



November 14, 2016

TO: Mayor Naheed Nenshi
Members of Council

CC: Jeff Fielding, City Manager
Glenda Cole, City Solicitor

Re: Integrity & Ethics Inquiry

Dear Colleagues;

Please find attached for your information, a copy of a letter sent by Integrity Commissioner Allen Sulatycky, to Cllr Stevenson and copied to Cllrs. Keating, Jones and Chabot.

This matter is in relation to a complaint they filed against me to the Integrity Commissioner regarding a statement I made on Twitter. I have no further comment to make in relation to this matter at this time.

Respectfully,

Councillor Diane Colley-Urquhart

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Calgary, AB T2P 2M5

Cc: Cllr. Stevenson; Cllr. Chabot; Cllr. Jones; Cllr. Keating



Integrity and Ethics Office

Honourable Allen Sulatycky, Q.C.
Integrity Commissioner

COPY

November 10, 2016

Councillor Jim Stevenson
Ward 3
City of Calgary

Dear Councillor Stevenson, **Re: Statements by Councillor Colley-Urquhart**

Your letter of July 25, 2016, to which Councillors Keating, Chabot and Jones subscribed, requested that I review statements made by Councillor Colley-Urquhart concerning the Calgary Police Service and Chief Constable Chaffin following the release of a video of an incident involving the use of force by members of the Service.

Your concern is based on the belief that Councillor Colley-Urquhart's comments on an on-going investigation tend to undermine public confidence in the Calgary Police Service and its leadership.

As a matter of prudence, law enforcement officers normally avoid making any public statements until all the facts are known. Likewise prudent elected officials do not comment on a matter while it is under investigation or in litigation. This cautious approach, in the case of elected persons, is directed by individual discipline and is not the result of imposed restraints. Any attempt to restrain an individual, especially one who is elected, from stating a personally held opinion would violate the right to freedom of opinion and expression guaranteed in Canada and elsewhere.

Statements of fact or purported fact, unlike expressions of opinion, may result in sanctions. The Ethical Code of Conduct for Members of Council and the Policies it incorporates require Members to be "fair" in their dealings with others, which would include refraining from making allegations without sufficient supporting evidence. In my view Councillor Colley-Urquhart made only one statement of fact for which she did not cite sufficient evidence, and which would thus fail the fairness requirement.

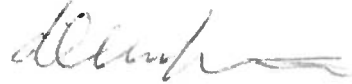
Councillor Colley-Urquhart is quoted as saying:
"The chief didn't respond because he didn't want to respond and because he felt

that way he didn't direct his second in command to do it."

Except for the question of timeliness there is nothing to suggest why Chief Chaffin did not respond earlier than he did. To state what was in his mind based on that one fact in my view is mere speculation and to assert it as fact would not be fair in the circumstances. But Councillor Colley-Urquhart is reported as prefacing the quoted statement with the words, "It's obvious to me." Personalizing the succeeding words that way renders them a statement of opinion and not fact. As such, in making them, she is protected by her right to freedom of opinion and expression.

Councillor Colley-Urquhart was provided with copies of the materials you handed to me on July 25 and given an opportunity to respond. She advised that she had no further comment. I am providing her with a copy of this letter.

Yours truly,



Allen Sulatycky

c.c. Councillor Keating
Councillor Chabot
Councillor Jones
Councillor Colley-Urquhart



November 3, 2016

Howie Shikaze, Chair
Calgary Police Commission
#650, 615 Macleod Trail SE
Calgary, AB T2G 4T8

Re: Proposal for Discussion Relating to the 2013 CPS Workplace Review

Dear Mr. Shikaze,

As you may know, yesterday I held a news conference in response to the 2013 CPS Workplace Review report. Through that conference, I announced I would be submitting a formal request for you to call a special meeting of the Calgary Police Commission to bring forward a proposal that would give Calgary Police Service members a new, independent process for filing complaints. I have outlined below my proposal for discussion which I strongly feel will open the dialogue on how to protect employees on a move-forward bases. We need to do better when it comes to some of our human resource practices and standards.

