request, Superintendent B. Cruikshank became aware of the lack of policy regarding retention of their Legislature visitor-related records and directed that no further visitor records be destroyed. He further directed members of his staff to work with staff of Alberta Justice and Solicitor General FOIP and Records Management to develop Standard Operating Procedures (SOPs), to ensure that future retention policy is in keeping with FOIP Legislation.

1.6.3 Additional Visitor-Related Records Recovered and Produced

During the course of this investigation, seven (7) Solicitor General Sign in Register logbooks, that had not been produced in response to this FOIP request were located. Sheriffs Branch management was unaware that these Sign-in Registers existed at the time of the FOIP
request, as they understood that their sheriffs were shredding these records. As soon as practical after locating these Sign-in Registers, and confirming that some of the entries in these Sign-in Registers may be responsive to this FOIP request, copies of the seven Sign-in Registers were turned over to Mr. Marks. During the course of this investigation, a sheriff was assigned by Superintendent Cruikshank to conduct a final search of all areas under control of the Sheriffs Branch at the Legislature. Four additional single pages of Visitor’s Log sheets were located and also provided to Mr. Marks.

1.6.4 Impact of Poor Notes and Limited Recall

Most witnesses and persons of interest had few notes and very limited recall of critical elements associated with the allegations, as set out above. This negatively impacted the investigation of this matter.

Poor witness recall encountered during the course of this investigation was in keeping with memory degradation studies, which assert that memory starts to degrade within 72 hours of an event, and continues to degrade exponentially with the passage of time. Furthermore, memories that are tied to significant markers are retained longer than those of a routine event. These points are in keeping with the investigators expertise in conducting interviews involving historical events. This is not to suggest that, in some cases, a witness or person of interest may claim a lack of recall, if they fear they may face some form of jeopardy should they answer truthfully.
2 Report Structure

2.1 The majority of evidence gathered during the course of this investigation was derived from testimonial evidence provided by witnesses, and persons of interest, over the span of 20 plus hours of interviews. Given the significant amount of detail obtained during the course of these interviews, this report is structured to first provide a high-level summary of the end products of these interviews, and the physical evidence that speaks directly to the allegations, themselves.

2.2 Given the varying versions of Sheriff\(^1\) statements regarding critical aspects of the investigation, the summary of his evidence, in particular, is somewhat protracted. It is the investigator’s opinion that it is necessary to report Sheriff\(^1\) and Sergeant\(^2\) statements in detail, in order to fully set out the evidence (or lack of evidence) in support of the information within the Executive Summary above.

2.3 A brief analysis of the evidence follows the review of said evidence gathered regarding the three allegations set out in Part 1 above.

2.4 This remainder of this report is set out in the following parts:

Part 3: Types of Sheriffs Branch Legislature Visitor Records – Sets out a basic understanding of the types of Legislature visitor-related records created by the Sheriffs Branch.

Part 4: Overview of Sheriffs Legislature Visitor-related Record Retention Practices – Speaks to the general retention practices as viewed by both management, and the sheriffs tasked with the day-to-day retention and destruction of these records.

Part 5: Summary of Evidence Regarding Allegations #1 and #3 - Sets out a summary of the interviews and physical evidence that speaks directly to these Allegations.

Part 6: Summary of Evidence Regarding Allegation #2 - Sets out a summary of the evidence that speaks directly to this Allegation.

Part 7: General Analysis – Provides a high level overview of the evidence as it relates to relevant Legislation.

Part 8: Incidental Matters – Speaks to the service of Notices of Investigation and the recovery of the seven Sign-in Registers.
3 Types of Sheriffs Branch Legislature Visitor Log Records

3.1 Three types of Visitor’s Log records are created by sheriffs to manage the process of vetting individuals who visit ministers or their staff, at the Alberta Legislature. Two are hard copy records, and one is an electronic set of email records of Visitor’s Log sheets. Sheriffs Branch management and sheriffs alike all described these records as follows [paragraphs 3.2 to 3.4].

3.2 **Electronic Records (Email Records):** When a staff member of a minister identifies an individual(s) that will be attending the Legislature Building, they will complete an Alberta Solicitor General and Public Security Visitor’s Log sheet (Visitor’s Log sheet) in advance of the visit [Attachment Tab 01]. The minister’s staff member will then attach the Visitor’s Log sheet to an email they send to the Sheriffs Legislature Security shared email Inbox: “legislature.security@gov.ab.ca”. Periodically, a minister’s staff member will send an email to the noted Inbox, without a Visitor’s Log sheet attached, opting instead to embed the visitor details in the body of the email.

3.3 **Hard Copy Alberta Solicitor General and Public Security Visitor’s Log Sheets:** The Visitor’s Log sheets and/or emails referred to in 3.2 above, are printed and placed in one of two binders; one for the current day, and one for future dates. In some cases, on short notice, a staff member from a minister’s office may call or email an on-duty sheriff at the security desk, to advise the sheriffs of the name of an individual(s) that will be attending the Legislature to visit the minister or a staff member. The sheriff who receives the phone call or email updating the visitor list, will update the appropriate binder by adding the visit details to an existing Visitor’s Log sheet for that minister. If no Visitor’s Log sheet exists for that minister, the sheriff will either create a new Visitor’s Log Sheet for the minister, or alternatively, place a yellow sticky note with the name of the minister and the visitor(s) in the binder. This is done within the alphanumeric folder related to the surname of the minister, or in some cases, the title of the individual to be visited, such as the Premier.

3.4 **Hard Copy Alberta Solicitor General Sign-in Registers:** These coil ring logbooks are pre-printed logbooks that are kept at the security desk at the main (North) front entry to the Legislature, and at the Loading Dock security desk located on the east side of the Legislature [Attachment Tab 02]. The Sign-in Register located at the main front doors is used primarily to capture visitor information from the general public who are visiting locations such as the library or cafeteria. In some cases, visitors will arrive unannounced to the Legislature asking to visit a minister or their staff. After appropriate permissions are received, these individuals are asked to sign the Sign-in Register and provide their phone number. Most individuals entering the Legislature through the loading dock door are members of the media, contractors, service people or caterers. Individuals attempting to enter the building through the Loading Dock doors, and who request to visit a minister or their staff, are directed to enter through the main doors of the Legislature.
4 Visitor Log Record Retention Practices

4.1 Retention Practices Prior 2008

4.1.1 Sheriff reported that from the time he started at the Legislature Security in 20, through to approximately 2008, all electronic and hard copy records were being retained for a 90-day period, before being destroyed. No other sheriffs currently working at the security desks at the Legislature were employed there during this time frame. Superintendent Cruikshank, Inspector and Sergeant had yet to assume their oversight roles in charge of Legislature Security, during this period of time.

4.2 Retention Practices 2008 to June 2013

4.2.1 Sheriff reported that, sometime in and about 2008, he and other sheriffs were instructed by Inspector Gourley to start deleting all visitor-related emails from the ministers' offices after the contents of the email or attached Visitor's Log sheets were printed. They were to shred the Visitor's Log sheets for that particular day, at the end of each day. They were also instructed to tear out the pages from coil ring Sign-in Registers at the end of each day, or within a few days of the visit, and shred those pages as well. Sheriff recalled that this instruction came after a FOIP request they had received at the time. No other sheriffs currently working at the security desks at the Legislature were employed there during this time frame. Sergeant stated that, when he initially started with the Legislature Security in 20, he received clear instruction from his former Inspector (Inspector Gourley) that all visitor-related records were to be destroyed or deleted at the end of each shift, or within a few days of the visit having occurred. It was his understanding that this practice was still in place until the FOIP request was received on November 04, 2016.

4.3 Retention Practices June 2013 to April 2015

4.3.1 Sheriff related that Sheriff D. Pasarica transferred into their unit in June, 2013. Sheriff Pasarica, having had with the Sheriffs Branch, sought and gained approval from Inspector Gourley to start keeping visitor-related records for intelligence gathering purposes. Sheriff could not recall if this direction came via email, or if it was just a verbal approval from Inspector Gourley for sheriffs to begin providing this information to Sheriff Pasarica; however, both Inspector and Sergeant indicated that they were not aware that Sheriff Pasarica had been keeping these records for intelligence gathering purposes. Both were under the belief that the longstanding practice of deleting electronic records and shredding hard copy records was still in effect during this time.
4.3.2 Sheriff stated that when Sheriff Pastarica transferred out of Legislature Security (April of 2015), no further intelligence gathering occurred. As a result, without any direction from management, they (sheriffs) returned to their previous practice of deleting electronic email records, and shredding the Visitor Log sheets sent to them by the ministers' offices at the end of each day. Sheriff reported that, rather than going back to the old practice of tearing out the pages from the coil ring Sign-in Registers, and shredding them each day, it was just easier to leave the pages in the Register until it was full. He stated that once a Register book was full, they just started throwing the Sign-in Registers into a shredding box, and then later into a filing cabinet in their office. None of the other sheriffs currently working at the security desks at the Legislature pre-dated the arrival of Sheriff Pasarica and, as such, they reported never having torn pages from the Sign-in Registers. Most of the Sheriffs had no idea what they were supposed to do with the Sign-in Registers when full.


4.4.1 Inspector reported that during August of 2016, he had noticed two separate incidents where special event information had not been processed properly. The information had been emailed to the shared Outlook Inbox for sheriffs working at the Legislature Security; however, the email had been deleted without the information being printed and posted for everyone's attention at the front security desk. As a result, Inspector directed Acting Sergeant Naval to look into the matter and come up with a solution. At the time, Acting Sergeant Naval was acting supervisor for Sergeant who was away on vacation. On August 25, 2016, Sergeant Naval distributed an email to all sheriffs working at Legislature Security, suggesting that they keep all email records, and recommending that they place an electronic check mark next to the email after they printed the contents of the email. Inspector and Sergeant were copied on this email [Attachment Tab 03]. Inspector stated that he did not follow up on this matter, as he had left his supervisor to deal with it as the issue was a "no-brainer".

4.4.2 Sheriff and several other sheriffs all referred to this email as a change to their practices. From that date forward until November 04, 2016, they started to keep all of the emails received in their general email Inbox folder, but continued to shred the Visitor Log sheets at the end of each day, after they had been printed from the emails. Sheriff reported that it was not long after the August 25, 2016 email from Acting Sergeant Naval, that some of the sheriffs reverted back to their old practice of deleting the emails after they printed the contents. He stated that they knew they could always go into the deleted items folder if they needed to find an email that had not been printed. When the search for email records was conducted on November 04, 2016, the oldest email Visitor's Log dated back to August 25, 2016, the date of Acting Sergeant Naval's email.
4.4.3 All of the sheriffs reported that they continued to leave the pages in the Sign-in Register books until they were full. Once full, most stated that they would just throw the Sign-in Registers on a shelf or in a cabinet. None of the sheriffs who started at the Legislature after Sheriff Pasarica’s arrival in 2013 could say why they kept the pages intact in the Sign-in Registers instead of shredding them, or what they were supposed to do with them when the Register was full. The preceding practice remained in place until November 07, 2016.

4.4.4 Neither Inspector nor Sergeant recalled Acting Sergeant Naval’s email which suggested they begin keeping all of the emails. Both indicated that when they received the FOIP request on November 04, 2016, they were still under the impression that all electronic and hard copy visitor-related records were being deleted or destroyed at the end of the day, or within a few days of the visit occurring. Inspector related that when he spoke with Sergeant on November 04, 2016, Sergeant reaffirmed that this was their practice. Both reported being surprised to learn that there were in fact email records to produce in response to the FOIP request, and that hard copy Sign-in Register sheets/books were being kept by their staff. Inspector indicated that the issue he asked Acting Sergeant Naval to deal with was not related to visitor-related emails from ministers, but emails that were not being printed and posted for special events, for all sheriffs to be aware of.

4.5 Retention Practices from the Week of November 07, 2016 to Current

4.5.1 During the week of November 07, 2016, Superintendent Cruikshank twice directed that all Sheriffs Legislature hard copy and electronic records no longer be deleted or destroyed until such time as an SOP can be developed, which would establish a policy in keeping with FOIP legislation.

4.6 Information Regarding General Retention Practices

4.6.1 There appeared to be a common frustration among sheriffs who worked the security desk, in that they never had any clear direction or training on what they were supposed to be doing with visitor-related records. Some reported that as a result, they simply watched what others did and then emulated what the observed, while other just decided what to do based on their own judgment.

4.6.2 Sergeant indicated that, over the years, he had been clear in his expectation to his staff that all electronic and hard copy records were not to be left lying around, and were to be destroyed at the end of each day or within a few days of the visit. He stated that every couple of months since he started in there would be days that he would check on his staff and he would find Visitor’s Log sheets lying around. Whenever he would see this, he would tell the staff working at the time something like, “You guys get rid of this stuff. You know you are not supposed to be leaving it lying around”. He conceded that over the past
couple of years, he has not been checking in at the Legislature as much as he used to, as he was assigned to research, develop and implement \textit{something} for the Federal Building. He commented that his work at the Federal Building was a full-time job, even though he was also responsible for the security of all visitors and events at the Legislature, as well as the next-door Annex building. He has thirteen direct reports he is responsible for, whose purview it is to look after the day-to-day security operations at these buildings.

4.6.3 When asked a few specific questions about some of the practices his staff utilized to record visitor-related information, Sergeant \textit{[Redacted]} was unable to describe exactly what his staff did, stating that it had been many years since he had actually worked at the Legislature security desks. Sheriff \textit{[Redacted]} confirmed that they never see Sergeant \textit{[Redacted]} working at their security office. Sergeant \textit{[Redacted]} office is in the Annex building, just east of the Legislature building, so he has to leave his office when he wishes to check in with his staff at the Legislature.
5. Summary of Evidence Regarding Allegation #1 and Allegation #3

Allegation #1:

It is alleged that on November 04, 2016, Sergeant of the Sheriffs Branch Legislature and Government Security, tore an unknown quantity of pages from a Solicitor General Sign-in Register, and ordered/directed his subordinates, namely Sheriff and Sheriff to shred these pages. It is further alleged that based upon this direction, Sheriff shredded the pages which had been torn from the Sign-In Register. These shredded documents are believed to have been responsive to the FOIP request made by the applicant.

Allegation #3:

On November 04, 2016, Sergeant made false, misleading or inaccurate statements to Inspector when he advised Inspector that there were no paper records to produce in response to the FOIP request.

Allegations #1 and #3 are somewhat related as both arise out of the collection and lack of production of paper records that were responsive to the FOIP request, which were not produced by the Sheriffs Branch.

Presenting a summary of the evidence gathered in relation to these two allegations is still somewhat protracted, given the differing versions Sheriff provided regarding key aspects of what had transpired. Understanding how his versions changed, his uncertainty as to key facts, and errors he made in his notes, is key to addressing his credibility as a witness, and assessing how much weight can be given to his version, versus that of other witnesses, or persons of interest.

Further complicating the presentation of the evidence is the lack of recall of other witnesses and persons of interest. Accordingly, while summaries of their statements are included, sufficient detail from their interviews must be included to allow the credibility and reliability of their statements to be assessed.

Given the magnitude of evidence that requires inclusion in this report, the evidence has been set out in following four categories for ease of presentation and review:

- Undisputed facts
- Sergeant alleged comments regarding destruction of Sign-in Register sheets
- Evidence regarding the disposition of the pages torn from the Sign-in Register
- Evidence regarding Sergeant allegedly making false statements to Inspector
5.1 Undisputed Facts

There is no dispute regarding the following facts with respect to Allegation #1 and Allegation #3:

5.1.1 Sergeant reported that, based upon direction of then Inspector Gourley, the long-standing practice was that visitor records were not to be left lying around, and that all electronic and hard copy visitor records were to be destroyed on the day of, or within a few days of the related visit(s) occurring.

5.1.2 It was the Sheriffs Branch's position that once a visit occurred, the records were no longer of any value. Sergeant reported that, on several occasions going as far back as 2007, he would arrive at the front security counter and find that his staff had not been destroying the records, so he would remind them of the direction they had been given that they were to destroy the records.

5.1.3 Superintendent Cruikshank, Inspector and Sergeant were all of the belief that Inspector Gourley's direction to destroy all electronic and paper visitor related records at the end of each day, or within a few days of the visit, was still the retention practice as of November 04, 2016.

5.1.4 Several of the sheriffs commented about there being no policy that speaks to retention or destruction of visitor-related records, so sheriffs new to Legislature security either adopted what others were doing, or simply dealt with visitor-related records as they felt appropriate.

5.1.5 On November 01, 2016, the FOIP request was received by Alberta Justice and Solicitor General FOIP and Records Management for all Visitor Logs held by the Sheriffs Branch between May 05, 2015, and November 01, 2016 [Attachment Tab 04].

5.1.6 At 8:33 a.m. on November 04, 2016, Alberta Justice and Solicitor General FOIP and Records Management forwarded the particulars of the FOIP request to the Chief Sheriff [Attachment Tab 05].

5.1.7 At 8:57 a.m. on November 04, 2016, the Chief Sheriff's executive assistant forwarded the FOIP request on to Superintendent Cruikshank for his attention [Attachment Tab 05].

5.1.8 At 9:44 a.m. Superintendent Cruikshank (on a day off) forwarded the FOIP request to his direct report, Inspector asking him to get started on gathering the documents right away [Attachment Tab 05].
5.1.9 At 9:47 AM, Inspector [PI] responded to Superintendent Cruikshank, acknowledging his email and advising him, “I will get this started with Sergeant [PI].” [Attachment Tab 05].

5.1.10 At 9:48 a.m. Inspector [PI] forwarded the FOIP request to his direct report, Sergeant [PI], commenting only, “FYI” [Attachment Tab 05].

5.1.11 At 9:48 AM, Inspector [PI] responded to Superintendent Cruikshank, stating, “I can let you know that there will not be much as at the end of the work week, the Visitor’s Logs are shredded” [Attachment Tab 04].

5.1.12 Sometime between 9:44 a.m. and approximately 10:00 a.m., Inspector [PI] and Sergeant [PI] spoke with each other, either in person or over the phone, about the type of records that may be available for production in response to the FOIP request. While neither Inspector [PI] nor Sergeant [PI] could recall exactly what was discussed, they were consistent in their statements, that Sergeant [PI] had informed Inspector [PI] that there probably would be few, if any, paper records to produce, as their retention practices were to shred all Visitor’s Log sheets at the end of the day, and to shred the coil ring Sign-in Register sheets within a few days, or at the end of the week, of a visit occurring. The electronic email records were deleted each day, after the visitor information was printed from the email.

5.1.13 By the time the FOIP request had been received by the Sheriffs Branch on November 04, 2016, three business days had passed. The FOIP request sought the Visitor’s Log for the Legislature between May 05, 2015 and November 01, 2016.

5.1.14 Superintendent Cruikshank, Inspector [PI] and Sergeant [PI] all believed that the email records, the Visitor’s Log sheets and the coil ring Sign-in Register logbooks that fell with the date range of the FOIP request, were all responsive records that must be produced.

5.1.15 At some point between 9:50 a.m. and approximately 10:30 a.m., Sergeant [PI] went to the front security desk at the Legislature to determine what, if any records were available for production. On reviewing the Sign-in Register that had been sitting on the front security desk customer counter, Sergeant [PI] found pages contained within the Sign-in Register, that were responsive to the date range set out in the FOIP request. As a result, in one motion, Sergeant [PI] found an estimated five to fifteen pages from the coil ring Sign-in Register, while making a comment to the staff, something to the effect of, “they were not supposed to be keeping these records, they needed to be shredded”. Sergeant [PI] also located “a few sheets” (up to ten loose sheets) of the hard copies of Visitor’s Log sheets that were believed responsive to the FOIP request.
5.1.16 Both Sheriff and Sergeant believed that the pages removed from the Sign-in Register would have been pages recording visits to the Legislature, dating somewhere between mid-October, 2016, and the first few days of November, 2016.

5.1.17 Between 9:50 and 10:30 AM, Inspector went to the front security desk, to determine what electronic email records may still be available for production.

5.1.18 Inspector reported that, at some point on November 04, 2016, Sergeant told him that there were no paper records to produce.

5.1.19 At 1:46 p.m., Sergeant sent an email to Inspector under the subject of "Visitor's Logs", stating in the body of the email, "411 items containing visitor information has been secured to a USB. There are no paper copies available within the time frame asked for".

5.1.20 On November 10, 2016, Inspector sent Sergeant an email asking for the fob and any paper records regarding the FOIP request. Sergeant responded within two minutes, again telling Inspector that there were no paper or hard copies for the date range requested.

5.1.21 No hard copy (paper) records of the Visitor's Log sheets or pages from the coil ring Sign-in Register were produced in response to the FOIP request.
5.2 Sergeant Comments Concerning Destruction of Sign-in Register Sheets

5.2.1 At the outset of this investigation, Inspector and Sheriff were identified as persons of interest. Accordingly, prior to their interviews, they were given a written Notification of Investigation, advising them of the issue under investigation, the potential jeopardy they may face if the allegations were proven, and their contractual right to have a union representative, or shop steward present during their interview [Attachment Tab 06].

5.2.2 The following sheriffs were identified as the on-duty sheriffs who worked at the Legislature security desk area during various time periods on November 04, 2016, and who may have been witness to the events related to these allegations. All were advised of their contractual right to have a union representative, or shop steward present during their interview.

- Sheriff Member of the Legislature Security since 2017
- Sheriff Member of the Legislature Security since 2017
- Sheriff Member of the Legislature Security since 2017
- Sheriff Member of the Legislature Security since 2017

5.2.3 All interviews were recorded. The recordings are retained within the Investigative USB Drive under the Interview Audio Files folder.

5.2.4 Of the above noted sheriffs, Sheriff was the only witness that described in detail comments made by Sergeant as he tore the pages from the Sign-in Register on November 04, 2016. Sheriff interpreted Sergeant comments made to him and Sheriff that date, as being a verbal direction or order for them to shred the pages Sergeant had torn from the Sign-in Register. Sheriff believed that these pages may have been responsive to the FOIP request. Sheriff provided several variations describing what specifically Sergeant had said to him and Sheriff that morning. This evidence is of particular importance considering is speaks directly to Sergeant intent at the time he made these comments to Sheriff and Sheriff. In particular, whether or not Sergeant willfully directed his staff to destroy records responsive to the FOIP request with intent to evade production of these records. Sergeant denied that he had ordered or directed any of his staff to shred the pages he tore from the Sign-in Register on that date.

Sheriff has years of service in Law enforcement, including.
5.2.5 The first version of how Sheriff described Sergeant comments at the time he tore the pages from the Sign-in Register, was reported by Mr. Marks. Mr. Marks had no notes and limited recall of his specific discussions with both Sheriff and Sheriff Mr. Marks first spoke with who had advised him that he had "a friend" who worked at the Legislature, and that this person had been ordered to destroy records responsive to a FOIP request. While Mr. Marks was certain this was the wording had used, it was still third hand information regarding Sheriff statements.

5.2.6 Mr. Marks subsequently received a phone call from Sheriff. While Mr. Marks could not recall specifically what Sheriff had said to him, he believed that Sheriff had expressed his concern about electronic records that were responsive to a FOIP request which may have been deleted and/or not produced. He could not recall Sheriff having mentioned anything about paper records being destroyed, but he could not say with any certainty that this had not been discussed. Sheriff advised him that, prior to the day of the FOIP request, "a guy" would routinely come down and tell them to destroy the visitor-related records. Mr. Marks believed that Sheriff had described the "guy" as a civilian manager at the Legislature. As a result of what he had learned, Mr. Marks sought advice from Ms. E. Skinner, legal counsel with Justice and Solicitor General.

5.2.7 In early December 2016, Sheriff spoke with Ms. Skinner on two occasions. At that time, he advised her that that someone had come to their work area and told him to destroy some paper records. After he refused to, someone else at the front counter destroyed them. It was believed that the paper records were responsive to the FOIP request.

5.2.8 On December 22, 2016, the investigator spoke with Sheriff for the first time. Sheriff provided a brief summary, over the phone, of what had occurred on November 04, 2016. In addition to other details relating electronic email records, Sheriff advised the investigator that Sergeant came to the front desk and stated they should not be keeping the guest Register pages (Sign-in Register). Sergeant then ripped out pages from the Register, put them on the security desk, and told him to shred the pages. He "refused" to shred the pages, as he did not agree with this direction, so another sheriff at the security desk got up and shredded the pages, which had been torn from the Register.

5.2.9 On January 11, 2017, Sheriff was interviewed for the first time. At that time, he provided the following version of what Sergeant had said to Sheriff and himself, when Sergeant tore the pages from the Sign-in Register:

I am not an expert in our FOIP policies. What was transpiring at the Leg when this whole thing came out, saying we have a FOIP request, you need to destroy these documents; it felt wrong.
5.2.10 Sheriff was asked to go over his version of what occurred on November 04, 2016 once again. Sheriff had related that he was seated at the small computer desk just outside, and to the south of, the door to the back office. He saw Sergeant walk in.

5.2.11 He referred to his notes, and then provided the following version:

Um...So at 10:25 am, the Sergeant, he came in, um...he grabbed our duo tang Guest Registry, picked it up, tore about three weeks of paper out of it, threw it down, said, "This needs to be shred, shredded. We have a FOIP request, the boss is coming, you guys know you are not supposed to keep records, right?" And at this point, is when I first started feeling a little uncomfortable, because we actually have a memo saying, "Do not destroy anything." Now he's saying we're not...we shouldn't have been keeping records all this time.

5.2.12 Sheriff continued on to describe other aspects of what occurred at the time, and then again described Sergeant statement to them, as follows:

I...I should backtrack. Prior when the Sergeant came in, and started...ripped out the sheets, went outside to stand the post on the front steps. Um...I refused; I wasn't going to shred the documents because again, he said...it just didn't make sense. "We have a FOIP request, you need to shred these documents."

5.2.13 While reviewing his version, Sheriff once more described what Sergeant had said to them, stating, "So when he ripped out the Duo-Tang, he threw all the paperwork at that end of the desk and said that someone needs to shred this."

5.2.14 Further on during this interview, Sheriff once again described what Sergeant had said to them:

He walked over to the counter to the Duo Tang: He picked it up, flipped though I don't know how many pages; I wasn't paying too close attention. And then ripped out, this is where its only half a book, ripped out a good portion of it, threw it down at the end of the desk, and that's when he proceeded to say, "There has been a FOIP request, someone needs to shred these, you guys know you are not supposed to be saving this, right? And the manager's coming."

5.2.15 While reviewing his statements once again, Sheriff described what Sergeant said to them, stating, "You guys know we are not supposed to be keeping these records...These need to be shredded."

5.2.16 Given that his original allegations regarding Sergeant having ordered him and Sheriff to shred the pages torn form the Sign-in Register had softened somewhat.
during his interview. Sheriff \textsuperscript{P1} was asked directly if Sergeant \textsuperscript{P1} had directed his comments specifically at them. Sheriff \textsuperscript{P1} responded, "He's, it's a general comment. it wasn't specifically to me or someone." When asked if this included the comment, "These need to be shredded", Sheriff \textsuperscript{P1} responded, "Yeah, and you know we are not supposed to be keeping them." Sheriff \textsuperscript{P1} indicated that he did not ask Sergeant \textsuperscript{P1} to clarify what he meant.

5.2.17 Sheriff \textsuperscript{P1} difficulty in recalling specifically what Sergeant \textsuperscript{P1} had said at that point, may well have been due to his emotional state at the time, as Sheriff \textsuperscript{P1} then stated:

I just went to the...it was circuit overload because we had just got that memo shortly before. Ah, as I said, It keeps flip-flopping and I'm always on the wrong end. I'm always doing the opposite of what we are supposed to be doing. So I'm saving it, were not supposed to be saving it. Then I'm not saving it and you're supposed to be saving it. And it was just, it was more I was in shock if anything because, this is great, we are saving all our documents and he comes in and you know you're not supposed to be saving it here. C'mon [Emphasis added].

5.2.18 Sheriff \textsuperscript{P1} also described that he recalled Sheriff \textsuperscript{P1} telling him about what Sergeant \textsuperscript{P1} had said to them. He stated:

And at that point, I contacted \textsuperscript{P1} to ask what is our actual policy. And then I asked Sheriff \textsuperscript{P1} about the papers and why he shredded them. And he just said, "We were ordered to shred them, and there was a FOIP request so I did as ordered".

5.2.19 On review a short time later, Sheriff \textsuperscript{P1} confirmed that Sheriff \textsuperscript{P1} had told him that the reason he shredded the papers was because he had been ordered to.

5.2.20 On January 23, 2017, a follow-up interview was conducted with Sheriff \textsuperscript{P1}. While reviewing what had occurred on November 04, 2016, he described what Sergeant \textsuperscript{P1} had said to both him and Sheriff \textsuperscript{P1} when Sergeant \textsuperscript{P1} walked in, stating:

He grabbed the book, said they had a FOIP request out...in. Ripped it. So, if this is the duo-tang, right, this is the present day, that you're looking at, so he flipped back a couple of days, took the remainder, ripped it out, and said, "We have a FOIP request, you guys know you are not supposed to be keeping this stuff. Someone needs to shred this."

5.2.21 On February 07, 2016, Sheriff \textsuperscript{P1} provided the investigator with a copy of his notes that he reported having had completed on the morning of November 04, 2016 [Attachment Tab 07].
5.2.22 On February 08, 2016, Sheriff interviewed over the phone regarding certain aspects of his notes. The following was the entry in his notes that related specifically to what Sergeant did when he tore the notes from the Sign-in Register. No reference was made to what Sergeant had said to him and Sheriff at the time:

Sgt took out by ripping on the pages dating back weeks from the Registry AND Put in For destruction by Shredding.

5.2.23 This suggested that Sergeant himself, had put the pages in for destruction by shredding. Sheriff was asked what he meant in his notes when he wrote that Sergeant had put the pages he tore out of the book "in for destruction by shredding". Sheriff responded, "This has to be shredded."

5.2.24 Sheriff notes also had the following entry:

Sgt. also informed Sheriff about the papers that needed to be shredded.

5.2.25 The terminology, "also informed", in his notes was a considerably softer version of their being ordered or directed. Sheriff was asked what he meant by, "Sgt. also informed Sheriff about the papers that needed to be shredded." Sheriff sounded somewhat confused trying to explain this entry, stating:

"I'm just reading my notes from what I wrote that day. Because I don't remember him specifically telling Sheriff. It was, I thought, thinking back now, it was just a general statement. There's two of us there, these need to be shredded. It wasn't directed at one specific person." [He then stated] "But for some reason in my book I put, informed Sheriff about the papers." [He clarified] "That was a general statement to us there. It wasn't you go shred these now. It was, 'These need to be shredded'." [Emphasis added]

5.2.26 Sheriff statement from his previous interview of what Sheriff had said to him was read back to him, as follows. He had previously stated that he later asked Sheriff

...about the papers, and why he shredded them. And he just said, "We were ordered to shred them, and there was a FOIP request, so I did as ordered." Sheriff never indicated any concern about what had occurred to him.

5.2.27 Sheriff notes, which described this conversation, were substantively different:

1056 hrs 4-Nov 2016 I spoke with Sheriff ABOUT him shredding All the Visitor's Logs. Sheriff stated yes he destroyed them Because Sgt and Inspector wanted them all gone in case of a FOIP Request.
5.2.28 Sheriff [PI] was asked about how his notes included Inspector [PI] in what Sheriff [PI] had told him. He had made no mention in his previous version that Sheriff [PI] had said anything about Inspector [PI] as it related to the shredding of the Sign-in Register sheets. Sheriff [PI] explained this inconsistency, as follows:

"Not [PI] was the one that said it. I just assumed that one came. [PI] came first, and then Inspector [PI] came a couple minutes after him. Yeah, so I assumed that [PI] and him were on the same mission. Like they, they were coming in..."

5.2.29 On review of the above statement, Sheriff [PI] confirmed that his notes were based on his assumption that Sergeant [PI] and Inspector [PI] "were on the same mission", wanting the records destroyed. He could not state this as fact. In retrospect, he confirmed he should not have included Inspector [PI] in this entry of his notes.

5.2.30 Sheriff [PI] was interviewed on January 20, 2017, with a Union representative present. He had no notes on what occurred on November 04, 2016, and he also had very poor recall of specifics of what occurred.

5.2.31 Sheriff [PI] could not recall who was present when Sergeant [PI] came to the front desk that morning. He believed that Sergeant [PI] asked him for the coil ring Sign-in Register, and then tore out some pages from the Register. Sheriff [PI] had difficulty recalling what Sergeant [PI] said when he tore the pages from the book. He could not say with certainty, but he felt that at some point, Sergeant [PI] mentioned that they had a FOIP request.

5.2.32 While he recalled that Sergeant [PI] used the word "shred", he could not recall in what context the word had been used. He had never seen anyone tear pages from the Sign-in Register before, and felt that Sergeant [PI] actions were odd in doing this. Sheriff [PI] stated that, at the time, he felt that if they had a FOIP request, Sergeant [PI] should "just give them the records". He added that he did not know with certainty why Sergeant [PI] had torn the pages from the book, and that it may have been done in order to produce the records in response to the FOIP request.

5.2.33 After making it clear that he could not recall anything else, Sheriff [PI] was asked more probing and direct questions regarding information that had been alleged by Sheriff [PI]. He was asked if it was possible that, when Sergeant [PI] tore the pages out of the Register, that Sergeant [PI] asked someone to shred them. He stated, "It could very well have...; 'Could somebody shred these.' He could have said, 'Could somebody shred these?' Now did somebody shred these, I don't know." Sheriff [PI] was asked if he actually recalled Sergeant [PI] saying this, or was he just agreeing that Sergeant [PI] could have said it. He responded:
The deeper a person thinks about it, I told you a while ago to, is that I was pretty sure he said something about FOIP, when he got it. And the more I think about it, and the more I knock it around in my head, I am pretty sure that he had asked somebody. He didn't say 'Shred them', or 'Shred them', or 'Why Shred them'. No, I...shredding is in my mind. Um, but his exact words were? I can't say I found it strange, overly strange that he asked, that he tore them out. That he didn't want them for some reason. Um...hm, personally, I don't know why, but that's between him and his conscience.

5.2.34 Sheriff J was asked if this was actually something he recalled. He felt it was a recollection that had been triggered by what was being discussed. He repeated that he recalled Sergeant P stating, "Shred these", but then stated that he could not recall exactly what Sergeant P had said. Sheriff J said that he was comfortable saying that the word, "Shred, came out of Sergeant P's mouth."

5.2.35 During his initial interview on January 19, 2017, Sergeant P related that when he had arrived at the front security desk, he believed he said good morning to his staff, and then advised them that they had a FOIP request. He could not recall his exact wording, but stated that it would have been something to the effect of, "We're getting a FOIP request, but we don't have anything because we destroy it (pause), and I can't remember if they laughed or not."

5.2.36 As noted in Part 4 above, Sergeant P had described how on several occasions over the past several years he had found that his staff were leaving hard copy records lying around, contrary to the direction they had been given. When he would see this, he would remind those working at the time that they were not supposed to be leaving the visitor sheets lying around, and were supposed to be shredding them.

5.2.37 Given the number of times Sergeant P had cautioned his staff in the past about destroying records, and given the fact that Sergeant P committed to not being able to recall exactly what he had said to his staff, he was advised of the following near the end of his first interview. The investigator had received information generally, that on the morning of November 04, 2016, Sergeant P took the pages from the Sign-in Register, and told his staff that they were not supposed to be keeping them, and that they were supposed to be destroyed. As this was being said to him, Sergeant P interjected stating, "That's right."

5.2.38 Further on in his interview, while discussing whether or not he would have told his staff to shred the records he had torn from the Sign-in Register, Sergeant P stated that he was 100% certain that he had never directed any of his staff to shred the records. He stated, "I would have possibly said you are not supposed to be keeping these, but I would not say now were going the shred all this stuff, we will not be sending this in. Never, ever, ever."
5.2.39 While discussing various possibilities of what could have occurred during a follow-up interview with Sergeant T. on January 27, 2017, Sergeant P. again described what he recalled having said to his staff on the morning of November 04, 2016. He stated, "That they have a request for FOIP. So oh, I know we probably don’t have anything, but we have been asked to collect what we have and to send it off." He felt this would have been close to what he had said to them. He stated that he did not direct them to gather any documents. He reviewed what happened next, stating that when he, "...removed the pages and I think I addressed the fact that they are keeping too many pages, cause the directive was to get rid of that information." He stated that he could not recall the specific wording of what he said to his staff that morning. Sergeant T. remained adamant that he never told his staff to shred the sheets he tore from the Sign-in Register.
5.3 Evidence Regarding the Disposition of Pages Torn from Sign-in Register

5.3.1 Sheriff \( P \text{.} \) was the only witness to state that the pages Sergeant \( P \text{.} \) had torn from the Sign-in Register had been shredded. As with his inability to recall with certainty specifically what Sergeant \( P \text{.} \) had said to him and Sheriff \( P \text{.} \) about shredding these pages, he also had difficulty consistently recalling exactly what happened to the pages once Sergeant \( P \text{.} \) had torn them out of the Sign-in Register.

5.3.2 The following speaks to the evidence gathered leaving some question as to the final disposition of the pages Sergeant \( P \text{.} \) torn from the Sign-in Register.

5.3.3 During early December 2016, Sheriff \( P \text{.} \) advised Ms. Skinner that someone had come down to his work area, and told him to destroy some paper records. Sheriff \( P \text{.} \) related that he did not want to shred the records, so someone else at the front counter did. Ms. Skinner stated that Sheriff \( P \text{.} \) was clear that he had been directed to destroy records.

5.3.4 During their December 22, 2016 phone call, Sheriff \( P \text{.} \) advised the investigator that Sergeant \( P \text{.} \) came to the front desk and stated that they should not be keeping the Sign-in Register pages. Sergeant \( P \text{.} \) then ripped pages out of the Register, put them on the security desk, and told him to shred the pages. He stated that he "refused" to shred the pages, as he did not agree with this direction. As a result, another sheriff working at the security desk shredded them. Sheriff \( P \text{.} \) stated that he did not know FOIP law, but he felt that what happened was wrong and "dirty". Sheriff \( P \text{.} \) was not asked any follow up question regarding the information he provided, as the investigator felt it prudent to wait until he had his Union representative present at his interview.

5.3.5 During his initial interview on January 11, 2017, Sheriff \( P \text{.} \) described the pages from the Sign-in Register being shredded by Sheriff \( P \text{.} \) as follows:

\[ I...I \text{ should backtrack. Prior when the Sergeant came in, and started...ripped out the sheets, } P \text{.} \text{ went outside to stand the post on the front steps. Um...I refused; I wasn't going to shred the documents because again, he said...it just didn't make sense, "We have a FOIP request, you need to shred these documents." So, I got up, walked away from the computer; Sheriff } P \text{.} \text{ got up, shredded the documents.} \]

5.3.6 Sheriff \( P \text{.} \) then expressed his concern about their practice of retaining and/or shredding records always "flip flopping" back and forth.

5.3.7 Sheriff \( P \text{.} \) then described his having asked Sheriff \( P \text{.} \) about shredding the pages from the Sign-in Register later that morning, stating he asked Sheriff \( P \text{.} \) "...about the
papers, and why he shredded them. And he just said we were ordered to shred them, and there was a FOIP request, so I did as ordered." As noted in paragraphs 5.2.26 to 5.2.29 above, Sheriff confirmed that his notes regarding this conversation, which he had with Sheriff on that date, were inaccurate. As such, he was relying on his recall of this conversation, some two months after the fact.

5.3.8 When reviewing Sheriff version of what Sergeant did with the pages he had torn from the Sign-in Register, Sheriff again stated that Sergeant had torn the pages out, and then he placed them on the west edge of the security desk. He drew the following picture of the front security desk/counter area, and marked the area on the west edge of the counter where he reported Sergeant had placed the noted Sign-in Register pages [Attachment Tab 08]. The text boxes were added by the investigator to indicate how Sheriff had verbally labelled the diagram.

5.3.9 The following is a photo of the front L-shaped security desk area, which is being viewed from east to west, as represented in the diagram provided by Sheriff.
Raised front security desk with a coil ring Sign-in Register sitting on it in January of 2017

5.3.10 Sheriff P1 was asked to review what had occurred on November 04, 2016, when Sergeant T^ walked into the front counter area. He stated:

*He walked over to the counter to the Duo Tang: He picked it up, flipped though I don't know how many pages; I wasn't paying too close attention. And then ripped out, this is where its only half a book, ripped out a good portion of it, threw it down at the end of the desk, and that's when he proceeded to say, “There has been a FOIP request, someone needs to shred these. You guys know you are not supposed to be saving this, right? And the manager's coming”. And that was it. And that was when the manager came and started... (Sheriff P1 was interrupted by the investigator to confirm when Inspector *arrived).*

5.3.11 It was noted that in the above quote, Sheriff P1 made no mention of Sheriff P1 getting up and shredding the pages, prior to Inspector (the manager) arriving. Sheriff P1 was asked when it was that Inspector arrived. He stated it was within “fifteen seconds” of Sergeant P1 having torn the pages from the Sign-in Register, which he had referred to as the Duo Tang.

5.3.12 Sheriff P1 stated that they have no policy regarding the retention of the Sign-in Register logbooks. He stated that it was just easier to keep them, than it was to tear the pages out at the end of each day, and for them to throw the books out when they were full (until the sheriffs, themselves, decided to start keeping them in 2015). When asked again about the pages Sergeant P1 tore from the Sign-in Register, Sheriff P1 stated that he felt Sergeant P1 probably tore out everything from October 30, 2016 to November 04, 2016, and then left the pages he had torn out, and the Sign-in book, on the security counter.

5.3.13 When asked how long a time it had been between when Sergeant P1 placed the pages on the counter to when Sheriff P1 shredded the pages from the Sign-in Register, he immediately responded, "two or three minutes". Sheriff P1 confirmed that Sergeant P1 had given them no further direction, and that the pages “were just sitting there”. Sheriff P1 stated, “I wasn’t moving to do it, he got up and did it”. Sheriff P1 did not verbally refuse to shred the pages; he just did not get up to shred
them. According to this latest version, the timing should have resulted in Inspector being present when Sheriff had gotten up and shredded the pages. This was due to the fact that Sheriff estimated that Inspector had arrived about fifteen seconds after Sergeant tore the pages from the Register.

5.3.14 As the investigator was catching up on notes for approximately 40 seconds, Sheriff asked if he could speak to his “emotional level” at the time. He stated, “The front desk is under visual surveillance. So there is a camera. The camera catches from this line forward.” He continued on saying, “Now what upset me is that he came, grabbed the book, he walked over here, ripping out... threw them there (marking on the west edge of the security desk counter in his diagram, which would and then walked back. So I was upset that... I would be the... myself or Sheriff we’re the fall guys. We’re the last ones to, to see these documents. So this is where I started to get... so we have this memo. Now I’m being told that, that we need to do this and it’s...” His dialogue ended at this point in mid-sentence.

5.3.15 On review of what he just had described, Sheriff went on to state that he believed that after Sergeant placed the pages on the west edge of the counter, Sergeant then walked back to the east side of the counter and put the Sign-in Register back to where he had initially picked it up. It was clear from Sheriff’s description he felt that Sergeant had intentionally moved out of camera range, to avoid being captured tearing the pages from the Register.2

5.3.16 As noted in paragraph 5.2.30 above, during his January 20, 2017 interview, Sheriff had little recollection of how the events related to this matter had unfolded.

5.3.17 While the following is a summary of Sheriff’s recall regarding what happened to the pages that had been from the Sign-in Register, Sheriff provided very little information in his open narrative regarding what happened to the noted pages. It was only with the use of verbal prompts, and direct questions, that Sheriff provided additional details regarding what he believed happened. It is the Investigator’s experience that asking direct questions is less than desirable, as it can lead to increased contamination of a witness’s recall, an ultimately the reliability of the resulting information. In this case, they were used to solicit specific recall regarding allegations made by Sheriff.

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2 The security camera is on a looping system that causes recordings to be overwritten every 30 days. Superintendent Cruikshank confirmed that as of the date of checking for footage (January 12, 2017) there was no camera footage available.
5.3.18 At issue, was to what degree Sheriff P.I.\^\textsuperscript{\textdagger} inability to recall specific facts had been driven by a genuine lack of recall, vs. that of the potential jeopardy he may have felt that he may face, if he admitted to shredding the pages. Prior to his interview, Sheriff P.I.\^\textsuperscript{\textdagger} was served with a Notice of Investigation that advised him of the allegations, and that if proven, the allegations may amount to a breach of FOIP Legislation and/or The Sheriffs Branch Code of Conduct [Attachment Tab 06].

5.3.19 Sheriff P.I.\^\textsuperscript{\textdagger} believed Sergeant P.I.\^\textsuperscript{\textdagger} had arrived at the front security counter from inside the Legislature. He recalled Sergeant P.I.\^\textsuperscript{\textdagger} having mentioned the FOIP request, but could not say with certainty in what context. He recalled seeing Sergeant P.I.\^\textsuperscript{\textdagger} tear an unknown quantity of pages from the Sign-in Register. He believed that Sergeant P.I.\^\textsuperscript{\textdagger} put the pages on the security counter. He recalled Sergeant P.I.\^\textsuperscript{\textdagger} saying something about shredding, but could not say with certainty exactly what he had said, or in what context he had said it. He was comfortable that Sergeant P.I.\^\textsuperscript{\textdagger} mentioned the word 'shred'.

5.3.20 Sheriff P.I.\^\textsuperscript{\textdagger} could not recall what happened immediately after the Sign-in Register pages were placed on the security desk counter by Sergeant P.I.\^\textsuperscript{\textdagger}. He felt that he may have been called away, or had gone to the washroom. It is highly likely that Sheriff P.I.\^\textsuperscript{\textdagger} may have left the security desk around this time frame, to go to his next assignment at the Loading Dock. According to their shift schedule for that day[Attachment Tab 09], Sheriff P.I.\^\textsuperscript{\textdagger} was due to relieve Sheriff P.I.\^\textsuperscript{\textdagger} at the Loading Dock security desk at 10:00 a.m. Sheriff P.I.\^\textsuperscript{\textdagger} felt that had he not left right at 10:00 a.m., he speculated that he would not have left any more than ten to fifteen minutes later than this. Sheriff P.I.\^\textsuperscript{\textdagger} had no recall of Inspector P.I.\^\textsuperscript{\textdagger} arriving at the front counter that morning. In a follow-up interview, Sheriff P.I.\^\textsuperscript{\textdagger} reported that right after the pages were torn from the Sign-in Register and shredded, Sheriff P.I.\^\textsuperscript{\textdagger} left the front counter area.

5.3.21 Sheriff P.I.\^\textsuperscript{\textdagger} was asked whether it was possible that, at the time of Sergeant P.I.\^\textsuperscript{\textdagger} having put the Register pages on the counter and saying something about shredding, that perhaps he (Sheriff P.I.\^\textsuperscript{\textdagger}) may have picked up the pages and shredded them. Sheriff P.I.\^\textsuperscript{\textdagger} did not answer right away, so the investigator advised him that there was a need to determine what happened to the pages torn from the Register, after they were put on the security desk. It was suggested to him that if he shredded the pages following his boss's direction, then it was no different than shredding the Visitor's Log sheets they shred at the end of each day, based on previous direction they had been given. He was advised that the investigator was aware he may be concerned about jeopardy, but he was obliged to ask if it was possible that he (Sheriff P.I.\^\textsuperscript{\textdagger}) may have picked them up and shredded the pages. He responded, "The last time I seen them was on the shredder." He was asked if the last time he saw them was on the shredder, or on the security counter. He responded,
The last time I seen them I think was later in the day. They were on the shredder. Did I shred them? I don’t believe so. I, I, I can’t say that I have never used that, that shredding machine in that area. I don’t think I did, because I never shred the requests. Uh, what have I shredded there? (Pause) Hm. I know I have shredded some things there, but I’ve never shredded the requests; I have never shredded the book. I don’t believe I did. I honestly don’t believe I did. But ah, what I did, and what I [stopped mid-sentence].

5.3.22 While the investigator was paraphrasing Sheriff__, having now recalled last seeing the pages torn from the Sign-in Register on the shredder later on that same day, Sheriff interjected with, “And I don’t even know how they got there”.

5.3.23 Sheriff__ was asked if, while he said that he did not believe he had shredded the pages, whether it was possible that he could have found them later in the day and, thinking his boss wanted them shredded, that he shredded them. He paused for approximately fifteen seconds, then stated, “I don’t know. I, I, I, won’t say I could have, because I don’t know.” He was asked if a fair summary of what he said was that he may, or may not, have shredded the pages. He responded, “Could have. May have, may have not. May have, may not have; that is fair”.

5.3.24 Sheriff__ was asked if he recalled someone having asked him about his having shred the pages from the Register, and his stating that he had been asked to shred them, so he shredded them. He responded “Possible”. Accordingly, Sheriff__ was asked what the probability, or the likelihood, of his having shredded the noted pages. He responded, “There is a big conflict here, because, as I said, you know ah, in my own mind, from years ago saying, well unless you’re going to hide something, just give it to them. And then did I shred them? I’m, I’m conflicting my own morality. But I don’t know. Shredded. Don’t remember doing it, but I could have.”

5.3.25 The investigator related to Sheriff__, that looking at it from an outsider’s perspective, this conflict may have been related to his boss having said to shred them, and that sometimes we do what we are told to. He immediately responded, “In some years, not taking orders, I’m not military but when the boss asks you to do something, 90% of the time you do it.”

5.3.26 Following this, it was clear that there was little point in pursuing the issue further, as Sheriff__ said he could not recall what happened to the pages after they were put on the security counter. He did recall having seen them on the shredder later that day, but could not recall having shredding them. Accordingly, Sheriff__ agreed that his response should be summarized to the extent that he could not recall if he had or had not shredded the documents. He ended with, “If I did, I know it is something I shouldn’t have
done." He then expressed to himself out loud, "If I did, what could the jeopardy be?" He then stated that he did not think that he had shredded the pages.

5.3.27 On January 26, 2017, at 5:33 p.m., the investigator sent Sheriff an email asking the following question:

You said that later in the day on November 04, 2016, you came back to work at the front desk in the afternoon and saw the pages sitting on the shredder. What made you conclude that the pages sitting on the shredder were in fact the same pages that had been removed from the coil ring guest registry earlier in the day? I would appreciate whatever you can recall about this.

5.3.28 Sheriff responded at 6:11 PM:

Hi There. On the removed pages – do not recall why I went into the back room, I noted pages on the shredder, sorry I did not really look at them but noted that they appeared to have been torn out of (as you call it) a coil ring. Therefore believed in my own mind that they were the pages torn from the sign in book. On the subject of shredder even going over for about a week still cannot say if I did or did not say or do any shredding that day, therefore cannot and will not say anything except, to say, do not believe I did in my own mind.