ISSUE

Recently concerns have been disclosed to the public relating to systemic problems within the Calgary Police Service, ranging from a lack of respect to bullying and harassment and even sexual misconduct. These issues have been documented in a November 2013 Workplace Review (hereinafter referred to as the Review) and a June 2016 Report to the Police Commission (hereinafter referred to as the Response). However the concerns have truly been underscored by a group of policewomen who have unfairly become the focal point of the ensuing public conversation.

There has been considerable media attention over the past number of days and it is fair to say the general tone of the discourse has been negative. Fingers are being pointed at the CPS, the Chief of Police, the Police Commission and Councillor Colley-Urquhart. The CPS response can at best be described as being defensive rather than “transparent.” In addition, the focus has somehow been trained on this small group of policewomen and their concerns rather than the broad depth of the issues identified in the Review. None of this is productive, nor is it likely to result in positive change.

There is an opportunity for the Calgary Police Commission, in cooperation with the Chief of Police, to take immediate and positive action to establish meaningful initiatives in support of improving the positive workplace environment in the CPS.

BACKGROUND

The author of the Review identified a systems approach was taken instead of a people approach, with the premise being a system may set people up to act as they do. There is value in that approach, however it can be helpful in terms of validating the findings of the system(s) review to speak with the people working within the system. There is no indication in the Review this was done, but the impression after reading the report was it was not. The Review also left some unanswered questions and a desire to see more detail provided. This is not intended as a criticism of the respected author of the Review, who was no doubt working under a very specific Terms of Reference.



The above notwithstanding, there is some very valuable information contained in the Review. Important in terms of understanding the potential scope of the positive workplace concerns is that there were 70 people (female and male) interviewed during the review process. In addition, the Review indicated a number of people would not consent to being interviewed because of concerns with confidentiality and the perceived fear of a negative impact on their career, or even retaliation.

The Review identified various themes of concerns within the Human Resources context, followed by recommendations for improvement. The CPS created the Response document identifying a number of the Review recommendations and the action they have taken, which was presented to the Commission in June. For brevity purposes, this paper will only focused on a few of the key areas identified.

One of the most important foundational concerns identified in the Review was a considerable mistrust around the complaint process under the Respect Matters policy. There appears to be a number of avenues for lodging a complaint, but this creates inconsistency in how they are managed and regardless, the general consensus was that there is a lack of confidence that complaints would be dealt with appropriately and in a timely manner. There was an expressed desire for an independent process with consistency, transparency, objectivity and a standardized process for reporting, investigating and communicating the results of these past and current complaints.

The recommendation in the Review was to establish an Independent Member Advocate as a means of addressing these concerns. This recommendation was part of a number of recommendations relating to staffing. In the Response most, if not all, of the other staffing recommendations were addressed, however this specific recommendation was not even mentioned.

Another overarching concern in the Review was around leadership in the HR area. While some of this concerned staffing and skills, one of the key recommendations from this theme was to establish an HR strategy and principles to guide the important work of the HR team. This recommendation was also not addressed in the Response.

Finally, another constant theme from those interviewed for the Review was a general lack of accountability. A subset of this theme was Performance Evaluation, specifically the absence of it in any meaningful way. This issue was addressed in the Response, but only in a general sense that was not very useful. As an example, it was cited there would be an increase in compliance rates for Performance Evaluations, but there was no detail provided in terms of current rates, target rates, specific initiatives, timelines or key performance indicators.

These examples illustrate there is an opportunity and a need to take additional steps, both immediately and in the longer term, to more fully understand the depth of the issues at play.

The Police Act sets out the functions of the Police Commission, which include establishing policies providing for efficient and effective policing and issuing instructions to the Chief of Police to that end (s. 31) and establishing the duties of the Chief of Police, which include the maintenance of discipline and the performance of duty, along with making the Chief accountable to the Commission for the operation of the Police Service (s. 41). The Act also includes a mechanism for the Commission to monitor complaints (s.28.1). This legislative framework provides the authority for the Commission to take affirmative action in response to the issues being raised.