5.3.29 Sheriff was interviewed on January 23, 2017. While he was not a direct witness to any of the events related to this matter, he did speak with Sheriff on the morning of November 04, 2016. At the onset of his interview, he described his conversation with Sheriff as follows:

Told me that ah there was some documents being taken out of the um. At the front we have a visitor sign in log, you have no doubt seen. Ah, some pages were ripped out of that, and was told to shred them. He said, 'No'. Um, he had ah, had ah, indicated that they did get shredded, but he didn't. I don't recall who shredded them. And the big issue he had was um, on the computer, we have, have our email that we get all the Visitor's Logs from EA's of Ministers in the building. They'll, they'll send these to us so we know who's coming, so we can just have them come in, and we've got a record of them being here, right? Um, so I guess got into a disagreement with because was trying to say the emails only go back to a certain date and was trying to tell him, 'No, they actually go back further'. Tried to show him, shut him down and, and said, 'No, this, this is it'. So, was pretty distraught about it and I mean, mean, I think I can tell you is the kind of guy that, I've known since I was a rookie. Like since I joined in and has always been the kind of guy who crosses his t's and dots his
i's. He doesn't mess around. He is very much a proponent of the rule; "Cover your ass" right? Which is smart. So, mentioned that to me and I said, "Well you know, far be it from me to tell you what to do, but you should probably take notes. Um, you know, your can't be disciplined for it, and that was basically the issues, was maybe, "I can be disciplined for not shredding these papers and whatnot." And I said, "Well they can't tell you to do something that is illegal." And I know it's illegal.

5.3.30 Sheriff could not recall anything else of note occurring on November 04, 2016. The investigator then reviewed Sheriff version with him. He was asked when he first spoke with Sheriff about what had occurred. He related that he started at 9:45 that day, and spoke with Sheriff about what occurred sometime between 10:00 a.m. and 11:00 a.m. Sheriff had told him that Inspector and Sergeant were just here', so he assumed that they had been there within the previous hour.

5.3.31 Sergeant then confirmed that Sheriff told him that Sergeant had come to the front counter and removed pages from the Sign-in Register. When asked if he knew what Sergeant did when he tore the pages out of the book, Sheriff stated that Sheriff had told him that Sergeant told him to shred the papers and somebody shredded them. I don't know who did." When asked who put the papers on the shredder, he responded that Sheriff told him that Sergeant had put them on the shredder. He stated that Sheriff told him that somebody shredded the papers. He could not recall if Sheriff had told him who shredded them. Sheriff was very confident in his recall of what Sheriff had told him. He was 100% sure that Sheriff had told him the pages which had been torn from the Sign-in Register, had been placed on the shredder by Sergeant.

5.3.32 Sheriff believed that, from what Sheriff had told him, the papers torn from the Sign-in Register had already been shredded by the time he had spoken with Sheriff on that date. Sheriff was asked if, had they been left on the shredder all day, would this be something he would likely have noticed. He was certain he would have seen the pages, if they were on the shredder that day.

5.3.33 Sheriff left Sheriff with the impression that a lot of pages had been taken from the Sign-in Register, as Sheriff had mentioned that after the pages had been removed from the Register, it was noticeably thinner than a regular Sign-In Register.
5.3.34 Sheriff P. was interviewed on January 23, 2017. Sheriff P. was assigned to other areas within the Legislature building on November 04, 2016, until 1:00 p.m. that date. After this time, he was assigned to the front security desk area.

5.3.35 Sheriff P. had no recollection of any of the events directly related to the FOIP matter. He had heard from Sheriff P. at some point after the fact, that Inspector P. and Sergeant P. had been looking to gather both email and hard copy records related to Visitor’s Logs. He could not recall anything being mentioned about records not being produced or destroyed. He felt that if he had been told that, he would have recalled it. He had no further knowledge of anything related to this issue.

5.3.36 Sheriff P. was interviewed on January 23, 2017. The following is a summary of what he recalled.

5.3.37 He had been assigned at the front security desk/front steps from 9:00 a.m. to 2:00 p.m. He reported that he had no recall of Sergeant P. coming down to the front desk to access Visitor’s Log records. He related that the only thing that stood out in his mind from that day was his seeing Sheriff P. looking uncomfortable at some point that day. He related that, whatever had happened, it had occurred prior to his speaking with Sheriff P. He related that Sheriff P. explained something happened that he wanted no part of, and that he (Sheriff P.) made notes about it in his notebook. He felt that Sheriff P. may have said something about some paperwork that had been shredded contrary to FOIP, and he did not want any part of it. He does not recall any reference being made as to who shredded documents. He recalled that Sheriff P. was more concerned with being able to distance himself from what happened. He felt that Sheriff P. may have said that it was Sergeant P. who had wanted something shredded. Sheriff P. told him he had called P. to get some advice about what to do. He could offer nothing further regarding this matter.

5.3.38 Sheriff P. was interviewed on January 23, 2017. Sheriff P. joined the Sheriffs Branch in 2016. However, his first shift assigned to security inside the Legislature was not until the first week of November of 2016. Sheriff P. recalled that on November 04, 2016, he worked at the Lower Rotunda area from 7:00 to 9:00 a.m. At 9:00 a.m. he was assigned to the front desk/outside front steps area, where he remained until 11:00 a.m. From there he went to the Loading Dock, then to lunch and then back to the front desk in the afternoon.

5.3.39 He had no recollection of Sergeant P. coming to the front desk area while he was there that day. He had not heard anything about this matter until sometime in December 2016, when he heard there was an investigation about some Log Sheets that had been shredded. He did not hear who had requested the Log Sheets, but he had heard that some
had been shredded. He could not recall who he had heard this from. He could offer no further information.

5.3.40 After interviewing Sheriffs P1, P1, P1 and P1 on January 23, 2017, Sheriff P1 was interviewed for a second time.

5.3.41 After some discussion concerning Sergeant P1 arrival at the front counter on November 04, 2016, Sheriff P1 modified his initial statement. He had previously described Sergeant P1 arriving at the front security desk from outside of the building. He could no longer say with certainty if Sergeant P1 came from inside or outside of the building. He also modified the time that Sergeant P1 arrived at the security desk from his previous statement as being at approximately 10:25 a.m., to anytime between 9:45 and 10:25 a.m. He felt Sergeant P1 may have arrived closer to 10:15, but could not say with any certainty. He felt that the total time that Sergeant P1 and Inspector P1 had been at the security desk would not have exceeded ten minutes. His notes indicated that Sheriff P1 arrived at approximately 10:30 a.m., which he felt was about five minutes after Inspector P1 and Sergeant P1 had left.

5.3.42 He was then asked to describe again what happened when Sergeant P1 arrived. Sheriff P1 stated:

He grabbed the book, said we have a FOIP request out...in, ripped....like so, if this is the duo-tang, this is the present day, that you’re looking at, so he flipped back a couple of days, took the remainder, ripped it out and said, ‘We have a FOIP request, you guys know you are not supposed to be keeping this stuff. Someone needs to shred this.’ So he threw it down, at the end of the desk, um, threw it down. [Pause] P1 came in at that time asked for the electronic copies, and that’s when we got in the whole, these are the electronic copies, here it goes to... The email went back to July something, but it wasn’t a Visitor’s Log.

5.3.43 It was noted that once again, that in his open narrative, Sheriff P1 failed to mention that Sheriff P1 had picked up the pages off the security desk, and had shred them after Sergeant P1 placed them there. Instead, he again described Sergeant P1 throwing the pages onto the desk, and Inspector P1 arriving. It was also noted that he paused after stating that the pages were thrown on the counter, before continuing on to state that Inspector P1 arrived “at that time”.

5.3.44 The investigator advised Sheriff P1 that he wanted to follow the continuity of the pages torn from the Sign-in Register. Sheriff P1 was asked to quantify how many pages he saw being ripped from the Sign-in Register. He responded, “Oh, I didn’t have, it’s just, he grabbed, I never even saw the pile. I just know it was (pause) more than... five
When reviewed, he confirmed that Sergeant P.l. ripped the pages out in one motion. He confirmed that he did not see the pages, but he did see him put what he had ripped out of the book onto the counter and stating, 'These need to be shredded.'

5.3.45 The following picture was taken on March 01, 2017, and was representative of the set-up of the front security desk area on November 04, 2016. The papers on the counter in the photo are not related to this investigation. The papers on the far west side of the counter top would be in the approximate place that Sheriff P.I. had indicated that Sergeant P.I. had placed the pages torn from the Sign-in Register on November 04, 2016. The tip of the Sign-in Register seen on the south end of the counter is also approximately where Sheriff P.I. indicated the Sign-in Register was located on November 04, 2016. The raised counter, versus the lowered computer desk Sheriff P.I. was seated at, may explain why Sheriff P.I. could not see what Sergeant P.I. placed on the counter.

5.3.46 On review of what he had described in his previous interview, the investigator repeated back to Sheriff P.I. that he had previously stated that Sergeant P.I. put the pages down on the very west side of the security counter, and then Inspector P.I. arrived. The investigator paused to allow Sheriff P.I. to continue on with what happened next. Sheriff P.I. paused, and without any prompting, questioned himself out loud, “No ah, (pause), did he arrive before or after the shredding? (pause) I don’t know”. He confirmed that he could not say with certainty whether Inspector P.I. had arrived while the papers were still on the counter, or after they had been shredded.

5.3.47 Sheriff P.I. was asked about the absolute last time he could say with any certainty that he saw the papers that Sergeant P.I. had removed from the Register. When he did not respond, the question was rephrased. He was asked if he could recall what happened to the Register pages from the moment Sergeant P.I. put them on the
counter, and where they had gone from there. He responded "They just get shredded."
After explaining that it was important to establish continuity of what happened to the
pages after they were put on the counter, Sheriff T was asked if he had seen the
pages again, after they were put on the security counter by Sergeant P. He
responded "Um, they may have been in the back office on top of the shredder." As this
was the first time Sheriff T had mentioned this, he was asked why he felt that the
pages may have been put on the shredder. Sheriff T stated:

Because at one point I was in that back office. Um, when he came, as I
said, he came and grabbed the book and ripped them out and walked off. I
don't know if he went right to the back office. Put them down, I would have
said put them down right at the edge. But why would he have been in the back
office? But he may have thrown them down there, and a co-worker got up and
then... Sheriff T stopped mid-sentence.

While this was the first time that Sheriff T had mentioned the possibility of
Sergeant P putting the papers on the shredder in the back office, Sheriff T had indicated that on the morning of November 04, 2016, Sheriff T had told him
that Sergeant P had put the papers torn from the Sign-in Register on the shredder.
Sheriff T had had reported seeing Sergeant P putting the noted pages on the
security counter and then later in the day, he saw what he believed were papers similar to
those torn from a Sign-in Register on the back shredder.

On review, Sheriff T was asked to confirm that, while his initial thoughts were that
Sergeant P had put the noted pages on the security counter, he was also now
saying that Sergeant P may have gone into the back office. He responded "Yeah".
He was further asked to confirm that he was now also saying that Sergeant P may
not have put the pages on the front counter, but instead, may have put the pages on the
shredder in the back office area. Sheriff T immediately responded, "He could have
put them on the back shredder." He was asked if could say this with any certainty. He said
"No, because I was thinking he put them on the counter. But, there would have been no
reason for him to go into that back office unless he was, he went to go shred it himself and
he didn't start it...I don't know." He was asked if Sergeant P could have gone into
the back office to see if there were any Visitor Log Sheets in there. He responded, "Oh, he
could have done that too, yeah".

As the investigator started to review what Sheriff T had said, Sheriff T went
on to state, "So, I don't know if he went in there and threw them down there, because he
came back out. Um, because at one point I thought, okay, he's going to shred them. But
someone else grabbed them and went and shredded them, so..."
5.3.51 He was asked why he felt that at one point maybe Sergeant was going to shred them. He responded, "I am thinking he still had the book when he went to the back office... but can't say for sure".

5.3.52 Sheriff was advised that, in order for him to see Sergeant tear out the pages, Sergeant would have remained within his eyesight. Sheriff then stated, "I am sure he tore them out, he tore them out before reaching that back desk (pointing to the desk just outside the back office area, in reference to the picture he had drawn). So it was torn out anywhere from here to right there, to the desk (again pointing in the picture, the area from the north-south part of the security desk, to the west edge of the east-west part of the security desk)." He continued, on stating, "He came in grabbed the book, started walking, ripped them out. So anywhere in here (pointing the west edge of the security counter). But he did go back here too, and that is where our shredder is there." Sheriff had pointed to the shredder that is located just inside the back office area.

5.3.53 The shredder is located just inside the back office area, and immediately north of the door to the back office. When this door is open, which it would have been for Sergeant to have gone in the office, the shredder cannot be seen from where Sheriff was seated at the time. He would have easily heard the shredder if it had been activated.

5.3.54 The following photo was taken from inside the back office area, looking out into the front counter security area. The shredder is located immediately to the left of the open office door. Sheriff would have been seated outside of the office, and to the right of the open door in the white chair depicted in the photo. From this position, Sheriff view of what Sergeant would have done in the office would have been somewhat restricted. This may account for his not knowing what Sergeant was doing in the back office at the time.
5.3.55 Sheriff P II was asked to confirm that, in his previous interview, he had described that Sergeant U II picked up the Sign-in Register from the north-south part of the security desk, then walked westbound, along the east-west portion of the desk and flipped through a couple of pages in the Register by the west edge of the counter, Sergeant U II ripped some pages out of the Register and put them on the counter. He responded, "Not no more it doesn't, hmm. Because I saw him tear those sheets out. Um, I can..., he tore them out when he was north-south". He was advised that, if this was the case, then Sergeant U II would not have been out of view of the camera where he had torn the pages out (where the Register was originally taken from). Sheriff P II responded, "I think so". He confirmed that Sergeant U II then walked around the other side of the counter (indicating along the east-west side of the security desk). When asked if he was no longer 100% certain that Sergeant U II put the pages on the west edge of the security desk counter, he responded, "Not any more I'm not, no". The investigator then started to review what Sheriff P II had said about Sergeant U II having gone to the back office, and Sheriff P II interjected stating "He did go into the back office".

5.3.56 Sheriff P II was asked if he had actually recalled the pages ending up on the shredder in the back office. He responded, "No. I'm guessing, because he went back there. And he had no..." The investigator interjected asking for clarification as Sheriff P II paused. He was asked if he could say with certainty that the pages ended up on the shredder. He responded "No. I still think they were on the back counter, but he was back there. So in my mind, it might not be correct. But the way I remember it, there was a co-worker sitting at the front desk, the sheets were ripped out and put there. The co-worker spun around, grabbed the sheets and went to the back. He related that he was most comfortable with this recall as being what had transpired. It was noted that Sheriff P II stopped short of saying that Sheriff P II had actually shredded the pages at that time.
Sheriff P1 was asked if it was possible that Sergeant P1 went to the back office and put the sheets on the shredder. He responded, "He may have put it back there, because he did go back there and that's what's making me second guess. Again, there is no reason for him to be back there during this whole event." Sheriff P1 was advised that the reason the investigator was asking this, was that he needed to explore all possibilities of what could have happened to the noted pages.

Sheriff P1 confirmed that Sergeant P1 could have put the records on the shredder and that Sheriff P1 could have gone into the office and shredded them.

Sheriff P1 was asked to recount at what point Inspector P1 had come into the office. He felt that "not too many minutes" had passed from when Sergeant P1 walked into the back office area, to when Inspector P1 arrived.

Sheriff P1 confirmed that he had never seen the pages again after any of the scenarios occurred. After Sergeant P1 put the pages on the counter, or on the shredder, or after Sheriff P1 picked them up off the counter and brought them to the back office. He confirmed that, to his best recall, Sergeant P1 put the Sign-in Register pages on the security desk counter.

Sheriff P1 was asked when he had spoken with Sheriff P1 about his having shredded the Register pages. He read from his notes stating, "Roughly 10:56, on 04 November, I spoke with Sheriff P1 about shredding all the visitor's logs. He stated "Yes" he had destroyed them because Sergeant P1 and Inspector P1 wanted them all gone in case of a FOIP request." As noted in paragraphs 5.2.26 to 5.2.29 above, Sheriff P1 confirmed that the version in his notes was not accurate, and that Inspector P1 had not been mentioned by Sheriff P1. Sheriff P1 confirmed the conversation between himself and Sheriff P1 occurred at the loading dock.

When the investigator stated, "So, whatever it is that P1 said, it left P1 with the belief that those records needed to be destroyed." Sheriff P1 responded "I would take that as an order myself. And I did take that as an order." He explained further, "To Civvies on Civvy Street looking in, it was just a general comment. Uniform service; when someone of a higher rank says this needs to be done, you tend to do it as quickly as possible." Sheriff P1 was referring to his previous comment that Sergeant P1 had made a general comment to them about the pages needing to be shredded, but that he took this as an order.

When speaking to the need to address continuity of the Sign-in Register pages, Sheriff P1 confirmed again that after Sergeant P1 put the pages on the counter, or the shredder, he (Sheriff P1) did not see the pages again.
The investigator explained to Sheriff that he had to look at all possibilities of what may have occurred, as there was the break in the evidence chain regarding what happened to the pages that had been torn out of the Sign-in Register. At this juncture, it was difficult to ascertain what had occurred with any degree of certainty. He was presented with a few possible scenarios which could possibly explain what may have happened to the pages from the Sign-in Register, given the break in the evidence chain. He was advised that, as it stood, it cannot be shown that the papers that Sheriff may have shredded were in fact, the same pages that Sergeant had torn out of the Sign-in Register. Nor could it be refuted that Sergeant may have actually walked out of the office with the pages he tore from the Register. Sheriff did not offer any rebuttal.

As noted in paragraph 5.2.22 above, on February 08, 2017, the investigator spoke with Sheriff over the phone to clarify a few points in his notes, which Sheriff had provided to the investigator the previous day. The first issue reviewed, spoke directly to an entry in Sheriff notes describing how the pages Sergeant had torn from the Sign-in Register came to be shredded.

The investigator read out loud to Sheriff the following entry from his notes,

Sgt. also informed Sheriff about the papers that needed to be shredded. Sheriff went back into the office and shredded all of the documents Sergeant had set aside.

The investigator advised Sheriff that, when they spoke last, Sheriff had told him that he had not seen the pages from the time Sergeant tore them out of the Register, and had put them at the end of the counter or on the shredder. Sheriff was asked if, when he indicated in his notes that Sheriff had gone back into the office and shredded the documents, that was an assumption on his part. Sheriff responded immediately and forcefully, "No, it all took place within 30 seconds. They were picked up they were shredded."

The investigator advised Sheriff that in their last interview, he and the investigator had tried to establish continuity of what happened to the pages torn from the Sign-in Register. The investigator related that Sheriff notes made it sound like he had actually seen the pages being shredded. The investigator then re-read out loud from Sheriff notes, "...went back into the office and shredded all of the documents Sergeant had set aside". Sheriff was asked if he based these notes off of something Sheriff had told him that morning. Sheriff again responded very quickly stating "No, I was there, I was, I watched it". The investigator tried to clarify that when he and Sheriff had spoken the last time, Sheriff had provided a very different version. Sheriff had said that he had seen Sergeant take the pages out of the book, and one of two things happened; He either put
them at the end of the counter, or he walked into the back office, and may have put them on the shredder. Sheriff had thought it was most likely that Sergeant had put the pages on the end of the front desk counter. Sheriff interjected mid-sentence stating "Correct". The investigator continued on to conclude his sentence, stating that Sheriff had said that he couldn't say for sure, because he lost sight of the pages after Sergeant ripped the pages out. Sheriff responded:

"No, it wasn't that I lost sight. In my mind, I ...the way it worked in my mind (chuckled) ...they were put at the end of the counter and within a minute, within 30 seconds it was picked up and shredded. Yeah, because later you said, was it possible that this happened? Yes it's possible, because now I'm second guessing, because he did come back into the office. I don't know why he came back here. So it's not beyond the possibility that he had the documents when he came back here. Ah again, because I'm looking back. Yeah, I wrote some notes, but I'm trying to go back from recollection. The way I, Rick, remember it is, was when you were saying could this be a possibility? Yeah, I'm second guessing now. Um, yeah, I, the way I remember it now, is that it went to the end of the counter, and it was picked up and shredded.

Sheriff was asked if he could say with certainty that he saw Sheriff pick them up and take them in the back and shred them, (Sheriff interjected stating "yes"), or was he believing that's what occurred. Sheriff responded, "No I can't say with certainty but um..." The investigator had started to speak, but asked Sheriff to continue. He stated, "No. No, like I say that it was I saw, but."

The investigator then stated that, if Sheriff was okay with it, that the investigator would add into the report that Sheriff recollection during this phone conversation, was that what he saw was that, picked the documents up, that were taken out, and took them in the back and shredded them." He responded "Correct. That's what I saw, but when you said is it possible that he came back? I'm just saying, na there's a doubt, because he did come back here. I don't know why, because I didn't watch him while he was in this back office."

The investigator advised Sheriff that the reason he had called him, was that his notes did not say that he actually saw Sheriff shred the documents, they just said that he went back and shredded all of the documents. Nor did his notes say that Sheriff shredded the documents immediately, or that he (Sheriff) had actually seen Sheriff shred the documents. Sheriff responded "Oh, yeah, because he left within a couple of minutes of this starting."
5.3.72 When clarifying, Sheriff stated that, "Within a minute of it being thrown down on the desk, it was being shredded." He confirmed that Sheriff left very shortly after that.

5.3.73 Sheriff suggested that he became confused when the investigator suggested scenarios of what could have happened. In fact, as noted in paragraphs 5.3.41 to 5.3.56 above, at the start of his second interview, Sheriff was simply asked to describe again what had occurred on November 04, 2016. As he started to describe what occurred, he stopped his own version, and started to second-guess various points of the version he had initially provided in his previous interview.

5.3.74 As noted in paragraph 5.3.47 above, Sheriff was asked a few times in his previous interview when the last time he could say with certainty that the last seen the pages, after Sergeant had torn them from the Register. At that time, he finally responded stating, "Um, they may have been in the back office on top of the shredder." It was only after he started to second-guess his previous statements, without any prompting from the investigator, that Sheriff was asked questions regarding the new information he had provided. This was done in an attempt to have Sheriff commit to what he actually recalled.

5.3.75 The investigator noted, despite Sheriff stating definitively during the phone call that he actually saw Sergeant put the torn-out pages on the security counter, and Sheriff shredding them within seconds, that Sheriff provided a contradictory account. In Sheriff interview on November 04, 2016, he reported that Sheriff had told him that Sergeant had put the noted pages on the shredder in the back office.

5.3.76 Inspector was interviewed on January 18, 2017. He had no notes and lacked specific recall of the timing of a few critical events. It was clear from the interview with Inspector that he had left the handling of the FOIP request to Sergeant and as such, had very limited involvement in this matter.

5.3.77 Inspector described that on November 04, 2016, the Sheriffs Brach received the FOIP request for all Visitor's Logs from the legislature. At 9:48 a.m., Inspector forwarded the FOIP request to Sergeant to gather the records related to that request. Inspector indicated that, at some point close to the time frame he forwarded the email on to Sergeant, he had spoken with Sergeant to confirm his understanding of their retention practices. He described his conversation with Sergeant as follows:

> Ultimately, I did find out that ah, there were no, advised me that there were no ah, paper records to, to supply to the FOIP office on the range dates.
That there was nothing to supply. I didn’t investigate that any further, I, I gave immediately the Sergeant, I give him the task of, here’s the FOIP, here’s the request, what do you have? And at that point I remember updating Bruce via an email, ah via phone conversation, and just saying, look Bruce, it looks like we only have electronic copies, we don’t have any hard copies to supply, because they are ground at the end of the day. The end of the day they’re shredded. Or after a short period of time for the coil binder.

5.3.78 Inspector ^T^ could not say with certainty if he updated Superintendent Cruikshank from his own knowledge of their retention practices, or after he spoke with Sergeant ^T^ to confirm that there would be few, if any records available.

5.3.79 Inspector ^T^ indicated that, at one point after speaking with Sergeant ^T^ on the morning of November 04, 2016, he went to the front security desk and asked if it was possible that they may have email records that were responsive to the FOIP request. He believed that he then asked Sergeant ^T_ to perform the search for email records.

5.3.80 Inspector ^T^ could not recall when it was that Sergeant ^T_ told him that there were no hard copy records. He was asked what he and Sergeant ^T_ had discussed about records while at the front security desk. He stated that he could not recall specifics of what they discussed while there. He was asked specifically if Sergeant ^T_ told him that there were no hard copy records, while they were at the front security desk. He replied, I can’t remember. At some point, he did tell me, ‘Hey there’s, there’s nothing hard copy, because their wiped, mostly electronic. And I don’t know when that happened.”

5.3.81 It was noted that the tense in which he described Sergeant ^T_ telling him that there were no hard copy records was prior to actually learning that they had electronic records to produce. If his statement was in fact correct, this would tend to suggest that Sergeant ^T_ had told him there were no hard copy records to produce prior to his going to the front security desk, where he learned they did have electronic records to produce. Accordingly, this information was reviewed with Inspector ^T_ once more. He repeated that he could not recall when Sergeant ^T_ would have told him that there were no hard copy records. He stated,

To be honest. I can’t even remember,..., I do remember sitting down at the computer at the front. I do remember some conversations. I do remember thinking initially that there would be ah, a small amount of information, because stuff gets deleted, but I don’t, um, I don’t remember if it was at the counter that ^T_ said there’s nothing hard copy. At some point, ^T_ did say to me there’s nothing really to provide, as far as ah, physical hard copy.

5.3.82 Inspector ^T_ was asked specifically what Sergeant ^T_ told him when they were at the front counter, and he responded, “I don’t know. I don’t remember. I can’t be 100% sure what he told me. I knew stuff was being shredded the daily binder and I was under the
understanding that the coil ring binder were being kept for some period of time. Um, I figured there would be substantial electronic copies which there were.”

5.3.83 Inspector [redacted] stated that he left gathering the records for the FOIP request to Sergeant [redacted] as that was his area of responsibility, and he does not micromanage his people. He confirmed on several occasions that he could not recall when it was that Sergeant [redacted] told him he did not believe there would be any hard copy records available. He stated that, once Sergeant [redacted] told him that, he did not pursue it further.

5.3.84 Inspector [redacted] stated that he recalled speaking with Superintendent Cruikshank the following week and telling Superintendent Cruikshank:

...just verbally in his office, that there's very little ah, there's little to no hard copy to supply, because they're shredded at the end of the day. It's irrelevant information at the end of the day. And, basically that was the visitor log is, a guide for members to substantiate who's scheduled to come in, and you know, how we can properly ah, determine who's, who's scheduled to visit and who's not. So... Yeah I remember saying to Bruce that there was very little, and then Bruce was supplied the thumb drive. Um, I spoke to [redacted] several times, um, sat with him just to kind of look through and see what was on the email, after finding out that there was no hard copy documentation. I, I, told him to make sure that we got the electronic site. [Emphasis added]

5.3.85 The last sentence of the preceding information referred to Inspector [redacted] going to the front security desk on the morning of November 04, 2016 to look at the email records, “after” he spoke with Sergeant [redacted] and learned that there was no hard copy documentation. He had wanted to see what type of electronic email records they may still have to produce. When he saw the emails, he directed Sergeant [redacted] to gather the email records.

5.3.86 Inspector [redacted] stated that on November 10, 2016, Superintendent Cruikshank asked for the records they had gathered to be brought to him. He recalled that there was some urgency in Superintendent Cruikshank's request for the records.

5.3.87 Inspector [redacted] then sent Sergeant [redacted] an email at 10:42 a.m. on November 10, 2016, asking him, “Can I get the fob from you please and any paperwork from last week regarding the FOIP request.”[Attachment Tab 10] Inspector [redacted] indicated that he received only a fob (USB drive) from Sergeant [redacted] which he (Inspector [redacted]) immediately brought to Superintendent Cruikshank.

5.3.88 During a final review of the information he had provided, Inspector [redacted] stated that he believed there may have been some records available from the coil ring binder (Sign-in Register) "But I ended up getting nothing". When it was suggested that even though he felt there may be information from the coil ring binder, he never specifically asked
Sergeant P.I. responded:

_No, I believe that [P.I.] told me right there, that there was no coil ring to supply for this. It was my understanding._

5.3.89 He confirmed the Visitor Log Sheets were destroyed at the end of each day then continued on stating:

_As far as the coil ring binders go. Um. I was under the impression that there may have been something in that date range to give them, from a week or so previous, but [P.I. said there was nothing to give them] [Emphasis added]._

5.3.90 Inspector P.I. confirmed that at no time did he ever give anyone any direction to destroy any records that were responsive to the FOIP request.

5.3.91 During his follow-up interview on January 26, 2017, Inspector P.I. was asked why he worded his November 10, 2016 email to Sergeant K as, _"Can I get the fob from you please and any paperwork from last week regarding the FOIP request.\_", if he was already aware that there were no paper records to produce. Inspector P.I. related that he did not find it strange that no paper records were produced. His understanding of their retention practices was that the paperwork was usually shredded at the end of the day and Sign-in Register sheets with a few days, or the end of the week, so any paper they may have had would be minimal. He stated that this was confirmed by Sergeant P.I. who had said to him _'So we are not going to have any paper but, ah because the guys shred, shred the physical logs, that binder. Um but we will have electronic copies and again I do remember going to sit at the computer.'_ He related that he was just ensuring that he covered off both electronic and paper records in his email to Sergeant P.I. as that was what the FOIP request was asking for. He did not anticipate there were paper records at the time; he just wanted to be thorough.

5.3.92 Inspector P.I. confirmed that he had sent an email to Sergeant P.I. on November 10, 2016, at 12:03 p.m., thanking him for records [Attachment Tab 11]. His email stated, _"Thank you for supplying the visitor log information pertaining to the current FOIP request."_. Also included in this email was a request that Sergeant P.I. notify his staff not to destroy any further records (paper or electronic) until they get direction on retention.

5.3.93 During his follow-up interview, Inspector P.I. was advised that Sergeant P.I. believed that he had provided him (Inspector P.I.) with an Inter-departmental envelope containing a few paper records at the same time as he had provided the fob to him. Inspector P.I. seemed surprised, and stated that he could not recall how he came to receive the fob from Sergeant P.I. He stated that he could not recall if he received the fob in person from Sergeant P.I. or if Sergeant P.I. had left it on his desk.
that day. He did not recall ever seeing an envelope when he received the fob. He stated that while his desk can be messy, he has never found an Inter-departmental envelope with visitor-related records in his office. The first he heard that Sergeant had ever located any paper records was during this interview.

5.3.95 Inspector was also advised that seven Sign-in Registers dating back to May of 2015 had been recovered during the course of the investigation. He appeared surprised to learn this, as he was still under the impression that his staff were supposed to be shredding all of these records.

5.3.96 Inspector did not recall having any conversations regarding the FOIP request with Sergeant from the time they spoke on November 04, 2016, to the time frame he sent the email to Sergeant on November 10, 2016 asking for the records he had gathered. He was aware on November 04, 2016 that Sergeant was putting the email records on a fob for production.

5.3.97 While Inspector could not say for sure when Sergeant told him there were no paper records, was sure that Sergeant had told him that.

5.3.98 Superintendent Cruikshank was interviewed on January 16, 2017. He could offer little in the way of evidence, other than to describe what he had learned from Inspector and his (Superintendent Cruikshank's) involvement in the production of the records.

5.3.99 Superintendent Cruikshank indicated that he was on a day off when he received the email from Ms. Belyk directing him to respond to the FOIP request at 8:57 a.m. At 9:44 a.m. Superintendent Cruikshank forwarded the above email string on to Inspector. Superintendent Cruikshank's message to Inspector stated, "Morning, will you please start gathering the requested info and we'll discuss further on Monday. Thanks". The email string indicated that Superintendent Cruikshank had forwarded the noted email string to Inspector from his i-Phone [Attachment Tab 05].

5.3.100 At 9:47 AM, Inspector responded to Superintendent Cruikshank's email stating, "Understood Sir. I will get this started with ." At 9:48 AM, Superintendent Cruikshank acknowledged Inspector email [Attachment Tab 05].

5.3.101 Superintendent Cruikshank Indicated that Inspector had contacted him and let him know that there would not be many physical documents because of the shredding procedure. The specific wording used by Inspector in his response in the email chain
was sent at 9:50 a.m. stating, “I can let you know now, that there will not be much, as at the end of the work week, the visitor’s logs are shredded.” Superintendent Cruikshank responded at 9:55 a.m., “Understood. As a result of this, we will have to look at our storage policy regarding how long we keep our records.” [Attachment Tab 05].

5.3.102 Superintendent Cruikshank recalled meeting with Inspector early in the week of November 07, 2016, where he first learned of their current retention practices for visitor-related logs. He related that Inspector had told him that they had a practice of destroying the Visitor Log Sheets at the end of each shift as they had no operational value once the visit was completed. Inspector had told him that they had found Visitor’s Log Sheets records on the computer, and that all of the sheriffs at the security desk had obviously not been following the practice to delete them at the end of each day. He described that they had no policy that spoke to their retention practices. The practice they did have, had evolved out of the verbal direction given to the Sheriffs’ staff by then Superintendent Gourley. Superintendent Cruikshank assumed responsibility for Legislature Security in late 2014.

5.3.103 Superintendent Cruikshank stated that, at some point early in the week of November 07, 2016, he advised Inspector to tell his staff that from that point forward, they were to keep all visitor related records, to ensure all the records they still had would be produced. He understood that Inspector passed that on to Sergeant.

5.3.104 On November 09, 2016, he received an email from Ms. J. Stanton, a senior FOIP advisor with Alberta Justice and Solicitor General FOIP office advising him that he was to respond directly to her when they have finished gathering their records in response to the FOIP request [Attachment Tab 12]. He believed that he called Ms. Stanton that morning and advised her that they would not have records going back very far, as the policy set by the previous Superintendent, was that the Visitor’s Logs be shredded at the end of each day. This was due to the fact that they did not consider the records to be operational, sensitive or required documents. He described that there was very limited information on the log sheets. Ms. Stanton asked him to provide whatever they could.

5.3.105 Ms. Stanton was interviewed and provided a copy of her notes from the November 09, 2016 phone call with Superintendent Cruikshank. Her notes read as follows [Attachment Tab 13]:

Phone call from Bruce Cruikshank this date. He informed me that he had the responsive records and did I want them electronically or in paper. He indicated he would be providing our office with the Visitor’s Logs but there would not be a lot of records. He was informed by who was into his position, that their practice is to shred all logs after a week. Because of this FOIP request, they will be creating an SOP to address this situation. I gave him Tonina’s name and number so he could connect with the SRO for Sol. Gen.
Ms. Stanton's notes of their phone call on November 09, 2016, were read out loud to Superintendent Cruikshank. He confirmed that he had advised Ms. Stanton of the same information he had received from Inspector [REDACTED] on November 04, and November 07 or 08, 2016, "that there would not be a lot of records."

During her interview, Ms. Stanton could not recall anything further from this phone call, other than that she asked Superintendent Cruikshank to send her an email confirming what they had spoken about. She had also provided him with Ms. T. Sarsfield's name as a contact from their office that could assist them with developing a retention strategy for visitor related records.

Ms. Stanton's notes of her call with Superintendent Cruikshank quoted in paragraph 5.3.105 above were also read to Inspector [REDACTED] during his interview. Inspector [REDACTED] confirmed this was information he had provided to Superintendent Cruikshank.

Superintendent Cruikshank stated that, on November 10, 2016, at 1:53, he followed up the phone call with an email to Ms. Stanton confirming what they had discussed. The email stated:

Hi Jennifer,

As per our conversation, I have obtained electronic records of the visitor log to the Alberta Legislature for the date range of May 5, 2015 to November 1, 2016. Due to the fact these logs have no operational value to us past the end of the day, and are merely a vehicle in which to vet people coming into the Legislature, they have been destroyed on a daily basis. Therefore, the only documents available are the electronic records. Even with these, a number of logs have been deleted prior to the FOIP request. Since receiving the FOIP request, no files, electronic or hard copy, have been destroyed. I have instructed that all records be kept until we determine a retention schedule with the JSG Senior Records Officer, which will be incorporated into the Standard Operating Procedures we are developing as a result of this request.

As discussed, I will deliver the electronic records to you on Monday, November 14, 2016, at 9:00a.m. If you require further information, please contact me.

Thanks for your assistance with this file.

The 10th of November was a Thursday. Friday the 11th, was the stat holiday. Superintendent Cruikshank related that he tuned over the fob (with the 411 email records of Visitor Log Sheets) to Ms. Stanton on the following Monday, November 14, 2016. At that time he was introduced to Ms. Sarsfield, as she was to assist them with developing retention schedules in keeping with the FOIP legislation. He and Ms. Sarsfield discussed
the types of visitor record they developed and what the proper retention should be for these records.

5.3.111 Ms. Stanton could not recall any relevant information coming out of the brief meeting with Superintendent Cruikshank on November 14, 2016. He provided her with the fob, and then she took him to meet Ms. Sarsfield.

5.3.112 Ms. Sarsfield could offer no evidence that was relevant to this investigation, other than her general discussion with Superintendent Cruikshank about what type of records they create, and describing to him the retention schedule they should employ.

5.3.113 Superintendent Cruikshank related that he had heard nothing further until the investigator had contacted him. Superintendent Cruikshank was not aware that Sergeant [had recovered any hard copy records, until the time of his interview with the investigator.

5.3.114 During his January 19, 2017 interview, Sergeant [provided his version regarding the disposition of the pages he had torn from Sign-in Register on November 04, 2016. The information that follows is a summary of the details reported by Sergeant [.

Sergeant [indicated that, when he arrived at the front security desk shortly after 10:00 a.m. on November 04, 2016, he advised his staff that they had a FOIP request for Visitor's Logs. He believed that three or four of his staff were present when he mentioned this to them. The only one he could recall that was present at the time was Sheriff [stated:

There was some paperwork that we..., that I collected that morning. Ah, there was 5 or 6 sheets off of the Sign-in visitor list (Sign in Register), plus there was probably, maybe 10 sheets of loose visitor lists (Visitor's Log Sheets) lying around. Which I gathered up, took back to my office and put in an envelope. (Pause) And that was pretty much it. And I believe that was on Friday. On the 10th of November, I got an email from [asking for the ah, fob that I had made, and any paperwork. (Long Pause) Which I gave to them, and I got an email saying 'Thank you for supplying the visitor log information pertinent to the FOIP request. That came on November the 10th from Bruce to [and myself. Plus, I have another one asking for the fob and the paperwork from [bisa on November the 10th at 10:42 AM. That is basically my recollection.

5.3.115 Sergeant [was asked what the retention practice was for the coil ring Sign-in Register at the time of the FOIP request. He described their practice as follows, "They
were supposed to take the pages out every day or every second day. Keep the book up current to ah, the day that they are using it.”

5.3.117 Sergeant was shown one of the seven Sign-in Registers that had been recovered prior to his interview. He was told it was dated back to May of 2016, and appeared to have all 100 pages still in it. When Sergeant was shown the seven Sign-in Registers, he commented, “I’m a little embarrassed. I never even saw the books that were at the shipping doors until now. Never even thought of these.” He indicated that he was embarrassed that these Registers were not located as part of his search for the records, as he “…should have been on top of that. That’s my area.” He conceded that he had obviously not been checking his staff’s retention practices for these books going back into 2015, nor was he aware his staff had been keeping them. He believed that they were still shredding the Visitor’s Log Sheets daily and the sheets from the Sign-in Register, every couple of days. He agreed that any records that were retained by his staff, “were not supposed to be there.” He stated, “And that was just the direction of the Inspector. As far as we were concerned as sheriffs, none of this is our information. Whether we keep it or we don’t, I think it makes no difference to us”.

5.3.118 When reviewing their practices further, he also related that he was not aware that they had previously been keeping visitor related records for Sheriff Pasarica to use for intelligence purposes. He joked about how his staff may have intentionally kept this from him.

5.3.119 After discussing the retention practices for some time, the interview returned to what occurred on the morning of November 04, 2016. Sergeant was asked again what happened after he had told his staff that there was a FOIP request. There was a long pause, and then he stated:

Not sure if, if, uh, anything happened at that time. When I came back the second time. At one point I collected the information out of one of these books. The book that was on the counter. Um...And I think there was a few sheets from ministers laying around. I am not sure how I got my hands on them, or where they came from. But I do remember saying to the staff, something about were getting a FOIP request, but we don’t have anything because we destroy it (pause). And I can’t remember if they laughed or not.”

5.3.120 Sergeant clarified “collected” to mean he tore the pages out of the coil ring Sign-in Register. He believed that he had made two visits to the front security desk that morning and could not recall if he collected the records during the first visit, or the second visit. He felt it may have been during the first visit. He felt that between the Sign-In Register pages and the Visitor’s Log Sheets, there would have been about 20 paper records in total.
5.3.121 Sergeant[^1] reported that he took the papers he collected back to his office and put them in a brown interdepartmental envelope. He stated that the pages remained in his In-Basket on his desk until he turned the envelope and the USB drive over to Inspector[^1] on November 10, 2016. When asked how comfortable he was with his recall of providing the hard copy records to Inspector[^1] when he provided him the fob, he stated, “I don’t even remember giving him the fob, but I did. I don’t remember if I went to his office, or if he came and picked them up. That was on the 10th of November.”

5.3.122 After Sergeant[^1] had committed to the previous version, he was advised that the investigator had received the following information. On the morning of November 04, 2016, he [Sergeant[^1]] had torn the pages from the Sign-in Register, put them on the counter and told his staff that they were not supposed to be keeping these, and were supposed to get rid of them. Sergeant[^1] interjected stating, “That’s right”. He was advised that the investigator had also been told that he [Sergeant[^1]] had asked his staff to get rid of the pages he removed from the Register, and that one of his staff members took them, and shredded them. He responded fairly quickly stating, “Oh...no”, shaking his head from side to side in disagreement. He was asked how comfortable he was in saying that the visitor records he tore from the Sign-in Register were not shredded. He interjected as he was being asked this question stating, “Oh, no, I, I kept control of those papers. Yes.” He was asked how comfortable he was in saying that he had kept control of the papers. He responded, “Absolutely, they didn’t get them. I walked out of that office with them in my folder.” He was asked if he was 100% sure of this, and he responded “Yes”.

5.3.123 Sergeant[^1] was advised that the reason he was asked about the paperwork was that Inspector[^1] had stated that he [Sergeant[^1]] told him that there were no hard copy records, because they are destroyed at the end of the day or end of the week. He interjected “Right”. Inspector[^1] stated that all he had received was the fob, which he in turn provided to Superintendent Cruikshank the same day. Sergeant[^1] responded, “I think I told him that before I actually went and got the hard copies, that we wouldn’t have any. Not after, because I had them.” Sergeant[^1] was adamant that he would not have told Inspector[^1] that there were no hard copy records at any point after he had gathered them from the front security desk on the morning of November 04, 2016.

5.3.124 When the investigator repeated that Inspector[^1] stated that he did not receive any hard copies, and had just received the fob, Sergeant[^1] responded, “I don’t remember giving him that either. And I don’t remember giving him the fob, where it was.” He was asked if it was possible that he neglected to give Inspector[^1] the envelope, when he gave him the fob, as Inspector[^1] was adamant he only received the fob. He responded, “No, and what he says, he is good at what he does, oh...I can’t, can’t explain it. I don’t know.”
5.3.125 Sergeant confirmed that he had gathered the pages he took from the Sign-in Register and the Visitor's Log Sheets, as he had intended to produce them as responsive to the FOIP request.

5.3.126 Sergeant was asked if it was possible that the Interdepartmental envelope containing the paper records was still in his office at the time of this interview. He stated that he would never throw out pages like that, nor does he shred anything. He stated, "I don't remember what happened to them, I really don't. I don't even remember giving the fob to Inspector but he got it."

5.3.127 Sergeant was advised of how this investigation had started regarding Sheriff speaking to for advice, and how this led to others becoming involved and now the investigation unfolded when he had just made an anonymous inquiry. Sergeant was told that Sheriff would have had no reason to have become concerned that morning unless he believed the noted pages been shredded in front of him. Sergeant responded "Right". The investigator continued on, stating that Sheriff was concerned that he could be implicated. Sergeant was advised that there would really be no reason why Sheriff would be concerned that he could get into trouble, if he had in fact seen Sergeant taking the pages away, as it would just be Sergeant doing his job. Sergeant responded, "Well I am not sure what he shredded or what he saw shredded. He did not shred the pages that I took out of this book here. He did not. I took those pages."

5.3.128 Sergeant confirmed that since the investigation started he had never gone back to his office to see of the envelope was there. Sergeant agreed to take the investigator back to his office to search for the missing envelope containing the visitor records.

5.3.129 Sergeant and the investigator went back to his office in the Annex building. Sergeant started to look through the top inbox tray of the three-tier tray on his desk. He then went through the other two tiers. Following this, he also looked through the top of a bookcase, on top of other cabinets along the west side of his office and then opened one of the top cabinet drawers. He exhausted his search after approximately two and a half minutes, and stated, "I don't know what to tell you, Rick". He looked through some other papers on a cabinet west of his computer desk, before starting, "No, I don't seem to have them".

5.3.130 The investigator asked him if the envelope could be in the bottom storage area of the cabinet he was looking through, which he had yet to check. He stated he did not think he would put them in there. He said they would have sat in his inbox on the top of his desk. He said he was fairly confident that he put them into an interdepartmental envelope and they sat in his inbox on his desk. The investigator noted there were other cabinets and shelves in his office that Sergeant did not check before giving up. Further, there
were not many documents in his inbox tray. Given that two months had passed, he should have come across them at some point prior to his interview.

5.3.131 Sergeant added that in early November 2016, his office area was in "disarray with lots of files lying around".

5.3.132 The investigator summarized the facts to that point with Sergeant. He was asked again if it was possible, that despite his belief that he brought the papers back to his office, he may have left the records at the front counter, while he was concentrating on the electronic records. At that point they were shredded by someone without him even knowing. He responded, "Yeah, that, yeah, it is. I mean anything is open now. I can't find them and... yeah". The possibility that he inadvertently left the hard copy records there and someone shredded them without him knowing was reviewed again, and he responded, "And that's possible".

5.3.133 When reviewing that he may have said to his staff that they were not supposed to be keeping those documents, he was asked how comfortable he was that he did not actually direct someone to shred those documents. He immediately responded, "No. Absolutely not". He stated that he was 100% certain that he did not tell anyone to shred those documents. He stated, "I would have possibly said you are not supposed to be keeping these, but I would not say now we are going to shred them, we will not be sending them in, never, ever, ever".

5.3.134 It was apparent that Sergeant was open to the fact that if Inspector did not get the records, anything was possible, as he stated that he believed that he provided them to Inspector. As a result, at the time, there was little point in pursuing this further.

5.3.135 During his follow-up interview on January 27, 2017, Sergeant described his recall of what happened when he removed the pages from the Sign-in Register. He stated:

Went to the front of the counter and picked up the sign in book. About 15 pages back to the first of November. And I removed those pages and I think I addressed the fact that they are keeping too many pages, because the directive was to get rid of that information.

5.3.136 He could not recall the specific wording of what he said to his staff at that time. He could not recall if he "grabbed his routine mail" at that time, or the other time he was there. He was asked where he was standing when he removed the pages from the Sign-in Register. He could not recall if he took the pages out while he was standing by the front security desk, or if he took the Register into the back office area. He stated, "I know I went into the back room for some reason." He felt he may have taken the pages out when he was by the front desk, and stated "My recollection is that I had those papers in my hand, and plus
there was some other old visitor lists within the last week or two. I didn’t look at the date. And my recollection is that I brought them to my office.”

5.3.137 Sergeant confirmed that he had also found older Visitor’s Log Sheets that would have fell within the date range. He indicated that he found the old Visitor Log Sheets in the cupboard in the front desk, stating that was where they would keep them before they would shred them. He did not say anything to his staff when he found them, stating that he had, “already said his piece at the beginning”. He felt that he found the Visitor Log Sheets after he had taken the pages out of the Sign-in Register.

5.3.138 Sergeant recalled that the fifteen or so pages he took out to the Register were from the first of November back to the start to the Register. He believed that he knew the FOIP request was for everything up to and including November 01, 2016. He was shown the actual Sign-in Register he had torn the pages from that now started on November 03, 2016. He did not believe that he took the pages for November 02, 2016 that were missing from the Register.

5.3.139 When asked if he felt it was only fifteen pages he had removed, he responded that he did not count the number of pages he actually removed from the Register. He confirmed that he was able pull all the pages he took out of the coil ring Register, all in one motion. He was advised that the Sign-In Registers recovered have 100 pages per book, and there were only 34 pages left in the book he took pages from. This would suggest that 66 pages were missing from this Register. Sergeant stated that some of the blank books they use start out with only 50 pages in them. He was advised that all seven Registers recovered appeared to be 100 page books. He stated that he had a box with the blank Sign-in Registers in the other office that he could check.

5.3.140 Sergeant checked and reported that he could only find 100 page blank Registers. He was shown the Register recovered with the date range between March 10, 2016 and August 31, 2016 that appeared to have 100 pages. He was advised that Sign-in Register sheets for September 01, 2016 to November 02, 2016 were still missing. He was advised that a small audit of one of the previous books revealed that an average month uses up approximately 35 pages. On checking the Register recovered for September and October of 2015, the two months totaled 67 pages. This was near the 66 pages that appeared to be missing from the Register he had torn the fifteen pages from. The date range left in the Register he tore the pages from, was from November 03 to December 01, 2016. A check on January 18, 2017, revealed that the current Register that was still being at the front security desk on that date was started on December 01, 2016.

5.3.141 During his interview, Sheriff had also described the Sign-in Register that Sergeant had torn the pages from as being only “half a book”. On February 27, 2017, the investigator attended at the Terrace Building located on the Legislative grounds. On
signing into the Sig-in Register at the security desk, the investigator noted that it was the same pre-printed coil-ring Register in use at the front security desk at the Legislature. While the pages in this book were not counted by the investigator, the Register was noticeably thinner than the 100 page Registers and appeared to be consistent with a 50 page Register. The investigator noted that security at the Terrace Building were also leaving the pages from previous days and weeks in their Register.

5.3.142 Sergeant was fairly certain that he tore out only about 15 pages from the Sign-in Register. It was agreed that given the coil ring is made from a soft plastic, it would be impossible to pull out 66 pages in one motion. He guessed that the date range he would have removed in the fifteen pages would have had a date range from approximately October 15 to November 01, 2016.

5.3.143 As noted in paragraph 5.3.12 above, when asked about the pages Sergeant tore from the Sign-in Register, Sheriff stated that he felt Sergeant probably tore out everything from October 30, to Nov 04, 2016, and then left the pages he had torn out, and the Sign-in book, on the security counter. He originally estimated that Sergeant would have torn out between 15 and 20 pages. Sheriff also confirmed that Sergeant had torn all of the pages out all in one motion.