One of the solutions to the HR related issues is to disband the HR department in the CPS and utilize the City of Calgary HR department. The Police Act stipulates a municipality must establish a Police Commission for the general supervision of the police service (s.30) and prohibits a Council from exercising any power afforded the Commission (s.31). The purpose of these sections is to create a buffer between the municipality and the police in order to maintain the operational independence of the police. Because many of the HR decisions within the CPS contain an operational aspect, this proposal is probably a non-starter. However, that is not to say synergies between the two HR departments could not be established in order for the CPS to benefit from the experience currently existing within the City HR department and the thousands or City employees including sworn police officers and civilians working within the CPS.

RECOMMENDATIONS

1. Immediately engage a properly qualified consultant to initiate the process for establishing the position of Independent Member Advocate along with a third party reporting protocol.

The Chief has indicated there are a number of existing avenues for reporting respectful workplace complaints, but the Review points out more doesn't necessarily equate to better and there is no trust in the existing systems. The Chief may be disappointed the complainants aren't reaching out to him or the other mechanisms, but that doesn't address the issue. Nor, is the Commission an investigative body.

This consultant would report to the Commission and would work with the Commission and the Chief of Police to establish the role and responsibilities for the Independent Member Advocate, with the understanding it would establish an independent process for CPS sworn and civilian members to lodge complaints (anonymously or not) and a standardized, transparent process for the conduct of investigations and reporting of results. The specifics of how this position would ultimately function and report to would be developed in parallel to the consultant doing intake and preliminary inquiries into existing concerns where the complainants have been reluctant to come forward.

Many large corporations utilize a third party reporting protocol for employees, which allows them to file a complaint. The third party acts as an intermediary for all communication between the complainant and the investigator, including the initial complaint and follow up questions/answers, for as long as the complainant wishes, this maintaining anonymity and confidentiality. The utilization of a mechanism such as this would be a critical component of the Independent Member Advocate position.

It is critical that all previous concerns raised by sworn members and civilians within the CPS be addressed and people feel validated.

2. Engage the same properly qualified consultant to build on the work already completed by conducting a thorough review of CPS systems, structure, policy and processes related to positive workplace issues.

While the Review is instructive in many ways, it appears limited in scope and lacking the perspective of someone who has a deep understanding of the organizational operations and culture. In addition, while the CPS has taken some steps as outlined in the Response, they fail to address key elements of the Review and a number of the initiatives cited are incremental or cosmetic in nature and are short on detail. As opposed to implementing bold or creative measures, it would appear the CPS may have, to paraphrase the author of the Review, taken the path of least resistance.

While many might question the value of yet another consultant and study, there was clearly untilled ground during the Review. This includes, but is not limited to, looking for systemic issues related to the high number of members off on sick leave or long term disability not related to physical injury, relationships between various departments within the CPS such as HR and PSS and speaking to the people working within the systems being reviewed.

Messaged properly, it is quite possible members of the CPS would welcome this comprehensive review. At its core, the anticipated outcome of this effort is to identify ways for the CPS to improve how it operates internally for the betterment of all its members (sworn and civilian) and how the organization treats its people. Members are rightfully proud of their Service and will want to participate in a process that reinforces that pride.

CONCLUSION

The approval and subsequent announcement of these recommendations presents the opportunity to change the tone of this story from negative to positive for both the Commission and the CPS, and to allow both entities to control the message going forward. It will also begin the healing process for many affected members.

There will undoubtedly be some pushback from within the senior ranks of the CPS, but they should take a lesson from the way the RCMP initially responded to the growing number of harassment complaints from female members and the futility of a defensive posture and position. In difficult times, leadership from governance and oversight bodies is critical and the Commission should take a firm stand with the Chief in terms of a shared commitment in moving forward on these issues.

Sincerely,



Diane Colley-Urquhart

cc: Ellen Wright, Executive Director, Calgary Police Commission