5.3.144 Given the description of both Sheriff and Sergeant, it would seem Sergeant only tore out 15 or less pages from the Register. If this Register was in fact a 50 page Register, this would explain how Sergeant could pull all the pages prior to November 03, 2016 back to the beginning of the book in one motion. Given the construction of the Register being bound by a flimsy plastic coil ring, if this was a 100 page Register, it would have been impossible for him to pull out 66 pages out of the Register all in one motion.

5.3.145 At issue is that the September and October Sign-in Register pages have never been recovered. Given both Sergeant and Sheriff believed some of the pages torn from the Register by Sergeant had some pages dating back into October 2016, it is possible that September and October 2016 records were held in another 50 page Register that has not been recovered. Given the lack of consistent procedures for handling these records, it is not beyond the realm of possibilities that the September and October records were on one book that the person who made the last entry in simply set it aside for shredding, as used to be the practice.

5.3.146 Near the end of this interview, the investigator reviewed the fact that Sergeant could not recall Inspector being at the front counter while he was on the morning of November 04, 016. The investigator stated that this was not to say that Inspector was in fact not there when Sergeant was there. Sergeant responded "Well I hope so". He indicated that it was bothering him that he could not recall that if in
fact the Inspector was there when he was. He was advised that both Sheriff and Inspector felt he was there when Inspector was there. The investigator stated that all he can do is work with the different version he had been provided. Sergeant responded “When you told me he was there, and ah, if he was and I was, then there’s a bigger issue here”.

5.3.147 When reviewing his actions on the morning of November 04, 2016, Sergeant was asked why he had gone into the back office area that morning. He could not recall having a reason for going into the back office, other than maybe to see if Sheriff may have been working there that date, or there could have been some of his guys back there.

5.3.148 When asked, he stated that he was sure he did not leave any papers by the shredder that day. He stated, “I am not a shredder, and I don’t shred.” He indicated that he was still “pretty confident” that he kept the pages in his possession and brought them back to his office. He stated that he had re-checked his office 30 times since his last interview, and has not located the envelope with the records. He stated that he searched everywhere he could think of for the missing pages, and did not find them.

5.3.149 Sergeant did not believe that he discussed the FOIP request with Inspector between the morning of FOIP request, and when he received the email from Inspector on November 10, 2016 asking him to provide him with the fob, and any paper records he had gathered on November 04, 2016. A search Sergeant email records through Service Alberta revealed the last email still in Sergeant Outlook folders after November 04, 2016, was in fact on November 10, 2016.

5.3.150 Sergeant confirmed that he told Inspector “that there was not going to be any hard copies, because you get rid of them on a daily basis” before he had gone to the front counter and took the hard copies from the Sign-in Register. Sergeant stated, “I would have told him that before. Oh Yeah, I would never have said that after.” When asked how comfortable he was that he never told Inspector that there were no hard copies after he had pulled the pages out of the coil ring binder, Sergeant responded, “Oh yeah, I am sure. Absolutely, I would be lying”. The investigator stated, “So there is no mistake in your mind, that once you had the hard copies from the coil ring binder, you are not going to say I don’t have any hard copies.” He responded, “Oh, No... No”. He continued on, “No, I understand that. But it does—it wouldn’t matter to me. I had them, so they had to go. Because the information isn’t ours”.

5.3.151 Corporate Information Security, at Service Alberta, reviewed Sergeant Microsoft Outlook folders for any emails that may still be present from November 04, 2016. Three emails were found within Sergeant Sent folder for that date, which were relevant to this allegation.
5.3.152 The first email was provided to the investigator on February 23, 2017. This was an email that Sergeant[^P1] had sent to Inspector[^P1] at 1:30 on November 04, 2016 [Attached Tab 14]. Sergeant[^P1] had just completed copying 410 emails to a folder on his desktop. Sergeant[^P1] had tried to send all 410 email records in one email. This email was rejected back to Sergeant[^P1] as it was oversize for the maximum allowable limit for a single email.

5.3.153 The second email was provided to the investigator on February 24, 2016. This was an email that Sergeant[^P1] sent to Inspector[^P1] on November 04, 2016 at 1:46 p.m. [Attached Tab 15]. The email titled "visitor logs" displayed the following message in the body of the email: "411 items containing visitor information has been secured to a USB. There are no paper copies available within the timeframe asked for." The 411 items referred to the email records Sergeant[^P1] had transferred to the USB for production. It was apparent that this appeared to corroborate Inspector[^P1] statement that on November 04, 2016, Sergeant[^P1] had told him that there were no paper records to produce. As the email was sent at 1:46 p.m. that date, this email also appeared to refute Sergeant[^P1] statement, that after he had secured the paper records on the morning of November 04, 2016, he would never have told Inspector[^P1] that there were no paper records available responsive to the FOIP request.

5.3.154 The third email was one sent by Sergeant[^P1] to his staff on November 07, 2016, advising his staff that they were not to destroy any records until such time as they received further direction from Inspector[^P1] [Attached Tab 16].

5.3.155 Given the contradictory nature of Sergeant[^P1] email to Inspector[^P1] at 1:46 p.m. on November 04, 2016, Sergeant[^P1] was interviewed again on March 01, 2016. As this interview specifically addressed what happened to the paper records, and the possibility of Sergeant[^P1] making false or misleading statements to Inspector[^P1] the interview is summarized in considerable detail.

5.3.156 At the onset of this interview, Sergeant[^P1] was advised that new information had come to light and that, if proven, may indicate that he had made a false or misleading statement to Inspector[^P1] on November 04, 2016. He was also advised that if this information was proven to be accurate, and in the absence of a reasonable explanation, it may also lend evidence to the allegations of a possible breach of FOIP and/or the Peace Officer Act. Sergeant[^P1] was advised that despite having declined to have a Union representative present during this and his past interviews, should he now change his mind at any point during his interview, the investigator would immediately stop the interview, so he could access a Union representative. Sergeant[^P1] confirmed he understood this.
The investigator explained to Sergeant that some of the papers the investigator had recently received, involved new information not discussed during their previous interviews. The investigator advised Sergeant that, prior to going over the new information, he wanted to review Sergeant's previous statements up to the point in time where he had returned to his office, and started to create the folder with the email records, on the morning of November 04, 2016. The investigator advised Sergeant that he would summarize what they had previously discussed. Sergeant was also told that should he feel any of the information being reviewed was inaccurate, he should advise the investigator, so they could discuss it further. The following is a summary of the facts that Sergeant confirmed to be an accurate representation of his recall:

- He received the FOIP request from Inspector at 9:48 a.m. on November 04, 2016.

- At some point prior to his going to the front security desk at the Legislature, he and Inspector had a discussion regarding the types of records that may be available for production. They discussed the fact that there probably would be few, if any, paper records, because the Visitor's Log sheets are destroyed at the end of each day. The sheets from the Sign-in Registers are also destroyed at the end of the day, or within a few days of the visit. At the outside, they may be kept until the end of the week.

- At 10:42 a.m. he returned to his office and started to copy the 410 plus email attachments that he had reported that Sheriff had sent him. Accordingly, whatever happened at the front security desk at the Legislature that morning, happened at some point after 9:48 a.m. and prior to 10:42 a.m.

Sergeant verbally agreed to the facts presented to him as the interview progressed, by making statements such as "correct", or "yes". It was also apparent that Sergeant was actively engaged in the review of the facts, as he occasionally corrected a few points raised by the investigator. One such example came when the investigator was summarizing what had occurred at the front security desk sometime after 9:48 and prior to 10:42 a.m., when he returned to his office. The conversation was as follows:

Investigator: So, then as we discussed last time, that puts between 9:48 and 10:42, your trips to the front counter, where you have conversations with your guys, where you find the pages in the coil ring binder, rip those out. You find the few pages up to a maximum of 10. You said a few first.
A few, yeah.

So, if I'm not mistaken, in relation to the loose Visitor's Log sheets, they were found in the cupboard. You found a few to ten.

Two or three, yeah.

Two or three of those. Believing that both of those, were dated back to the timeframe of the request, as well as the stuff from the coil ring binder that was removed, you kept possession of those...

Yes.

Went back to your office...

Yes.

...And put them into an interdepartmental envelope...

Yes.

...Put them up into your inbox on your desk there.

Somewhere on the desk.

The summary of what Sergeant had told the investigator during previous interviews continued, with Sergeant either agreeing with, or correcting the following summary:

- He believed that he kept possession of the envelope and the paper records until he provided them, with the electronic records, to Inspector on November 10, 2016.

- On November 10, 2016, he received an email from Inspector asking him for the electronic email records that he had copied to the fob, and any paper records he had gathered from the previous week. He could not recall how, but he provided these records to Inspector on that date.

- Upon learning that Inspector had said that he did not receive any paper records, Sergeant had checked his office and could not find the interdepartmental envelope with the paper records.

- At some between 9:48 and 10:42, he was at the front security desk when Sheriff had mentioned the email records to him. As a result, he called, or texted
Inspector asked what they should do with the email records. Inspector told him to capture the email records on a USB flash drive. Sergeant then told Sheriff to email him all of the records from their shared Outlook Inbox account at the Legislature security desk, as he (Sergeant) did not have access to that mail box from his office.

- Sergeant went back to his office and began to transfer the email attachments that Sheriff had sent him and which were responsive to the FOIP request, to a folder on his computer. Once the folder was complete, he transferred the contents of the folder to a fob (USB drive).

5.3.160 Sergeant agreed to the preceding summary, with respect to what had transpired up to the point of his creating the folder with the email records on his computer, on November 04, 2016.

5.3.161 Sergeant was then shown two screen captures of the index of the folder he had created on his computer with the 410 email records on it [Attachment Tab 17]. After reviewing them, he agreed that he started to copy the emails he believed Sheriff had sent to him at 10:42 a.m., with his having copied the last email record into that folder at 1:15 p.m.

5.3.162 Sergeant was then shown an email dated November 04, 2016, at 1:26 p.m., provided by Corporate Information Security, which had been recovered from Sergeant Outlook Inbox folder [Attachment Tab 18]. This email had been sent to him by the System Administrator, advising him that his profile was nearing capacity, and he needed to delete some files from the desktop folder of his computer. Sergeant indicated that he had initially copied the 410 plus emails he had received from Sheriff onto a folder on his desktop. When he received the notification, he moved the folder to his "My Documents" folder.

5.3.163 Sergeant was still under the belief that Sheriff had sent him the 410 plus email records from the shared Microsoft Inbox, using the computer at the front security desk at the Legislature. Sergeant stated that while he was still at the security desk that morning, he had told Sheriff "...I would put them on the fob over here (at his office), because it takes a long time to do that. And I didn't want them tying up that computer. Trying to move that stuff over onto the fob. So, I said take them all, send them to me in an email, as many as you can in one time. And I'll go through them and I will put them on the fob. After advising him that Sheriff was adamant he had not sent the email records to him, Sergeant was asked if he may have asked someone else to send him the emails. He sighed heavily, and said, "I was at the computer, and I know I talked to him right. I remember he was there. But who sent them to me? Now I am confused".

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5.3.164 The investigator then described another email which had been recovered from Sergeant Outlook profile, as referred to in paragraph 5.3.152 above. This was an email sent to Inspector at 1:30 on November 04, 2016 [Attached Tab 14]. This email was rejected back to Sergeant by the system administrator, as it was oversize for the maximum allowable limit for a single email. Sergeant confirmed that he had tried to send all 410 emails, copied from his "My Documents" folder, to Inspector all at once, so Inspector "would have them on his system." He could not recall when he had copied the 410 emails to the fob.

5.3.165 The investigator advised Sergeant that it appeared as if he had copied all 410 emails onto the fob by 1:43 p.m., given he had sent Inspector an email at that time stating, "411 items containing visitor information has been secured to a USB. There are no paper copies available within the time frame asked for." [Attachment Tab 15]. Sergeant was advised that it was the last line in the email that was of concern. When the investigator read the last line out loud, Sergeant responded, "Right".

5.3.166 The investigator continued on stating, "And that is what Inspector said; that you had said to him. That there were no paper copies available." Sergeant responded "Right. And, I don’t know why I said that." The investigator responded, "Well, that’s, that’s obviously what the concern is that I have. Why I am here today, is because, certainly what you are saying is one: I transferred everything over to the USB by this time on that day, and the second thing is: “Inspector there are no paper records.” Sergeant responded, “Yeah, within an hour (pause), so, within a couple hours.” The investigator responded:

Yeah. Within a couple hours of actually having pulled them, put them in the envelope and put them on your desk. So, if your recall was accurate that you brought them here, then this would be contradicting that. And, that, that becomes the issue. Obviously, is that we need to understand that, that Because, that is saying there are no paper records, and yet you’re telling me that you kept them.

5.3.167 The investigator was referring to Sergeant 1:46 p.m. email to Inspector.

5.3.168 Sergeant responded, “Yeah, I did...did...yeah. Well, it says that right there, and yet I had them. And, and I know I had them.” Sergeant was also referring to his 1:46 p.m. email to Inspector which stated that there were no paper records. The investigator continued to state, “And from here, he (referring to Inspector), doesn’t get the paper records, and they are nowhere to be found. So it sounds like from this point in time, there are no paper records.” The investigator then paused for a response from Sergeant and Sergeant stated “You’re right.” The “point in time” referred to by the investigator was reference to Sergeant 1:46 p.m. email. The
investigator continued on stating, “And, you know at the time, there are no paper records.” Sergeant responded, “Yeah. And I don’t know if I was thinking there’s no paper records, as in... I don’t know what to say.” The investigator stated, “Well that, that’s the obvious issue...” as Sergeant responded, “Because I had them in my hands, there. I know there was some, there wasn’t much. Um.”

5.3.169 Sergeant could not reconcile saying that he had the papers “...in his hands”, while at the same time, he had sent the 1:46 p.m. email to Inspector which spoke to there being no paper responsive the date requested.

5.3.170 The investigator then reviewed Sheriff version of what happened to the paper records that had been torn from the Sign-in Register. Sheriff reported Sergeant store the pages from the Sign-in Register, told them that these papers needed to be shredded, and then Sheriff got up and shredded them. The investigator described that Sheriff was so concerned about seeing this, that he called for advice. The investigator stated that from an outsider looking in, there would be absolutely no reason for to be concerned, unless Sheriff actually saw those pages being shredded. The investigator reiterated that Sheriff said the pages were put on the counter and, within minutes, they were shredded.

5.3.171 The investigator then described to Sergeant that, other than his recall that he brought the pages torn from the Register back to his office, the evidence of Sheriff was that he saw them shredded. Within two hours, of his thinking that he brought the papers back to his office, he sends the email to Inspector telling him there are no papers to produce. He was advised that because of this conflicting information, it may suggest that Sheriff version of the papers being shredded could be correct. The investigator then offered Sergeant the following scenario:

So, if, if for some reason, you went, went there that morning, and if there were only a few pages, and you were pissed off with your guys for keeping them, and you say, “You guys aren’t supposed to be keeping these and you are supposed to shred them”, and they shred them; it happens. But we are at stage, at a point now, where there’s no reason... I can find no reasonable explanation. I can’t find anything to suggest that they didn’t get shredded; because of this piece of paper here.

5.3.172 As the investigator described the above possible scenario, he was pointing to the 1:46 p.m. email that Sergeant sent to Inspector.

5.3.173 Sergeant responded, “And, I don’t have them”. The investigator continued on, stating, “Yeah, and you don’t have them. So, that’s the difficulty I have with respect to trying to explain now, as I go through the report, that following that chain of evidence of
where those pages went. It stops. And, it stops when they say they got shredded." After a long pause, Sergeant responded, "Right". He paused and then stated:

Well I don’t, I didn’t tell them to shred anything. I would, I made, made noise about them keeping that stuff. Certainly wouldn’t have said that they’re directed to shred stuff. Not after, especially, after the request. It makes no difference to me. That stuff needs to go. It’s, it’s, it’s not our information. Yeah, there’s somethings I don’t remember, but I am, I’m sure I brought that paperwork back here. I picked up my mail. I think that I picked up my mail, I am pretty sure. I don’t know what else to tell ya.

5.3.174 The investigator told Sergeant that the next obvious question, which they had "sort of danced around a little bit" now centered on the 1:46 p.m. email he sent Inspector . The investigator stated, "The obvious question has to be, is, you find the pages, you make the statement to them about not supposed to be keeping this stuff. They say the same thing." Sergeant interjected with, "Shred them". The investigator continued on to say, "You said, these need to be shredded. You then put them down, and went and picked them up and shredded them. The question is, can you say with any certainty whether or not picked those up and shredded them?" Sergeant responded, "I cannot."

5.3.175 The investigator continued on, "So, where that break comes, you can’t say that your recall, which you can’t say you are 100% certain of obviously, is that you brought them back to your office and put them in, in a...a thing. Where we run into a problem area, is like I say, within coming back to your office, within two hours of coming back to your office, you’re telling him, there’s no paper, he’s left with the belief that there is no paper right to the point of when he gets the fob, and he doesn’t get paper... told me there wasn’t going to be any.’ So, it was, it was a non-issue for him. Sergeant interjected saying, "That’s right." The investigator continued on to finish his sentence, stating, "Because he expected that there wasn’t going to be any paper on this." Sergeant responded, "Right. And I don’t know what I was thinking at the time. I can’t answer that. I don’t know."

5.3.176 The investigator reiterated the concern about Sergeant having said there were no paper records during the time frame of the FOIP request and that, "It appears pretty clear from an outsider looking in..." Sergeant interjected with, "Well, I know there was, right from day one." The investigator acknowledged that that was the point and restated, "You had told me that you knew there was paper..." Sergeant interjected, "Yeah". The investigator went on to state:

But, this is saying that there is none. So something happens between your knowing there is paper when you find it, and sending this email to him. And the only thing that we know so far is from what said, that something
was, that something got shredded. And there is no other evidence or other information that came from you or anyone else that says that that didn't happen between then and here.”

5.3.177 The investigator advised Sergeant P.T. that there was little point in pursuing this further, but had felt that he should at least give Sergeant P.T. an opportunity to refresh his memory, to see if he could recall it, but that obviously he cannot. Sergeant P.T. responded, “I can't, I can't tell you why I said there was no paper copies. Unless, I was thinking there's no, there was no large amounts of paper, which, ten or fifteen pages.”

5.3.178 The investigator asked Sergeant P.T. if he would mind checking his Outlook “Sent Items” folder. On checking, he found that he had a significant amount of email in this folder dating back to 2015. He was then asked if he could go back to November 04, 2016. He first located the November 04, 2016 email he had sent to Inspector P.T. at 1:30 p.m., at which time he had tried to send all 411 email records at once [Attached Tab 14].

5.3.179 He then found the 1:46 p.m. email to Inspector P.T. where he stated, “There are no paper copies within the timeframe asked for.” He was then asked to check the remainder of November 2016. He next located the email he had sent to his staff on November 07, 2016, telling his staff to not shred any Visitor logs until he heard back from the Inspector [Attachment Tab 14].

5.3.180 Sergeant P.T. was then asked to check up to November 10, 2016. On doing so, he located another email he had sent to Inspector P.T. on November 10, 2016, at 10:44 a.m. This email was in response to Inspector P.T. 10:42 a.m. email request, asking Sergeant P.T. for the following: “Can I get the fob from you please and any paperwork from last week regarding the FOIP request”. Sergeant P.T. responded two minutes later with: “Yes, there are nor paper or hard copies for the dates indicated”.

5.3.181 Sergeant P.T. provided the investigator with a copy of this email [Attachment Tab 19].

5.3.182 No further email relevant to this investigation was found in Sergeant P.T. Outlook email.

5.3.183 Sergeant P.T. was advised that this had covered all the paper records the investigator had been provided.

5.3.184 On review of his statements regarding his belief that he brought the paperwork back to his office, then told Inspector P.T. that he had no paperwork to produce, Sergeant P.T. stated, “Right, unless I was thinking about, there is no, we don’t have piles of paperwork.”
The investigator then explained to Sergeant that at issue was the fact that he claimed to have the paperwork on his desk a few hours after he ripped them from the Sign-in Register, yet sent the email to Inspector telling him there was no paperwork. Six days later, when he is asked for the fob and the paperwork, he again told Inspector that there were no paper or hard copies within the date range of the FOIP request, and then only provided Inspector with the fob. It was highly unlikely that if he still had the paper to produce, that he would have told Inspector that there was no paperwork to produce. After explaining the preceding to him, Sergeant responded, “Right. And that’s, I don’t know what...” The investigator started to speak, and then Sergeant continued on, “Yeah. Right. And now you say that were shredded at the front desk... I don’t recall any of that.”

The investigator met with Inspector immediately following his interview with Sergeant on March 01, 2017. Inspector confirmed that he did not recall when it was that Sergeant had told him that there were no paper records to produce in response to the FOIP request.

Inspector was asked if he could check his Outlook email inbox for November, 2016. With the investigator present, Inspector located the November 04, 2016 email he had received from Sergeant at 1:46 p.m., advising him that there were no hard copy records. Inspector also located the November 10, 2016 email exchange entitled “Fob for FOIP”, where he had asked Sergeant to provide him with the “fob and any paper records from last week regarding the FOIP request” and Sergeant response, to this request was, “...no paper or hard copies for the dates requested.” Subsequently, Inspector provided the investigator with copies of these emails (Attachment Tab 20 and 21).

While Inspector recalled Sergeant advising him that there were no hard copy or paper records, he did not immediately recall the two above noted emails. Inspector could offer no further information.
6. Summary of Evidence Regarding Allegation #2

Allegation #2

On or about November 04, 2016, Inspector P.T. and/or Sergeant P.T. may have intentionally deleted, or failed to produce, email records responsive to a FOIP request for all full copy of the Visitor’s Logs for the Alberta Legislature between May 05, 2015 and November 01, 2016.

6.1 The investigation of this allegation was initiated based entirely on statements made by Sheriff P.T. as part of his overall concerns regarding the actions of Inspector P.T. and Sergeant P.T. on the morning of November 04, 2016. Sheriff P.T. felt that, given the interactions he had had with Sergeant P.T. and Inspector P.T. on that date, only two weeks of email records may be produced, instead of the actual emails in their Outlook Inbox at the time that dated back to August 24, 2016.

6.2 Investigations revealed that Sheriff P.T.’s concerns regarding this allegation were unfounded. A total of 411 email records dating between August 25, 2016 and November 03, 2016, were turned over to Ms. Jennifer Stanton of Justice and Solicitor General FOIP and Records Management on November 14, 2016. After vetting the 411 emails for only emails that were responsive to the FOIP request, a total of 380 records were produced to the applicant. The following is a summary of the evidence that speaks specifically to this allegation.

6.3 On January 04, 2017, prior to his interview of Sheriff P.T., the investigator texted Sheriff P.T. to ask him to bring with him a copy of any notes or records that he may have to his interview. He was also asked to bring a few random copies of any email records that he believed may not have been produced or had been deleted, which went back to August of 2016.

6.4 Outside of a few entries in his notes regarding this issue that Sheriff P.T. confirmed were inaccurate, Sheriff P.T. statements regarding Allegation #2 remained, for the most part, consistent throughout his interviews.

6.5 Sheriff P.T. provided statements regarding this allegation during his December 22, 2016 phone call with the investigator, his January 11, 2017 interview, his January 23 follow-up interview, and during a phone call on February 08, 2017. The following is a summary of the relevant parts of Sheriff P.T. version of what transpired, specific to this allegation.

6.6 During his January 11, 2017 interview, the issue of Sergeant P.T. tearing the pages out of the Sign-in Register was addressed first. The interview then turned to the manner in which Sheriff P.T. and inspector P.T. discussed the email records stored in the shared Microsoft Outlook Inbox on their computer. Sheriff P.T. was asked to describe what occurred right
after Sergeant had put the pages he tore from the Register onto the counter. He provided the following version:

_The manager, Inspector, Inspector comes in, they both come where I am sitting, and ask how far back do the records go. At that time... right now we have a filing, so it will say September, October, November, December. We didn’t have that before; we just had the inbox, with everything saved in the inbox. He asked how far, the manager, asked how far back it went. I scrolled to the bottom of the inbox, and said it was, at the time, it was July 25 or July something. Sorry._

6.7 Sheriff explained that the emails, which went back to July were just general emails unrelated to actual Visitor’s Logs. He then continued on to describe how Inspector responded to his stating that email in the Inbox went back to July of 2016:

_He says, ‘No it doesn’t it goes to October.’ I forget the date he used. Um, this is where I said we went back and forth. I said No, and I pointed, it goes back to July. ‘No it doesn’t, we are not concerned with those emails, we only want visitors.’ They are visitors. Like the July one wasn’t, but the August 25 one was. If you click on it, and it shows in the window on the right, that it is a visitor log. He says, “No it’s not.” That’s when he took over the, the chair, typed in ‘visitor’. It gave him two weeks of October, as all the records there are. He says, ‘This is all we’re concerned about are the visitors, not all those other emails.’ I again said, “No, the Visitor’s Logs go back to August”. I was corrected again. I stopped talking, and that’s when I sort of, I walked around to this end of the desk (indicating the on the sheriffs’ side of the west side of the security desk area). That’s when Sergeant said, ‘You know what, I can access this from my office. I will go there and do, I’ll get the emails’. And then they left. Yeah._

6.8 Sheriff confirmed that he has never spoken with either Inspector or Sergeant about what they actually produced, nor has he seen what they produced in response to the FOIP request. He confirmed that Inspector would not listen to what he was telling him. Sheriff stated, “I was treated like I was an idiot and that’s when I started getting sort of angry about. And that’s when I am like why are you doing by the camera. I’m the scapegoat. I walked away”. Sheriff confirmed that the computer they were seated at was the computer just outside the doors to the west back office area.

6.9 On review, Sheriff described that when Inspector arrived, he was seated at the computer. When Inspector asked about the email records, he quickly scanned through the Inbox file and noted emails dating back to August, 2016. Inspector then took a seat at the computer and checked the Outlook folder, while he and Inspector got into the...
disagreement regarding how far back the email records went. Sheriff was noted that at the time, he was standing to the left of Inspector and Sergeant was standing to Sheriff left.

6.10 Sheriff was confident that the date of the oldest email in relation to a Visitor’s Log, was dated August 25, 2016. He had taken a few screen shot pictures of their Outlook Inbox index on December 12, 2016, depicting the date of emails that were still in the Inbox at the time of the screenshot. Sheriff then provided a USB drive containing these pictures. They were copied from his USB drive to the Investigative USB Drive, under the heading of “Exhibits” within the folder.

6.11 During his interview, Sheriff also produced a series of documents that he had brought to the interview in response to my request on January 04, 2017. The first document was the August 25, 2015 email he had referred to from Acting Sergeant Naval, where he had suggested that they start keeping the emails, in the shared Microsoft Outlook Inbox, instead of deleting them [Attachment Tab 22]. The next was the November 10, 2016 email he had referred to from Inspector and Sergeant directing them to start keeping all hard copy and electronic records until further notice [Attachment Tab 23].

6.12 Sheriff then provided three random emails he had copied from their shared Outlook Inbox that contained email records, which dated back to August 24, 2016. Two of the email records were Visitor’s Logs. The first Visitor’s Log was dated September 02, 2016, from the Honorable Minister S. Phillips, identifying an individual who would be attending that date [Attachment Tab 24]. The second was a Visitor’s Log, dated November 01, 2016 from the Honorable M. McCuaig-Boyd [Attachment Tab 25]. The third document Sheriff produced was an email without a Visitor’s Log attached, dated August 24, 2016, where Ms. from the Labour Minister’s office was notifying the sheriffs that a gentleman by the name of would be coming to Room 107 at the Legislature, to pick up some pictures for framing [Attachment Tab 26]. This was not a visit to a minister’s office.

6.13 Subsequent to Sheriff interview, the investigator checked email Visitor’s Log sheets that had been produced to Ms. Stanton, by Superintendent Cruikshank on November 14, 2016. Ms. Skinner provided the investigator with a copy of the 381 records that were produced and provided to the applicant by Solicitor General FOIP and Records Management. These electronic files can be as a PDF File named “2-16-G-0413 Working Copy” found under the “Exhibits” folder within the Investigative USB drive. Included in the 381 emails sent to the applicant, were both the September 02, 2016 and November 01, 2016 Visitor’s Log Sheets provided by Sheriff.

6.14 The investigator also compared the screen shot of the Outlook Inbox Index Sheriff had provided [Attachment Tab 27], against the email records Sergeant had copied to the fob, which was ultimately provided to Ms. Stanton on November 14, 2016 noted on paragraph
6.13 above. All of the emails compared against the Outlook index provide by Sheriff were found to have been produced.

6.15 Given the foregoing and the fact that the 381 Visitor's Log Sheets provided to the applicant involved date ranges from August 25, 2016 to November 01, 2016 inclusive, it was quite apparent that Sheriff concern that only two weeks of email records dating from mid-October to November 01, 2016 may have been produced, was unfounded. There has never been any allegation that only select email records within this date range were produced.

6.16 Notwithstanding that this allegation appears to have no merit, the investigator pursued obtaining the versions of those involved, as there were still contradictory statements made about the manner in which the emails were recovered from the system, and the description of what occurred at the front security counter when the emails were discussed.

6.17 On January 23, 2017, a follow-up interview was conducted with Sheriff. During this interview, Sheriff provided a summary of what had occurred on the morning of November 04, 2016, in a similar manner to the information he provided during his first interview. He related that after having the disagreement with Inspector over how far the email records went back to in Outlook, Sergeant stated, "You know what, I can access this from my office, I will do it there, they both left."

6.18 Sheriff reported that Inspector arrived at the security desk within seconds or minutes of Sergeant tearing the pages from the Sign-in Register. Sheriff did not know if Sergeant was still in the back office when Inspector arrived.

6.19 As Sheriff had not been accessing his notes at all times, and was struggling with his recall, as he had during his previous interview. He was asked to read everything he had written in his notes out loud, which he did. The segment of his notes specific to this allegation stated [Attachment Tab 07]:


1025 hrs on 4-Nov 216 Sgt Sergeant with Inspector to Review all the e-mail Logs and Guest sign in Registry. Sgt took out by ripping on the pages dating back weeks from the Registry AND Put in For destruction by Shredding. I informed Inspector kept denying that Fact, Typed VISITORS in the search Tool and only Visitor's Logs until early OCT showed up. I again stated NO the info sheets for events, Department emails and visitor Logs all go BACK to 25-July-2016.
Sgt. stated he could access this e-mail system For Leg Security FROM his OFFICE so he will go BACK AND LOOK over and delete the emails [Emphasis added].

6.21 As noted in paragraph 5.2.22 above, on January 08, 2017, the investigator contacted Sheriff by phone to discuss a few concerns regarding his notes. In addition to the issue concerning Sheriff notes, set out above, Sheriff was also asked specifically about the following entries in his notes that spoke directly Allegation #2.

6.22 Sheriff was asked about the entry in his notes regarding an email under the heading of 03 November, 2016:

03-Nov-2016 apparently on this day an email was sent OUT BY STATING ALTHOUGH all the docs were destroyed we do follow the laws and all paperwork will BE saved and emails NOT destroyed in accordance to the FOIP LAWS [emphasis added].

6.23 Sheriff was reminded of his previous interview, wherein he stated that he felt the email he was referring to concerning the November 03, 2016 date, was possibly the email he had received on November 10, 2016 [Attachment Tab 23]. The November 10 email was read to him, which made no mention of the, “Although all the docs were destroyed we do follow the laws.” Sheriff related that there may have been a second email. However, he had not located such an email, when he had previously searched his emails in preparation for his first interview. He stated he would double check to see if there is such an email still on the GoA server, and would let the investigator know. Sheriff has yet to advise the investigator of any other emails that would explain the November 03 entry.

6.24 Sheriff was reminded of his previous interviews, wherein he had described their having received a verbal direction (or an email) to not destroy any records, which occurred at some point early in the week of November 07, 2016. He also stated that, subsequent to this, they had received an email from Sergeant and Inspector on November 10, 2016, directing them to keep all hard copy and electronic records [Attachment Tab 23]. At issue was the entry he made in his notes for November 03, which came after his notes for November 04, 2016 and caused them sequentially out of order. Moreover, the entry for November 03, 2016, was then followed by a solid line and then a heading of “07 NOV – 10 NOV 2016.” Sheriff stated that he had no idea where he “got the words” he used to describe events in the 03 November entry. He stated that the entry date of 03 November was definitely an error in his notes. He felt he may have been referring to the email on November 10, 2016, which he had included prior to his having put the header in his notes for the week of November 07 to 10, 2016.

6.25 As noted in paragraph 5.3.154 above, on January 27, 2017, the investigator received a copy of an email from Corporate Information Security at Service Alberta, which they had recovered from Sergeant “Sent Items” folder from Monday, November 07, 2016. Sergeant
had sent this email to sheriffs working security at the Legislature at 12:33 p.m. on this date [Attachment Tab 14. The text of the email stated, "Don't shred any more visitors logs until I hear from the inspector." Both Superintendent Cruikshank and Inspector [P1] had described that as an outcome of their meeting on Monday November 07, 2016, Inspector [P1] had directed Sergeant [P1] to advise his staff to ensure all records were retained until further notice. This would appear to be the missing email that Sheriff [P1] had referred to, that he had mistakenly marked in his notes as having been received on November 03, 2016. He had indicated that the email he was referring to was received the next working day after Friday, November 04, 2016, which was Monday November 07, 2016. The content of the November 07, 2016 email from Sergeant [P1], while of a similar topic, did not pertain to Sheriff [P1] note, "Although all the docs were destroyed we do follow the laws and all paperwork will be saved and emails not destroyed in accordance to the FOPIP laws". Once again, Sheriff [P1] interpretation of something he recalled appears to be considerably more nefarious than the actual message. This may well explain why he stated that he had no idea where he "got the words" he had used in his notes to describe this email.

6.26 On January 08, 2017, Sheriff [P1] was also asked about the entry in his notes where he stated:

Sgt. [P1] stated he could access this e-mail system For Leg Security FROM his OFFICE so he will go BACK AND LOOK over and delete the emails [emphasis added].

6.27 This entry appeared to be similar to the information that Mr. Marks had recounted about what Sheriff [P1] had mentioned to him. As noted in paragraph 5.2.6 above, Mr. Marks stated that Sheriff [P1] had expressed his concern about electronic records that were responsive to a FOIP request, which may have been deleted and/or not produced.

6.28 Sheriff [P1] was advised that during his previous interviews he had made no mention of Sergeant [P1] having said that he was going to go back to his office and "delete the emails". Sheriff [P1] stated, "Yeah, that might not be correct." Sheriff [P1] stated he could not recall what Sergeant [P1] had actually said. He recalled Sergeant [P1] saying that he could access the email records from his office, but could not specifically recall what Sergeant [P1] had said at the time.

6.29 Sheriffs [P1], [P2], [P3], [P4], and [P5] all reported no recollection of Inspector [P1] being at the front security desk on November 04, 2016, or about any dispute over the email records, as described by Sheriff [P1].

6.30 As noted in paragraph 5.3.29 above, Sheriff [P1] spoke with Sheriff [P1] shortly after Inspector [P1] and Sergeant [P1] left the front security desk area. The information Sheriff [P1] reported Sheriff [P1] had mentioned to him that speaks to Allegation #2, was as follows:
And the big issue he had was um, on the computer, we have, have our email that we get all the Visitor's Logs from EA's of Ministers in the building. They'll, they'll send these to us so we know who's coming, so we can just have them come in and we've got a record of them being here, right? Um, so I guess got into a disagreement with email because was trying to say the emails only go back to a certain date and was trying to tell him, 'No, they actually go back further'. Tried to show him, shut him down and, and said, 'No, this, this is it'.

6.31 Inspector had little specific recall regarding his actions related to the gathering and production of email records. He recalled that shortly after he received the email regarding the FOIP request, he had a discussion with Sergeant about the types of records they may have, which could be produced in response to the FOIP request.

6.32 When describing his knowledge of their retention practices regarding email records, Inspector indicated that he had no knowledge of what the sheriffs did with these records prior to Sergeant explaining it to him, on November 04, 2016. He later understood that there were "...multiple users of the email system, and some were deleting emails and some were not", as there was no policy in place directing them what to do. This was consistent with the information provided by Sheriff.

6.33 Inspector stated:

In speaking with um, I remember, I believe I showed up at the front area, the front counter, and I said, well is it possible to do an electronic search of all the emails that have come in on that date range. Ah, all the electro...like an electronic copy of all he emails for the, for the main visitor log book. Um, and I'd asked to conduct that search. Again there is some information in there, I, I, learned that um just, um, by verbal procedure, there is no, currently there is no hard copy of an SOP in relation to what is to be done at the end of the day. It's just ah, historically, officers took care of adding to the binder, removing the binder as, as you see fit. There's, there's nothing in place um, right now...hard copies SOP that ah, that state what is supposed to be done. So, um, again, same with the information on the emails. But ah, there may have been officers that might have deleted some emails. Um, you know just in their regular practice, or there may have been whatever was available on the computer there, they would be there, for us to retrieve.

6.34 After describing what Sergeant had told him regarding the retention of hard copy records and electronic records, Inspector again stated that there was no procedure in place to tell his officers what to do.
6.35 Inspector P1 also stated:

> For the FOIP request we had, um, we had ah, I believe Sergeant P1 was able to garner multiple emails in relation to the dates that was requested. And, at that point there, it was put onto a USB thumb drive. That ah, USB thumb drive was subsequently sent to Superintendent Cruikshank. And I believe that Superintendent Cruikshank forwarded that on to the FOIP office. I, there were multiple emails on there. It was a, a large amount of email on there, in relation to the dates that had been asked for. And, it was basically anything on the computer that related to our Visitor’s Logs. I had asked the sergeant to make sure that it was captured. And, ah, it was.

6.36 Inspector P1 related again that he had a general understanding of the practice that most hard copy records were shredded. He recalled that he confirmed this understanding with Sergeant P1 so he could update Superintendent Cruikshank. He stated:

> I do remember going up front. There were multiple officers there. And I do remember asking to sift through the main Leg. Ah...security computer. Just to see what would be on there, to...to supply.

6.37 As noted in paragraph 5.3.82 above, Inspector P1 was asked specifically what Sergeant P1 told him when they were at the front counter, and he responded, “I don’t know. I don’t remember. I can’t be a 100% sure what he told me. I knew stuff was being shredded the daily binder and I was under the understanding that the coil ring binder were being kept for some period of time. Um, I figured there would be substantial electronic copies, which there were.”

6.38 Further on, the interview returned to his actions at the front counter. Inspector P1 was asked if he recalled looking at the computer, or was it just Sergeant P1 who did. He stated: “I do, I do recall sitting down and ah. And ah just kind of going through to see what, what was on there.”

6.39 When asked if he recalled how far back the records went, and he responded:

> No, I do not. I’m sorry Rick. I just, that, I was looking at the main ah, Outlook home screen. And then I was just, scrolling through. And ah, there was a fair bit. And I think P1 had actually...Um, in part of his ah, gathering the information up on this, he had dug a little bit deeper. And that was his job, what I’d asked him to do. Um, at the end of the day, that’s exactly, exactly what we did. There, there was a request; I asked, I asked for it to be actioned. I responded to my boss, and I gave him the information that was supplied to me on a thumb drive by the Sergeant, and I didn’t pursue anything further.

6.40 Inspector P1 was asked how often in the past he had been on the computer at the front security desk, to review Outlook email records. He stated that November 04, 2016, was the only
time that he had ever gone onto that computer to see those records, since starting in his role at the Legislature some two and a half years earlier.

6.41 Inspector recalled Sergeant telling him that he had put the email records on a "fob". He could not recall having any conversation with Sergeant specifically about the FOIP request, between November 04, 2016 and November 10, 2016, when he asked Sergeant to bring him the fob, as well as any paper records he had gathered the previous week. As noted in paragraph 5.3.93 above, Inspector could not recall how he came to obtain the fob containing the email records from Sergeant that day.

6.42 Inspector stated that as soon as soon as he received the fob, he turned it over to Superintendent Cruikshank. He could not recall the conversation he had with Superintendent Cruikshank when he gave him the fob. He does recall when he gave the fob to Superintendent Cruikshank, he (Superintendent Cruikshank) plugged it into the computer, and there were multiple files on the fob. He recalled telling Superintendent Cruikshank that this was everything they had to produce. This was based on what Sergeant had previously told him, and from what Sergeant had provided to him that day.

6.43 Superintendent Cruikshank could offer little, other than what he had been told by inspector aside from his personal involvement in the production of the records, as set out in Part 5.3 above. He also described that he spoken with Mr. Marks on November 19, 2016, but only to confirm that there were no other records to produce, other than the fob that he subsequently provided to Ms. Stanton.

6.44 During his initial interview on January 19, 2017, Sergeant was asked when he recalled first speaking with Inspector about the FOIP request. He replied:

I think I only contacted... on the emails. He wanted to know, or I wanted to know how I was going to...what I was going to do with the emails. Because we have a string of emails that I understand go back to July or August. How do you want to deal with that? I don't think he answered right away. I can't remember how I did it, whether it was I phoned, I don't think I emailed him because I don't have email on that.

6.45 The bulk of the first interview with Sergeant initially addressed the handling of the hard copy records. Close to the end of his first interview, Sergeant was advised that information had been received that Inspector had come to the front counter right after he (Sergeant) had removed the pages from the Sign-in Register. He did not recall that Inspector had come to the front counter at any point that morning. He was advised that when Inspector arrived, there was discussion about how far back the electronic records went. He was asked if he recalled this. He responded, "Was I there? I don't know if I was, I don't think that I was". The investigator confirmed that he had information that placed him there at the time.
6.46 The investigator advised Sergeant P1 that he should have been there, as “...” had said that Sergeant P1 had said he could get the records off the system. Sergeant P1 simply responded “Okay”, as in accepting the comment, not confirming it. In fact, the investigator was wrong on this point. It was Sheriff P1 who had said that Sergeant P1 said that he would go back to his office and get the email records from his computer. Sergeant P1 was asked if he recalled having this conversation with Inspector P1. He responded, “I know we clarified with Inspector P1, now, what we were going to deal with the emails.” He was asked if he recalled Inspector P1 being at the front counter that morning, as to which he stated, “No I don’t. Actually, I thought I had talked to him on the phone, or (pause) No. I don’t.”

6.47 When asked, Sergeant P1 confirmed he could not recall Inspector P1 being there that morning. Neither could he recall that he, himself, was present during this conversation about how far back these emails went, or that he said he was going to go back to his office and get the email records together for the response to the FOIP request. He responded, “No, I don’t recall him being there, but, I recall him saying that we’re, yeah, take them off the system and put them on a disk, or a flash drive. Which then I had Sheriff P1 send them to me, all through email, and then I spent the better part of the afternoon downloading them into a file and then put on the that disk.

6.48 Sergeant P1 confirmed that Sheriff P1 sent him all of the emails from their shared Outlook Inbox since he, himself, does not have access to the Legislature.Security@gov.ab.ca email folder. He believed that Sheriff P1 could not send them all at once, and that he sent them in groups. When asked if he would still have the emails from Sheriff P1 on his computer, he stated, “I don’t have him sending them to me, because I try to keep my emails down to four to five thousand. But, I have...what I kept was the files that he had sent.”

6.49 Shortly after the above discussion, the investigator went with Sergeant P1 to his office at the Annex building, to check to see if he still had the paper records in the interdepartmental envelope in his office. Sergeant P1 had also agreed to show the investigator the email records he had copied to his computer, which he stated Sheriff P1 had sent to him on the morning of November 04, 2016.

6.50 After Sergeant P1 could not locate the paper records in his office, he offered to show the investigator the files on his computer. The folder in which he had copied the email files to was named “Visitors Legislature”. In this folder were 410 emails, which he reported had been sent to him by Sheriff P1 in small batches. The properties of these files indicated that he created the files in the folder, in small batches, at various times during the day, starting at 10:42 a.m. The last of the 411 files transferred to this folder, was time stamped at 12:46 p.m., which was consistent with his description of taking the “better part of the day” to go through the emails he received, and then copying the responsive emails to this folder. Sergeant P1 agreed to
provide the emails in this folder to the investigator, but could not locate a USB Drive at the time of that interview. As such, he agreed to provide the investigator with the files the next day.

6.51 Sergeant reiterated that he did not recall Inspector being at the front counter earlier that day. He was "pretty sure" that it was Sheriff that pulled the emails off of the system and sent them to him. Sergeant indicated that he had checked his Inbox and his deleted items folders, and could not see the carrier emails that Sheriff had sent with the batches of emails, from the Legislature.Security@gov.ab.ca email folder, attached to each email.

6.52 After this interview, the investigator spoke with Sheriff at the front desk of the Legislature. Sheriff was confident that he had never sent the 410 emails to Sergeant. Sheriff pointed out that during his previous interview, he had referenced his notes that stated that Sergeant said he, himself, would go back to his office and get the emails off the system.

6.53 On January 20, 2017, the investigator returned to Sergeant office in the Annex Building in order to pick up the USB Drive with a copy of the 410 email records on it. Sergeant provided the investigator with a reddish, plastic covered Scan Disk USB drive. This USB drive can be found attached as an Exhibit retained within the Investigative Binder under separate cover. At that time, the investigator asked Sergeant if he could open the folder on his computer that he kept the email records in, so they could check the created dates on the files. When he did, the "Date Modified" column indicated that the emails had been created on November 04, 2016. The first file of the 410 files was created at 10:42 a.m. The remainder were created throughout that morning, until some point after around 1:00 pm. Sergeant was asked if he was certain that Sheriff had sent these emails to him. He stated that he was certain, as he does not have access to the Legislature.Security@gov.ab.ca folder from his office.

6.54 During his January 27, 2017 follow-up interview, Sergeant reviewed his involvement in the handling of the FOIP request. The following is a summary of details he provided, which specifically relate to Allegation #2. It is important to note that some of the following details were also reviewed with Sergeant during his final interview on March 01, 2017, as reported on in Part 5.3 above. As such, some of the following may appear to be duplication, however, sequentially, the information was reported prior to the information documented in Part 5.3 above.

6.55 Sergeant described receiving the email records from Sheriff as follows:

I was emailed a whole bunch of emails from the front desk. They were sent to me, and I had, ah, transferred them over onto a flash drive fold. Um, prior to that, I would have visited the front desk; I think twice that morning. Uh, the
second time was, I think to set up how we were going to transfer the emails to me. And the first time to inform the staff that we were under a FOIP request.

6.49. Sergeant still recalled that Sheriff was the one to send him the email records. He described how he had gone through the email attachments sent to him, and created a folder on his computer. He recalled that some of the emails he had been sent had nothing to do with the FOIP request. Once he had reviewed the files, he transferred all of the records onto the fob. He subsequently provided Inspector with a fob with all 410 emails on it. He stated that he gave Inspector everything that he had received, “even the ones from November 02 and November 03, 2016”, which were not responsive to the FOIP request.

6.56 When reviewing what happened at the front counter prior to having Sheriff email the 410 email records to him, he confirmed that he had gone to the front security counter twice that morning. He stated that he happened to be at the front counter when Sheriff mentioned, “Well, we have all these emails.” I said, “Okay, let me call and find out how we are going to send those, or what we are going to do with those.” My recollection is that I either called Inspector or I texted him, and he indicated that we would put them all on a flash drive or a fob.

6.57 Sergeant was asked what he did when Inspector told him this. He stated, “Then I told him to email them all to me.”

6.58 He was asked what happened prior to asking Sheriff to send him all the emails. He stated that he did not recall. When asked, he stated that there would have been a half hour to forty-five minutes, between his two visits to the front counter that morning.

6.59 He was asked what he did at the front desk during the first time he was there that morning. Sergeant described his first contact with his staff set out in paragraph 5.2.35 above. He could not recall what happened after that.

6.60 Further on in his interview, Sergeant stated that he could not recall anything occurring at the front counter after he tore the pages out of the Register, and found the Visitor’s Log Sheets.

6.61 The investigator reviewed the following benchmark times taken from various documents, against a summary of the events as described by Sergeant:

- At 9:48 he received the email from Inspector advising him of the FOIP request.
- He went to the front security desk at some point after he received the email from Inspector.
6.62 Sergeant confirmed that all of the above actions took place between the email from Inspector advising him if the FOIP request at 8:48 a.m., and his creating the first email record in the folder on the computer in his office at 10:42 a.m.

6.63 Sergeant confirmed once more that it was his belief that Sheriff had sent him the series of email, totalling 411 attachments. Sergeant stated that the sheriffs' shared Outlook Inbox at the Legislature, was originally a standalone system within the Legislature, which he has never had access to. He showed his profile on his computer to the investigator. While he had access to the Federal Building and Annex shared email Inboxes, he was not mapped to the Legislature Inbox.

6.64 On January 27, 2017, the investigator received information from Corporate Information Security, at Service Alberta, that Sergeant in fact had "full mailbox access" to the Legislature.Security@gov.ab.ca mailbox account. Even with this access, there is no information to prove that he had ever mapped the computer in his office to this account. Corporate Information Security also noted the following, "The security information account only logged into one workstation on November 3, 2016. The account logged off of the workstation on November 4, 2016 @ 17:25." This is the approximate time that sheriffs working at the security desk will end their shifts. This information appears to corroborate Sergeant claim that he did not access this account from his computer, but rather had the 410 emails sent to him from the Legislature security desk on November 04, 2016. While it appears that the only computer that had logged into the shared Legislature.Security@gov.ab.ca mailbox account was at the front security desk on November 04, 2016, there are no records available to identify how Sergeant would have gained access to the 410 email records from the Inbox to that account. As
this is a shred account, Corporate Information Security could not even identify who logged into this account on November 03, 2016.

6.65 Corporate Information Security described having checked Sergeant [P.I.] deleted emails from November 04, 2016, and did not find the alleged carrier emails that had the 410 records attached to them. Sergeant [P.I.] had indicated his having deleted the carrier emails, after he had copied the attachments to the folder on his computer, on November 04, 2016. If this was the case, the emails would have stayed in Sergeant [P.I.] Deleted Items folder for 30 days. After this time, the system then automatically moves the deleted items to the server, where they are stored in a “Recoverable Deleted” folder. After another 30 days elapses, these deleted emails are then permanently deleted by the system. As such, deleted items from Sergeant [P.I.] email account would have been permanently deleted 30 days after November 04, 2016, on December 04, 2016. Corporate Information Security also advised that Sergeant [P.I.] email account was put into a “hold status” on December 09, 2016, to preserve what was in his Outlook account at that time. As such, deleted items from Sergeant [P.I.] Outlook account prior to that date were no longer recoverable.

6.66 During the January 27, 2017 interview, Sergeant [P.I.] showed the investigator his Outlook “Deleted Items” folder, which contained emails dating back to December 24, 2016. He had no emails from Sheriff [P.I.] in his “Deleted Items” or “Inbox” folders. When asked why he had so few emails in his Deleted Items folder, he demonstrated how, on occasions, he will go into the folder and clean it out, by highlighting a series of emails and deleting them all at once.

6.67 The email accounts of Sergeant [P.I.]’s subordinates were also checked by Corporate Information Security, and no records were available to determine who, if anyone, had sent the 410 emails to Sergeant [P.I.]. Corporate Information Security reported that after they checked all available records, it appears as if there is no manner in which to confirm exactly how Sergeant [P.I.] had come to be in possession of the 410 emails that date. This issue was pursued initially as it speaks potentially to credibility of either Sergeant [P.I.], or Sheriff [P.I.] recall. Finding out how Sergeant [P.I.] had actually garnered the 410 emails, in no manner will affect the outcome of this allegation, and as such, no further action was taken to clarify this point.

6.68 Sergeant [P.I.] recalled having to review all of the emails that were sent to him by Sheriff [P.I.] from the Legislature.Security@gov.ab.ca mailbox. He noted that some of the emails were not responsive records but, rather, just general email correspondence. As such, he spent “the better part of the day” going through the emails and copying only emails responsive to the FOIP request to the folder on his computer, and deleting the rest. He stated that he ended up with 410 emails that he copied to the fob for production, which he then provided to Inspector [P.I.] on November 10, 2016. Sergeant [P.I.] confirmed that the USB drive he had provided to the investigator with the 410 emails, were the same records he had provided to Inspector [P.I.]
6.69 As noted in Part 5.3 above, Sergeant was interviewed again on March 01, 2016 primarily regarding his handling of paper records and statements he had made to Inspector on November 04 and November 10, 2016. The details of that interview do not add to or contradict any information Sergeant provided regarding Allegation #2. As such, the details of his march 01, 2017 Interview are not repeated under this Part.

6.70 On February 13, 2017, the investigator contacted Ms. Stanton and confirmed that the USB drive, provided to her by Superintendent Cruikshank on November 14, 2016, had, in fact, contained 410 records. The first few records on the USB drive provided to the investigator were compared against the first few files on the USB drive Superintendent Cruikshank had provided to Ms. Stanton. The same records, in the same date order, were found on both drives. As noted in paragraph 6.2 above, Ms. Stanton related that when they reviewed the 410 emails, they identified only 380 that were actually records responsive to the FOIP request, which were provided to the applicant.
7. General Analysis

7.1 Mr. Marks identified that the penalty sections within the Alberta FOIP Act, which speak to the circumstances related to this investigation, are specific intent sections. These sections set out the criteria that, for actions to be in contravention of the Act, the individual must have acted in such a manner that they did so willfully, and with intent to evade a request for access to a record. The two relevant sections in the Act are:

- Section 92(1)(e) which states: A person must not wilfully alter, falsify or conceal any record, or direct another person to do so, with the intent to evade a request for access to the record.

- Section 92(1)(g) which states: A person must not wilfully destroy any records subject to this Act, or direct another person to do so, with the intent to evade a request for access to the records.

7.2 Given the incident under investigation involves sheriffs employed by the Sheriffs Branch, they are also required to act in accordance with the Sheriffs Branch Code of Conduct, which prohibits specific behaviour. The most relevant sections of their Code of Conduct in relation to the investigation of this matter appear to be as follows:

- 2.3.2.4(2)(d) "deceit" consists of one or more of the following:
  (i) wilfully or negligently making or signing a false, misleading or inaccurate statement or entry in an official document or record;
  (ii) wilfully or negligently making or signing a false, misleading or inaccurate statement pertaining to the peace officer’s official duties;
  (iii) without a lawful excuse,
    (A) destroying, mutilating or concealing an official document, record or property, or,
    (B) altering or erasing an entry in an official document or record;

- 2.3.2.4(2)(e) "discreditable conduct" consists of one or more of the following:
  (i) contravening
    (A) an Act of the Parliament of Canada,
    (B) an Act of the Legislature of Alberta, or
    (C) any regulation made under an Act of either the Parliament of Canada or the Legislature of Alberta,
    where the contravention is of such a character that it would be prejudicial to discipline or likely to bring discredit on the reputation of the Sheriffs Branch;
  (viii) doing anything prejudicial to discipline or likely to bring discredit on the office of peace officer.

7.3 The facts regarding Allegation #2 are straightforward. Sheriff reported that on November 04, 2016, he observed visitor-related emails on the Sheriffs Legislature Security shared email inbox: legislature.security@gov.ab.ca, dating back to August 25, 2016. Based on a
disagreement he had with Inspector over how far the records went back, and having allegedly just seen other paper records being shredded, he felt that Inspector and/or Sergeant had the inclination to conceal or delete some of these email records, and only produce email records dating back to mid-October, 2016. Investigations revealed that the email records that Sheriff felt may not be produced were, in fact, provided to Mr. Marks’ office on November 14, 2016.

7.4 The evidence regarding whether or not Sergeant had wilfully or negligently made a false, misleading or inaccurate statement or entry in an official document or record, was also straightforward.

7.5 It is the investigators opinion that November 04 and November 10, 2016 emails that Sergeant sent to Inspector advising him that there were no paper records within the date range of the FOIP request were, in fact, official documents or records. These emails related to the production of records regarding an ongoing FOIP request, and were acted upon as fact by Inspector. Inspector in turn, provided this information to Superintendent Cruikshank, who went on to provide this Information to Mr. Marks and Ms. Stanton.

7.6 Sergeant reported that he tore the pages from the Sign-in Register on the morning of November 04, 2016, and had also located a few loose Visitor’s Log sheets. He retained these documents in his possession, believing they were responsive to the FOIP request. He stated that he returned to his office by 10:42 a.m. that morning, and put the documents in an interdepartmental envelope, and then placed them on top of the in-basket on his desk. Three hours later, at 1:43 p.m. he sent an email to his supervisor, Inspector stating: “There are no paper copies available within the time frame asked for”. Sergeant could offer no explanation for this contradictory evidence, other than to say that he believed that he had the noted paper records in his possession at the time he sent this email. As such, he did “not know what to say” about his having told Inspector that there were no paper records so soon after acquiring them.

7.7 Sergeant reported that he believed that he had kept the interdepartmental envelope containing the papers on his desk until November 10, 2016, when he received an email request from Inspector stating, “Can I get the fob from you please and any paperwork from last week regarding the FOIP request.” Sergeant responded to this email within two minutes of his having received the request, and advised Inspector as follows: “Yes. There is no paper or hard copies for the dates indicated.” By 12:03 p.m. Inspector sent Sergeant an email thanking him for supplying the “visitor log information pertaining to the FOIP request.” Inspector reported that Sergeant had not provided him with any paper records, nor had he expected any, given what Sergeant had told him previously. Sergeant could offer no explanation when confronted with the contradictory nature of his stating that he believed he still had the envelope in his office, at the time of his having sent his reply to Inspector. His believed that he had provided the envelope with the fob that
date, but could not actually recall the physical act of handing over these items to Inspector Lettis. It seems unlikely that Sergeant would have sent the noted email, if he actually had the papers on his desk, and had intended on delivering them to Inspector right after advising him that there were no paper records.

7.8 Sergeant remained adamant in his belief that the noted records had not been shredded, and that he had left the front security counter with them, on that morning. Even so, he could not explain what happened to these records.

7.9 Inspector stated that had Sergeant ever told him that papers responsive to the FOIP request had been shredded, he would definitely have recalled such a conversation, as it would have been contrary to FOIP.

7.10 Given the foregoing, it would appear that the only manner, in which Sergeant would not have made a false or misleading statement to Inspector in the two emails set out above, would be if he, in fact, was aware that the paper records had been shredded at the time he drafted the email. Sergeant made it clear that he knew the pages he had torn from the Sign-in Register, as well as the loose Visitor’s Log sheets, were responsive to the date range of the FOIP request.

7.11 There has been no evidence found which suggests that Sergeant himself had destroyed any records responsive to the FOIP request.

7.12 It is the investigator’s opinion that the issue is not whether it can be proven that the pages torn from the Sign-in Register and the Visitor’s Log sheets were, in fact, shredded. Rather, at issue is whether or not Sergeant willfully directed either Sheriff or Sheriff to do so, with intent to evade the request for access to records. It is also the opinion of the investigator that if these two elements cannot be proven, then neither a breach of FOIP nor the Peace Officer Act could be proven, as records are routinely destroyed as a matter of practice.

7.13 Considerable detail was set out in Part 5.2 above, regarding what Sergeant may have said to his staff on the November 04, 2016. Sheriff evidence in this regard lacked clarity and consistency. This was particularly problematic, as both Sergeant and Sheriff reported that, historically, Sergeant would come to the security desk at the Legislature and remind his staff that they were not supposed to be keeping these records, and that they were to be destroyed. This was in keeping with their long-standing practice established several years earlier by Inspector Gourley.

7.14 Superintendent Cruikshank, Inspector and Sergeant were under the impression that the sheriffs were removing and destroying the pages from the Sign-in Register on the day of, or within a few days, of the visit having occurred.
7.15 Sergeant [redacted] had stated that on November 04, 2016, he found that his staff had not been removing the pages from the Sign-Register, as he had been previously directing. He related that at the time of his having torn the pages from the Register, he may have admonished his staff about their keeping these records for extended periods. However, Sergeant [redacted] could not recall specifically what he had said to them on that particular morning.

7.16 Sheriff [redacted] expressed frustration with their retention practices regarding visitor-related records, changing so frequently over the years. He felt that he was always wrong in the manner in which he interpreted what they were supposed to be doing with these documents. His understanding of their retention practices regarding the Sign-in Registers leading up to, and including, the morning of November 04, 2016, was that sheriffs at the front counter had decided on their own, that it was easier to leave the pages in the Sign-in Register, than it was to tear them out each day and shred them, as they had previously been directed. Instead they would then dispose of the book after it was full. More recently, they started putting the full/completed Registers in the filing cabinet in the back office, west of the security desk.

7.17 Sheriff [redacted] had no notes to describe specifically what Sergeant [redacted] had said to him and Sheriff [redacted] on November 04, 2016. His initial disclosure first to Ms. Skinner, and then the investigator, was that Sergeant [redacted] had ordered him and Sheriff [redacted] to shred the torn pages from the Sign-in Register. In his follow-up interview Sheriff [redacted] provided a number of variations as to what Sergeant [redacted] had said to them. These include:

- "They were not supposed to be keeping these records; they needed to be shredded."
- "This needs to be shred, shredded. We have a FOIP request, the boss is coming, you guys know you are not supposed to keep records, right?"
- "We have a FOIP request, you need to shred these documents."
- "There has been a FOIP request, someone needs to shred these. You guys know you are not supposed to be saving this, right? And the managers coming."
- "You guys know we are not supposed to be keeping these records...These need to be shredded."

7.18 Only after Sheriff [redacted] was asked directly if Sergeant [redacted] had directed his comments specifically at them, did Sheriff [redacted] offer the following: "He's, it's a general comment. It wasn't specifically to me or someone." When asked if this included the comment, "These need to be shredded", Sheriff [redacted] responded, "Yeah, and you know we are not supposed to be keeping them."

Sheriff [redacted] indicated that he did not ask Sergeant [redacted] to clarify what he had meant.
As noted in paragraphs 5.2.24 and 5.2.25 above, in a subsequent interview, Sheriff[redacted] was asked to clarify the following entry in his notes:

Sgt[redacted] also informed Sheriff[redacted] about the papers that needed to be shredded.

When asked what he meant by the above entry in his notes, Sheriff[redacted] sounded somewhat confused as he tried to explain this entry. He stated:

“I’m just reading my notes from what I wrote that day. Because I don’t remember him specifically telling Sheriff[redacted] it was, I thought, thinking back now, it was just a general statement. There’s two of us there, these need to be shredded. It wasn’t directed at one specific person.” (He then stated) “But for some reason in my book I put, informed Sheriff[redacted] about the papers.” (He clarified) “That was a general statement to us there. It wasn’t you go shred these now. It was, ‘These need to be shredded’” [emphasis added].

Sheriff[redacted] version that Sergeant[redacted] did not direct his statements specifically to either himself or Sheriff[redacted] raises a critical question regarding the intent of Sergeant[redacted] comments.

As noted in paragraph 5.2.38 above, while discussing whether or not he would have told his staff to shred the records he had torn from the Sign-in Register, Sergeant[redacted] stated that he was 100% certain that he had never directed any of his staff to shred the records. He stated, “I would have possibly said you are not supposed to be keeping these, but I would not say now were going the shred all this stuff; we will not be sending this in. Never, ever, ever.”

Consideration must be given the fact that even if Sergeant[redacted] had made the statement reported by Sheriff[redacted] that, “You guys know we are not supposed to be keeping these records...These need to be shredded”, it may not have been made with intent to have them shred the actual papers he had just torn from the Register. Rather, as Sheriff[redacted] had stated, Sergeant[redacted] may have simply been making a “general statement” to them. This could as easily have been a statement by Sergeant[redacted] as a reminder to them, that they were not supposed to be keeping the pages in the Register, and that they were supposed to be shredding them. It would be equally easy to see how his statements could have been interpreted by Sheriff[redacted] to mean that Sergeant[redacted] was referring to the pages that had been torn from the Sign-in Register.

Sheriff[redacted] offered little in the way of evidence regarding what Sergeant[redacted] said Sheriff[redacted] and himself on November 04, 2016, as his memory of that date was suspect at best. He recalled Sergeant[redacted] mentioning the FOIP request. He also recalled Sergeant[redacted] using the word “shred”, but could not say with any certainty in what context. No matter what
Sergeant [REDACTED] did say to them, he did not recall Sergeant [REDACTED] statement to reflect that he had directed him to shred the papers.
8. Incidental Matters

8.1 Notices of Investigation

8.1.1 On January 17, 2017, the investigator met individually with Inspector and Sergeant in the presence of Superintendent Cruikshank, in Superintendent Cruikshank's office. The purpose of meeting with them was for the investigator to introduce himself, to personally serve their Notice of Investigation, and to answer any question they may have had. Copies of the Notices served can be found as Attachment Tab 06.

8.1.2 Included in the Notices for Sergeant and Sheriff, amongst other details, was notice that as per their Collective Agreement, they could have a Union representative or Shop Steward present during their interview.

8.1.3 Inspector is in a management role, and as such, does not fall within the scope of the AUPE Collective Agreement. He was interviewed without any representation.

8.1.4 Superintendent Cruikshank is also in a management role. He was interviewed without any representation.

8.1.5 During his initial interviews, Sheriff had a Union representative sit in on his interview.

8.1.6 Sergeant opted not to have a Union representative present at any of his interviews.

8.1.7 Prior to their interviews, Sheriffs and were notified by email that they had been identified as possible witnesses in this investigation. They were advised that a Union representative would be onsite and available on the day of their interviews, if they chose to have this person present during their interview. All declined Union representation during their interviews. Copies of the noted emails are attached as Attachment Tab 28.

8.1.8 Sheriff opted to have a Union representative present during his first interview, but decline Union representation during his follow-up interviews and phone calls.

8.2 Additional Visitor-Related Records Recovered and Produced

8.2.1 During the course of his January 11, 2017 interview, Sheriff stated that there were four to five of the Sign-in Register books currently stored in Bankers Box located on the floor just inside the door to the back office, along the south wall of the office. This box was placed in the back office by Sergeant during the week of November 07, 2016, for all visitor-
related records to be stored in, until further direction was received regarding retention of these records. He believed these Registers dated back to May of 2015. He later showed the investigator a video he had taken of the books, just in case they went missing before they could be recovered by the investigator. The video could not be seized as it was on an internal drive of a small camera he had brought to the interview. Sheriff mentioned that he believed that another two Sign-in Registers were currently located in a brown filing cabinet, at the Loading Dock Security Desk office. When asked why he believed that Sergeant did not gather these books in response to the FOIP request, Sheriff stated that he did not believe that Sergeant was aware that they had been keeping Sign-in Registers. Prior to being moved to the box, they had been stored in a filing cabinet in the back office.

8.2.2 On January 17, 2017, Superintendent Cruikshank and the investigator responded to the front security desk at the Legislature. The content of the Bankers Box was audited for the noted Sign-in Registers, as well as, any other records that may have been responsive to the FOIP request. Five Sign-in Registers were recovered from this box that contained the following ranges of dates and number of pages included in each of the respective Registers:

<table>
<thead>
<tr>
<th>Date Range</th>
<th># of Pages</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sept. 08, 2015 - Nov. 25, 2015</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Nov. 25, 2015 - Feb. 23, 2016</td>
<td>97</td>
<td></td>
</tr>
<tr>
<td>Feb. 23, 2016 - May 10, 2016</td>
<td>67</td>
<td></td>
</tr>
<tr>
<td>May 10, 2016 - Aug. 31, 2016</td>
<td>99</td>
<td>2nd last entry; Aug 31. Final entry dated “Sept.” with no day</td>
</tr>
<tr>
<td>Nov. 03, 2016 - Dec. 01, 2016</td>
<td>34</td>
<td></td>
</tr>
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</table>

8.2.3 Superintendent Cruikshank and the investigator then responded to the Loading Dock Security Office. Sheriff searched the brown filing cabinet in the office and located two Sign-in Registers. A check of the two Registers revealed the records from March 14, 2016 to November 08, 2016. The Register that was in current use at the security desk had a first entry date of November 09, 2016, which was consistent with this book being the third book in succession from the Loading Dock area. The investigator then asked Sheriff if he knew where the Register books dated prior to March 14, 2016 for the loading dock, would be. He did not know and suggested that perhaps someone had taken them up to the main floor security office, for storage. He had no idea what was done with the Sign-in Registers once the book was full.

8.2.4 The date range and pages per Register found at the Loading Dock were as follows:
<table>
<thead>
<tr>
<th>Date Range</th>
<th># of Pages</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 16, 2016 – Nov. 08, 2016</td>
<td>100</td>
<td></td>
</tr>
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</table>

8.2.5 As noted in Part 4 above, there was no policy in place for the handling and retention of the Sign-in Registers. Most of the sheriffs interviewed had no idea what was to be done with the Sign-in Registers after they were filled. Some of the more senior sheriffs indicated that instead of ripping the pages out each day, they would wait until a book was full, and then throw it in the shredding box. More recently, they just started throwing them in the filing cabinets. Accordingly, no explanation was found for the pages missing from any of the recovered Registers. However, it was clear that the Registers appeared to have little value to the sheriffs other than to record who had entered the building on any given day. Once that day passed, they did not consider them, in any manner, to be a record that required retention.
<table>
<thead>
<tr>
<th>Visitor Name</th>
<th>Scheduled Time</th>
<th>Meeting Room if applicable</th>
<th>Card No. Issued</th>
<th>Card Returned</th>
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<tbody>
<tr>
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Please Email to: legislature.security@gov.ab.ca
OR
Fax to: 422-2228

Please Email to: security.annex@gov.ab.ca
OR
Fax to: 427-4967
<table>
<thead>
<tr>
<th>Date</th>
<th>Print Name</th>
<th>Telephone Number</th>
<th>Destination</th>
<th>Time In</th>
<th>Time Out</th>
<th>Card Number</th>
</tr>
</thead>
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</table>
There has been some concerns of “important” emails being deleted without getting printed at the Leg Front Desk. To remedy the issue I would suggest that whichever Sheriff is on the computer checking emails regarding meetings/Visitor lists/Events, that from now on we literally will keep all emails (Do Not “Delete”) and print all the Meetings/Visitor Logs /Events. After the Member prints email Please CHECK MARK the email message to indicate that the email has been seen and printed then filed.

I have brought a 2 hole clipboard for us to use to file the Events that will be happening in the up-coming days or near future. This Clipboard can be a great reference for us to see what events are happening so we are all on the same page.

Also when Events are emailed to our front desk and Sgt or A/Sgt are not on the email list please forward the email to them.

Hope this is clear as mud and any questions or concerns please bring it to my attention or any other ideas to fix the issue.

Thank you team,

A/Sgt. Sheriff NAVAL, ED Reg #1541
Justice and Solicitor General
Alberta Legislature And Government Centre
Sheriff Branch, Protective Services
10800-97 Ave
Edmonton, Alberta
Canada
780-644-3980 (Fed Building)
780-427-7359 (Leg Building)
Received from Erin Skinner
22 December, 2016

From: JSG FOIP
Sent: Tuesday, November 01, 2016 11:16 AM
To: Jacquelyn Eden; Rozmin Alibhai
Subject: FW: New request
Attachments: 2016.11.01 Visitor Log (Justice).pdf

For printing and Jen B’s review.

Thank you!

Jen S

Good morning,

Please find attached a new request on visitor logs to the Legislature building.

Please let me or myself know if there are any questions or concerns, if the request might be narrowed, or if anything else is needed. As always we are very willing to work with your office as early as possible on each request to ensure that they are as concise, focused, and economical with the time and resources of everyone involved as possible.

Thank you!

Alberta Justice
and Solicitor General

NOV 01 2016
Freedom of Information
and Privacy

1
# Request to Access Information

Personal information on this form is collected under Alberta’s Freedom of Information and Protection of Privacy Act and will be used to respond to your request. See instructions for completing this form.

**About you**

<table>
<thead>
<tr>
<th>Title (optional)</th>
<th>First Name</th>
<th>Last Name</th>
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<th>Name of Company or Organization (if applicable)</th>
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<thead>
<tr>
<th>Mailing Address</th>
<th>Street</th>
<th>City/Town/Village</th>
<th>Province</th>
<th>Postal Code</th>
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<tr>
<th>Telephone Number (daytime)</th>
<th>Telephone Number (evening)</th>
<th>Fax Number</th>
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</table>

1. What kind of Information do you want to access?
   - [x] General Information (An initial fee of $25 is required – see instructions for explanation of fees.)
   - [ ] Your own personal information (No initial fee is required for personal information.)

2. To which public body are you making your request? (Please fill in the name of the public body that has the records you wish to access. For a complete listing of public bodies, consult the Directory of Public Bodies on the FOIP website at foip.alberta.ca.)
   - Justice

3. Do you want to: [x] receive a copy of the record? OR [ ] examine the record?

**About the Information you want to access**

1. What records do you want to access? Please give as much detail as possible. (If you want access to your own personal information, be sure to give all your previous names. For another person’s information, you must attach proof that you can legally act for that person.)
   - See Attached

2. What is the time period of the records? Please give specific dates. (See instructions for details.)
   - See Attached

**Your signature**

<table>
<thead>
<tr>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 November 2016</td>
</tr>
</tbody>
</table>

**Where to send your request**

Send your completed request form, and initial fee if applicable, to the FOIP Coordinator of the public body that has the records you wish to access. For contact information, consult the Directory of Public Bodies on the FOIP website at foip.alberta.ca.
I request a full copy of the visitor log to the Alberta Legislature.

May 5th 2015 – Date Received

Please note that duplicates may be excluded.

I also request all records related to this request to be provided electronically, including the final record and correspondence.
Bruce Cruikshank

From: Bruce Cruikshank
Sent: Friday, November 04, 2016 9:55 AM
To: [REDACTED]
Subject: Re: New FOIP Request: 2016-G-0413

Understood. As a result of this, we will have to look at our storage policy regarding how long we keep our records.

Sent from my iPhone

On Nov 4, 2016, at 9:50 AM, [REDACTED] wrote:

I can let you know now that there will not be much as at the end of the work week, the visitor logs are shredded

Sent from my iPhone

On Nov 4, 2016, at 9:48 AM, Bruce Cruikshank <Bruce.Cruikshank@gov.ab.ca> wrote:

Thank you!

Sent from my iPhone

On Nov 4, 2016, at 9:47 AM, [REDACTED] wrote:

Understood Sir. I will get this started with:

From: Bruce Cruikshank
Sent: Friday, November 04, 2016 9:44 AM
To: [REDACTED]
Subject: Fwd: New FOIP Request: 2016-G-0413

Morning [REDACTED]
Will you please start gathering the requested info and we'll discuss further on Monday. Thanks.
Bruce

Sent from my iPhone

Begin forwarded message:

From: Dana Belyk <Dana.Belyk@gov.ab.ca>
Date: November 4, 2016 at 8:57:57 AM MDT
To: Bruce Cruikshank <Bruce.Cruikshank@gov.ab.ca>
Cc: James Stiles <James.Stiles@gov.ab.ca>, Lee Newton <Lee.Newton@gov.ab.ca>, Jacquelyn Eden <Jacquelyn.Eden@gov.ab.ca>
Subject: FW: New FOIP Request: 2016-G-0413
Hi Bruce,

Please respond back to Jacquelyn Eden on this request and cc me (for filing).

Thanks,

DANA BELYK
Executive Assistant
Office of the Premier & Privy Council
1065 104 Avenue
Edmonton AB T5J 3J7
Phone: 780 427 4000 | Fax: 780 422 2365

From: Jacquelyn Eden  
Sent: Friday, November 04, 2016 8:33 AM 
To: Lee Newton; Dana Belyk 
Subject: New FOIP Request: 2016-G-0413

A response is requested by November 14, 2016.

The FOIP Office has received the following request 2016-G-0413 for records:

Specifically, access to "a full copy of the visitor log to the Alberta Legislature." for the date range May 5, 2015 to November 1, 2016.

This request is being sent to the Sheriff's Branch only. If you believe another program area would have responsive records, please advise the FOIP Office as soon as possible.

Please secure a copy of the requested records (e.g. electronic databases, email, paper files) and advise the following:

- Approximate number of pages of records, audio/video files, etc. (if any)
- Estimate number of hours to search/locate/retrieve the records
- Key contacts within the program area

At this time, the above information is only necessary. The FOIP Office will contact you when a copy of the records is required.

*Please note this FOIP request contains personal information and should only be shared with people who require it in order to search for records.
ALL records, including hard copies, electronic records and transitional records relating to this FOIP Request must NOW be secured until further notice.

If a system is in place which automatically deletes or loops over records after so many days (i.e. CCTV), it is your responsibility to ensure no records responsive to this FOIP request are destroyed/deleted.

Any alterations, falsification, concealment, and destruction of responsive records could lead to a fine of not more than $10,000 if found guilty of these offences under the FOIP Act.

Thank you,

Jacquelyn Eden
Administrative Support, FOIP and Records Management
9th Floor, John E. Brownlee Building, 10365-97 St.
Edmonton, AB T5J 3W7
Phone (780)-427-4409
From: Bruce Cruikshank  
Sent: Friday, November 04, 2016 9:44 AM  
To:  
Subject: Fwd: New FOIP Request: 2016-G-0413  

Morning: 
Will you please start gathering the requested info and we'll discuss further on Monday. Thanks.
Bruce

Sent from my iPhone

Begin forwarded message:

From: Dana Belyk <Dana.Belyk@gov.ab.ca>  
Date: November 4, 2016 at 8:57:57 AM MDT  
To: Bruce Cruikshank <Bruce.Cruikshank@gov.ab.ca>  
Cc: James Stiles <james.stiles@gov.ab.ca>, Lee Newton <lee.newton@gov.ab.ca>, Jacquelyn Eden <Jacquelyn.Eden@gov.ab.ca>  
Subject: FW: New FOIP Request: 2016-G-0413  

Hi Bruce,

Please respond back to Jacquelyn Eden on this request and cc me (for filing).

Thanks,

DANA BELYK  
Executive Assistant  
Office of the Executive Director/Chief Sheriff  
Sheriffs Branch  
Justice and Solicitor General  
Suite 704, Oxford Tower  
10015 - 102 A Avenue  
Edmonton, AB T5J 2Z2  
Phone: 780.464.5570 | Fax: 780.422.3365

From: Jacquelyn Eden  
Sent: Friday, November 04, 2016 8:33 AM  
To: Lee Newton; Dana Belyk  
Subject: New FOIP Request: 2016-G-0413  

A response is requested by November 14, 2016.

The FOIP Office has received the following request 2016-G-0413 for records:
Specifically, access to "a full copy of the visitor log to the Alberta Legislature, from 5, 2015 to November 1, 2016.

This request is being sent to the Sherriff's Branch only. If you believe another program area would have responsive records, please advise the FOIP Office as soon as possible.

Please secure a copy of the requested records (e.g. electronic databases, email, paper files) and advise the following:

- Approximate number of pages of records, audio/video files, etc. (if any)
- Estimate number of hours to search/locate/retrieve the records
- Key contacts within the program area

At this time, the above information is only necessary. The FOIP Office will contact you when a copy of the records is required.

*Please note this FOIP request contains personal information and should only be shared with people who require it in order to search for records.

ALL records, including hard copies, electronic records and transitory records, relating to this FOIP Request must NOW be secured until further notice. If a system is in place which automatically deletes or loops over records after so many days (i.e. CCTV), it is your responsibility to ensure no records responsive to this FOIP request are destroyed/deleted. Any alterations, falsification, concealment, and destruction of responsive records could lead to a fine of not more than $10,000 if found guilty of these offences under the FOIP Act.

Thank you,

Jacquelyn Eden
Administrative Support, FOIP and Records Management
9th Floor, John E. Brownlee Building, 10365-97 St.
Edmonton, AB T5J 3W7
Phone (780)-427-4409
January 17, 2017

Inspector
Legislature and Government Centre Security

SUBJECT: Notice of Investigation

Dear Inspector,

I have been contracted by Alberta Justice and Solicitor General to conduct an investigation into the manner in which members of the Sheriffs Branch responded to a Freedom of Information and Privacy Request dated November 01, 2016. This particular Access Request was for “A full copy of the visitor log to the Alberta Legislature for the date range from May 05, 2015, to November 01, 2016.”

Information has been received that specific records related to this Access Request were destroyed after the request was received by the Sheriffs Branch. Information has also been received that not all records responsive to the noted Access Request were, in fact, produced. If this information is proven accurate, it may constitute a Breach of the Freedom of Information and Privacy Act and/or the Alberta Sheriffs Branch Code of Conduct.

I would appreciate you attending for an interview regarding this matter at your earliest possible convenience. At that time, I will provide you with additional details regarding this matter.

It is imperative that you not discuss this matter with anyone else in the Sheriffs Branch regarding the processing of the above noted FOIP Access Request, or the circumstances of this investigation, until this investigation has been concluded.

Please contact me at 780-994-9303, or by email at gagnonr@shaw.ca should you have any questions regarding this matter, and to identify a date and time for your interview.

Sincerely,

Rick
Richard Gagnon

Cc: Superintendent B. Cruikshank
January 17, 2017

Sergeant [Name]
Legislature and Government Centre Security

SUBJECT: Notice of Investigation

Dear Sergeant [Name],

I have been contracted by Alberta Justice and Solicitor General to conduct an investigation into the manner in which members of the Sheriffs Branch responded to a Freedom of Information and Privacy Request dated November 01, 2016. This particular Access Request was for “A full copy of the visitor log to the Alberta Legislature for the date range from May 05, 2015, to November 01, 2016.

Information has been received that specific records related to this Access Request were destroyed after the request was received by the Sheriffs Branch. Information has also been received that not all records responsive to the noted Access Request were, in fact, produced. If this information is proven accurate, it may constitute a Breach of the Freedom of Information and Privacy Act and/or the Alberta Sheriffs Branch Code of Conduct.

I would appreciate you attending for an interview regarding this matter at your earliest possible convenience. At that time, I will provide you with additional details regarding this matter.

It is imperative that you not discuss this matter with anyone else in the Sheriffs Branch regarding the processing of the above noted FOIP Access Request, or the circumstances of this investigation, until this investigation has been concluded.

Pursuant to Clause 28.02 of the Collective Agreement, you may arrange to be accompanied to the interview by a Union Representative or Union Steward.

Please contact me at 780-994-9303, or by email at gagnonr@shaw.ca should you have any questions regarding this matter, and to identify a date and time for your interview.

Sincerely,

Rick
Richard Gagnon

Cc: Superintendent B. Cruikshank
January 17, 2017

Sheriff [Redacted]
Legislature and Government Centre Security

SUBJECT: Notice of Investigation

Dear Sheriff [Redacted]

I have been contracted by Alberta Justice and Solicitor General to conduct an investigation into the manner in which members of the Sheriffs Branch responded to a Freedom of Information and Privacy Request dated November 01, 2016. This particular Access Request was for “A full copy of the visitor log to the Alberta Legislature for the date range from May 05, 2015, to November 01, 2016.”

Information has been received that specific records related to this Access Request were destroyed after the request was received by the Sheriffs Branch. Information has also been received that not all records responsive to the noted Access Request were, in fact, produced. If this information is proven accurate, it may constitute a Breach of the Freedom of Information and Privacy Act and/or the Alberta Sheriffs Branch Code of Conduct.

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Pursuant to Clause 28.02 of the Collective Agreement, you may arrange to be accompanied to the interview by a Union Representative or Union Steward.

Please contact me at 780-994-9303, or by email at gagnonr@shaw.ca should you have any questions regarding this matter, and to identify a date and time for your interview.

Sincerely,

Rick
Richard Gagnon

Cc: Superintendent B. Cruikshank
# DAILY ROTATION

**Nov 4th, 2016**

<table>
<thead>
<tr>
<th>Time</th>
<th>Leg Desk outside</th>
<th>Loading</th>
<th>Lower Rotunda</th>
<th>SCREENING</th>
<th>PATROL</th>
<th>LUNCH/NOTES</th>
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<tbody>
<tr>
<td>0700</td>
<td>1,2</td>
<td>3</td>
<td></td>
<td>10</td>
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</tr>
<tr>
<td>0900</td>
<td>2,3</td>
<td>1</td>
<td></td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1000</td>
<td>2,9,8</td>
<td>3</td>
<td>1</td>
<td>10</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>1100</td>
<td>6,7,9</td>
<td>8</td>
<td>2</td>
<td>10</td>
<td></td>
<td>Lunch 1,3</td>
</tr>
<tr>
<td>1200</td>
<td>3,8,9</td>
<td>1</td>
<td>7</td>
<td>10</td>
<td></td>
<td>Lunch 2</td>
</tr>
<tr>
<td>1300</td>
<td>1,9,8</td>
<td>2</td>
<td>3</td>
<td>10</td>
<td></td>
<td>Lunch 7</td>
</tr>
<tr>
<td>1400</td>
<td>2,1,3</td>
<td>7</td>
<td></td>
<td>10</td>
<td></td>
<td>Lunch 8,9</td>
</tr>
<tr>
<td>1500</td>
<td>8,7</td>
<td>9</td>
<td></td>
<td>10</td>
<td></td>
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<tr>
<td>1600</td>
<td>9,7</td>
<td>8</td>
<td></td>
<td>10</td>
<td></td>
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<tr>
<td>1700</td>
<td>7,8,9</td>
<td>X</td>
<td></td>
<td>10</td>
<td></td>
<td></td>
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</tbody>
</table>

#1 (07:00) #6 (08:45) #2 (07:00) #7 (09:45) #3 (07:00) #8 (09:45) #4 (07:00) #9 (09:45) #5 #10 Commish
Can I get the fob from you please and any paperwork from last week regarding the FOIP request.

Sent from my iPhone.
My thanks as well for your work on this!

Bruce

Bruce Cruikshank  
Deputy Director/Superintendent  
Protection Services  
Sheriffs Branch  
Alberta Justice & Solicitor General  
Office - (780) 644-5111  
Mobile - (780) 904-8000  
Fax - 780-643-9015  
E-Mail - bruce.cruikshank@gov.ab.ca

From:  
Sent: Thursday, November 10, 2016 12:03 PM  
To:  
Subject: RE: LGCS Visitor Logs / Paper documents pertaining to visitor logs.

My thanks as well for your work on this!

Bruce

Bruce Cruikshank  
Deputy Director/Superintendent  
Protection Services  
Sheriffs Branch  
Alberta Justice & Solicitor General  
Office - (780) 644-5111  
Mobile - (780) 904-8000  
Fax - 780-643-9015  
E-Mail - bruce.cruikshank@gov.ab.ca

From:  
Sent: Thursday, November 10, 2016 12:03 PM  
To:  
Cc: Bruce Cruikshank  
Subject: LGCS Visitor Logs / Paper documents pertaining to visitor logs.

Thank you for supplying the visitor log information pertaining to the current FOIP request.

For now, can you please ensure that all records (Paper / electronic) are kept at both the Leg front desk and EFB until we get direction on how long those types of records are to be retained. As you know Larissa is working on a SOP for document retention.

Thanks

Inspector  
Legislature and Government Centre Security  
Legislature Building  
10800-97 Ave  
Edmonton, Alberta  
T5K-0B7  
Office (780)
From: Jennifer Stanton  
Sent: Thursday, November 10, 2016 1:54 PM  
To: Bruce Cruikshank  

This is perfect.

Thank you.

Jennifer

From: Bruce Cruikshank  
Sent: Thursday, November 10, 2016 1:53 PM  
To: Jennifer Stanton  
Cc: Dana Belyk; James Stiles; Lee Newton  
Subject: RE: New FOIP Request: 2016-G-0413

Hi Jennifer,

As per our conversation, I have obtained electronic records of the visitor log to the Alberta Legislature for the date range of May 5, 2015 to November 1, 2016. Due to the fact these logs have no operational value to us past the end of the day and are merely a vehicle in which to vet people coming into the Legislature, they have been destroyed on a daily basis. Therefore, the only documents available are the electronic records. Even with these, a number of logs have been deleted prior to the FOIP request. Since receiving the FOIP request, no files, electronic or hard copy, have been destroyed. I have instructed that all records be kept until we determine a retention schedule with the JSG Senior Records Officer, which will be incorporated into the Standard Operating Procedures we are developing as a result of this request.

Bruce Cruikshank  
Deputy Director/Superintendent  
Protection Services  
Sheriffs Branch  
Alberta Justice & Solicitor General  
Office (780) 644-5111  
Mobile (780) 904-8000  
Fax 780-643-9015  
E Mail bruce.cruikshank@gov.ab.ca
As discussed, I will deliver the electronic records to you on Monday, November 14, 2016, at 9:00 AM. If you require further information, please contact me. Thanks for your assistance with this file.

Regards,

Bruce

Bruce Cruikshank  
Deputy Director/Superintendent  
Protection Services  
Sheriffs Branch  
Alberta Justice & Solicitor General  
Office: (780) 944 5111  
Mobile: (780) 904 8000  
Fax: (780) 944 9015  
Email: bruce.cruikshank@gov.ab.ca

From: Jennifer Stanton  
Sent: Wednesday, November 09, 2016 2:18 PM  
To: Bruce Cruikshank  
Cc: James Stiles; Dana Belyk; Lee Newton  
Subject: RE: New FOIP Request: 2016-G-0413

Good afternoon Bruce,

I am the FOIP Advisor assigned to this particular FOIP request. When you have completed your search for records, could you reply to me directly please?

Thank you

Jennifer

Jennifer Stanton  
FOIP Advisor  
Alberta Justice and Solicitor General  
Telephone: 780-643-9407  
Facsimile: (780) 644 2763

From: Bruce Cruikshank  
Sent: Friday, November 04, 2016 9:40 AM  
To: Dana Belyk  
Cc: James Stiles; Lee Newton; Jacquelyn Eden  
Subject: Re: New FOIP Request: 2016-G-0413

Hi Dana,

Will do.

Sent from my iPhone

On Nov 4, 2016, at 8:57 AM, Dana Belyk <Dana.Belyk@gov.ab.ca> wrote:
Request Detail Report

FOIP Number: 2016-G-0413
Receive Date: 2016-No v-01
Response Due Date: 2017-Jan-03
Clock: STOPPED
Pages Identified: 381

Applicant: P.T.
Request Type: GENERAL
Public Body: JSG
FOIP Officer: Getty, Sharon
Pages Released: 360

Request
Category: PUB_SEC Sub-Category: SHERIFFS

Request Text: I request a full copy of the visitor log to the Alberta Legislature May 5th 2015 – Date Received
Please note that duplicates may be excluded.
I also request all records related to this request to be provided electronically, including the final record and correspondence.

Action Items

<table>
<thead>
<tr>
<th>Code</th>
<th>Start Date</th>
<th>Due Date</th>
<th>BF Due Date</th>
<th>Complete Date</th>
<th>Responsibility Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td>OPF</td>
<td>2016-Nov-01</td>
<td>2016-Dec-01</td>
<td>2016-Nov-01</td>
<td></td>
<td>EDEN J</td>
</tr>
<tr>
<td>OFA</td>
<td>2016-Nov-02</td>
<td>2016-Nov-02</td>
<td>2016-Nov-02</td>
<td></td>
<td>JENN S</td>
</tr>
<tr>
<td>ALR</td>
<td>2016-Nov-02</td>
<td>2016-Nov-02</td>
<td>2016-Nov-02</td>
<td></td>
<td>EDEN J</td>
</tr>
</tbody>
</table>

Comments: Ack letter sent via email

| LOR  | 2016-Nov-04  | 2016-Nov-09 | 2016-Nov-09 |               | EDEN J                |

Comments: LOR sent to Sheriff's Branch

| NTF  | 2016-Nov-09  | 2016-Nov-09 | 2016-Nov-09 |               | JENN S                |

Comments: Emailed Bruce Cruikshank to send all records me to me directly.

| NTF  | 2016-Nov-09  | 2016-Nov-09 | 2016-Nov-09 |               | JENN S                |

Comments: Record phone call from Bruce. See remarks

| NTF  | 2016-Nov-09  | 2016-Nov-09 | 2016-Nov-09 |               | JENN S                |

Comments: Phone Bruce regarding records. See Remarks


Comments: As per Richards, he spoke to the program area, Bruce, and confirmed he received all responsive records.


Comments: As per Richard, he spoke to the Applicant, described the types of records we received. Applicant confirmed he wanted to proceed with the request.


Comments: Richard requested we extend this request for consult. will do after records have been scanned.


Comments: Record sent to Admin for scanning


Comments: Discuss extension with Richard M. he confirmed we should extend for consult as it is our intent to consult within the next 30 days.

1-2017 8:03:11 AM
## Request Detail Report

<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>ECO</td>
<td>2016-Dec-01</td>
<td>Ext. letter emailed this date</td>
</tr>
<tr>
<td>NTF</td>
<td>2016-Dec-01</td>
<td>See Remarks re: Richards Advice</td>
</tr>
<tr>
<td>NTF</td>
<td>2016-Dec-05</td>
<td>File reassigned to Marie to process</td>
</tr>
<tr>
<td>NTF</td>
<td>2016-Dec-05</td>
<td>See Remarks re: Richards's Advice</td>
</tr>
<tr>
<td>STA</td>
<td>2016-Dec-12</td>
<td>Signed circulated</td>
</tr>
<tr>
<td>FLT</td>
<td>2016-Dec-19</td>
<td>Final letter prepared for Richard Mark's signature</td>
</tr>
<tr>
<td>NTF</td>
<td>2016-Dec-19</td>
<td>Final letter and applicant copy placed in records room ready for mailout.</td>
</tr>
<tr>
<td>NTF</td>
<td>2016-Dec-21</td>
<td>Records package sent to app via courier</td>
</tr>
<tr>
<td>CLF</td>
<td>2016-Dec-21</td>
<td>Applicant asked if this file could be continuing request - advised it cannot be, as the file is closed.</td>
</tr>
<tr>
<td>NTF</td>
<td>2017-Dec-20</td>
<td>F/L and disclosure package sent via Courier</td>
</tr>
</tbody>
</table>

### Remarks

- **2015-Dec-09** Getty, Sharon
  - Richard Marks, FOIP Coordinator, asked to take over this request and complete processing. It was agreed that the names of anyone acting in their professional capacity would be released and all other names would be withheld. Individuals whose first name or partial name appears, even with their business title, are to be withheld. I applied the redactions and prepared the signoff. Richard also instructed me to send only the Applicant copy to Gerald Lamoureux, ADM, for review and approval as the records contained third-party personal information.

- **2016-Dec-05** OVERELL, Marie
  - Discussed with Richard to clarify some points on his December 1, 2016 advice. My observations are there are public servants without titles or identifiers, public servants with titles or identifiers and third parties. It will be difficult to know the nature of someone's meeting (public servant or third party personal) unless we consult. Richard advised there is no way to know the intent of each visitor and to therefore apply section 17(1) to all individuals, the only exception being if an individual is a GOA employee with a GOA identifier. We will not consult and process file on this advice.

- **2016-Dec-01** Stanton, Jennifer
  - As per discussion with Richard, he discussed file with Erin Skinner and they agreed that majority of the names are considered 3rd party personal information unless a business title clearly identifies they are not a private citizen. It would not be reasonable to ask each Ministry to try and identify who each individual is. No consult is needed unless identified by Advising or reviewing records.

- **2016-Nov-10** StantJe2
  - Rec'd phone call from Bruce, will be providing me with a USB of the records. Will drop off on Monday Nov 14th Indicated he will send me an email explaining the background on the records and confirm that no records were destroyed.
2016-Nov-10  StantJe2

Phoned Bruce to ask him if any records had been shredded after he received the FOIP request. Bruce confirmed that he directed his staff not to shred/destroy any records and Bruce indicated he was aware it was not aloud under FOIP to destroy records.

2016-Nov-09  StantJe2

Phone call from Bruce Cruikshank this date. He informed me that he had the responsive records and did I want them electronically or in paper. He indicated he would be providing our office with the visitor logs but there would not be a lot of records. He was informed by [REDACTED] who was [REDACTED] into his position, that their practice is to shred all logs after a week. Because of this FOIP request, they will be creating an SOP to address this situation. I gave [REDACTED] Monica's name and number so he could connect with the SRO for Sol. Gen.
See below. It looks like he tried to send himself an email message that was too large for Outlook to deliver.

E.

Delivery has failed to these recipients or groups:

This message is larger than the size limit for messages. Please make it smaller and try sending it again.

Diagnostic Information for administrators:

Generating server: EDM-GOA-EXCH139.goa.ds.gov.ab.ca

#554-5.3.4 Content conversion limit(s) exceeded 554 5.3.4 STOREDRV.Submit.Exception:ConversionFailedException; Failed to process message due to a permanent exception with message Content conversion: Maximum number of body parts (250) per message exceeded ConversionFailedException: Content conversion: Maximum number of body parts (250) per message exceeded #

Original message headers:

Received: from edm-goa-exch120.goa.ds.gov.ab.ca ([169.254.3.174]) by EDM-GOA-EXCH139.goa.ds.gov.ab.ca ([199.215.95.83]) with mapl id 14030319002; Fri, 4 Nov 2016 13:30:45 -0600
MIME-Version: 1.0
Content-Type: text/plain
Date: Fri, 4 Nov 2016 13:30:45 -0600
Message-ID:

<CE3DF439DF47AF044BB668050F78F17821CD944AE@EDM-GOA-EXCH120.goa.ds.gov.ab.ca>
411 items containing visitor information has been secured to a USB. There are no paper copies available within the time frame asked for.
Don’t shred any more visitors logs until I hear from the Inspector.
This is to advise you that the quota on your desktop exceeded 80 MB.

The quota limit is 100 MB and 80.21 MB is used.

Please free some space by removing unnecessary file(s) from your computer desktop.

- Files that are stored on the desktop will fill up profile space. Check for large files on the desktop that can be deleted or moved.
- To delete files, right-click the file you want to remove and select Delete. Do this for each file you want removed.
- Move important files to your My Documents folder and create a shortcut instead on desktop.

Should you have any questions on how to delete or move your files please contact the GoA Service Desk for assistance.
Yes, there is no paper or hard copies for the dates indicated.

---Original Message---
From: [Redacted]
Sent: Thursday, November 10, 2016 10:42 AM
To: [Redacted]
Subject: Fob for Foip

Can I get the fob from you please and any paperwork from last week regarding the FOIP request

Sent from my iPhone
411 items containing visitor information has been secured to a USB. There are no paper copies available within the time frame asked for.
Yes, there is no paper or hard copies for the dates indicated.

-----Original Message-----
From: [Redacted]
Sent: Thursday, November 10, 2016 10:42 AM
To: [Redacted]
Subject: Fob for Foip

Can I get the fob from you please and any paperwork from last week regarding the FOIP request

Sent from my iPhone
There has been some concerns of "important" emails being deleted without getting printed at the Leg Front Desk. To remedy the issue I would suggest that whichever Sheriff is on the computer checking emails regarding meetings/Visitor lists/Events, that from now on we literally will keep all emails (Do Not "Delete") and print all the Meetings/Visitor Logs/Events. After the Member prints email Please CHECK MARK the email message to indicate that the email has been seen and printed then filed.

I have brought a 2 hole clipboard for us to use to file the Events that will be happening in the up-coming days or near future. This Clipboard can be a great reference for us to see what events are happening so we are all on the same page.

Also when Events are emailed to our front desk and Sgt or A/Sgt are not on the email list please forward the email to them.

Hope this is clear as mud and any questions or concerns please bring it to my attention or any other ideas to fix the issue.

Thank you team,

A/Sgt. Sheriff NAVAL, ED Reg #1541
Justice and Solicitor General
Alberta Legislature And Government Centre
Sheriff Branch, Protective Services
10800-97 Ave
Edmonton, Alberta
Canada
780-644-3980 (Fed Building)
780-427-7359 (Leg Building)
Steve,

Thank you for supplying the visitor log information pertaining to the current FOIP request.

For now, can you please ensure that all records (Paper / electronic) are kept at both the Leg front desk and EFB until we get direction on how long those types of records are to be retained. As you know Larissa is working on a SOP for document retention.

Thanks

Inspector
Legislature and Government Centre Security
Legislature Building
10800-97 Ave
Edmonton, Alberta
T5K-0B7

Office (780) 427-3939
Mobile (780) 427-3939
EMAIL: gov.ab.ca
<table>
<thead>
<tr>
<th>Visitor Name</th>
<th>Scheduled Time</th>
<th>Meeting Room</th>
<th>Card No. Issued</th>
<th>Card Returned</th>
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<td>3:00 pm</td>
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<td></td>
<td>□ Yes □ No</td>
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Please Email to: legislature.security@uov.ab.ca
Please Email to: security.annex@gov.ab.ca

OR
OR

Fax to: 422-2228
Fax to: 427-4967

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128
**Visitor's Log**

**Scheduled Date:** November 1, 2016

**From the Office of:** Hon. Margaret McCuaig-Boyd

**Contact Name:** Rubena Hassan

**Telephone No.:** 780-427-3740

<table>
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<th>Visitor Name</th>
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<td>512</td>
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**Please Email to:** legislature.security@gov.ab.ca

**OR**

**Fax to:** 427-4967 (meetings in the Annex)

422-2228 (meetings in Legislature Building)
Hi there,

There will be a gentleman by the name of [redacted] coming to pick up some pictures from Room 107 for framing. He said he usually goes to the loading dock side, so I am advising you just in case he goes to the front.

Thank you!
Rhonda
Office of the Minister of Labour
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<th>Date</th>
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<td>Room 222 at 2:30pm today</td>
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**Visitors: August 31, 2016 - Alberta Energy - Room 222**

Rubena Hassan

Scheduling Assistant to the Honourable Margaret McCuaig-Boyd
Minister of Energy
334 Legislature Building
10600 - 97 Avenue NW
Edmonton, AB
T5K 206
Phone: 780-427-3749

Rubena Hassan

Scheduling Assistant to the Honourable Margaret McCuaig-Boyd
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Edmonton, AB
T5K 206
Phone: 780-427-3749

See more about Rubena Hassan.