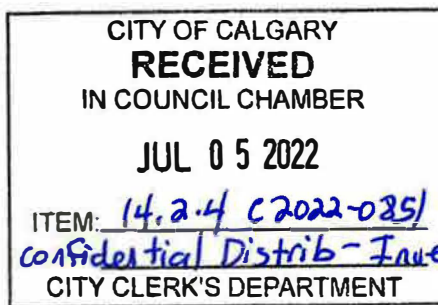




Report to City Council
From the Integrity Commissioner
Re Councillor Gian-Carlo Carra
June 30, 2022



Report of Findings and Sanction Recommendation

The Complaint

On February 8, 2022, a complaint pursuant to the *Code of Conduct for Elected Officials Bylaw 26M2018* (the “Code” or “the Code of Conduct”) was sent to the Integrity Commissioner’s email from four Council members, regarding a tweet posted by Councillor Carra.¹

The complaint stated:

[Names withheld] would like to file a formal Code of Conduct complaint on Councillor Gian Carlo Carra who posted the below on twitter on February 6, 2022 – insinuating we “support child molesters and are not fit to serve” based on the [name withheld] tweet chain. Below is a screen shot of the tweet, as well as the link [here](#).²

Councillor Carra’s tweet stated:

I have regret from the first month of this term & that regret is that I failed to clearly call out my colleagues for signing their names on a notice of motion next to (withheld). We are all stuck with him. But actively politicking with him is not cool.

This tweet was in response to the following tweet:

(name withheld)
Reminder: siding with a child molester makes you #NotFitToServe.

This text was followed by the names of the four complainants, their twitter addresses and their photographs.

¹ I was appointed as Integrity Commissioner on February 15th,2022 and given access to the complaint in mid-March 2022.

² The names of the complainants and any third parties are protected under section 68 of the *Code* and the *Freedom of Information and Protection of Privacy Act*.

On Feb 15, 2022, Councillor Carra gave a verbal apology to the complainants at the Combined Meeting of Council at approximately 10:00 a.m.

On February 15, 2022, Councillor Carra “liked” a tweet which commented on the same subject matter, and which was posted after 11:55 a.m.

Jurisdiction

The *Code of Conduct* states at Section 63:

63 The *Integrity Commissioner* has authority to investigate any allegation that a *Member* has violated this Bylaw or *City* policy governing member conduct.

No Social Media Policy

As with many jurisdictions in Canada, there is currently no *Social Media Policy* for City of Calgary Council Members. This is because social media platforms are evolving rapidly, and the issues that arise surrounding their use are constantly changing. Therefore, I must consider whether the social media use breached the *Code of Conduct* or any other policy that would apply, as set out in section 18 of the *Code*.

Speaking as Council Member for Ward 9

Councillor Carra’s twitter account page had his photograph and the following text:

Gian-Carlo Carra
Ward 9 Councillor
Representing
#eastCalgary

I find that Councillor Carra was speaking in his role as Council Member, and that the complaint falls under of the *Code of Conduct* and the City of Calgary’s policies referred to in section 18 of the *Code*.

Investigation

Pursuant to section 72 of the *Code*, I performed my assessment of the complaint and determined that there were reasonable grounds for believing a violation of the *Code* had occurred. On April 1, 2022, a Notice of Investigation was delivered to Councillor Carra which stated that he was being investigated for the tweet pursuant to section 19 of the *Code*, which provides:

19 A Member must communicate with Members of the public, one another, and with City employers respectfully, without abuse, bullying or intimidation.

Councillor’s Reply



On April 1, 2022, Councillor Carra provided his formal reply to the complaint as required by section 82 of the *Code* and the reply was provided to the complainants. He did not deny posting the tweet and I find as fact that he did so.

Councillor Carra stated that he had been in touch with the Ethics Advisor and that on February 15, 2022, at the Combined Meeting of Council, he offered a three-part apology for what he believed to be the legitimately problematic parts of the tweet. He stated he also tweeted an apology over social media and retweeted the apology to other third-party accounts.

In my opinion, it is useful to repeat the verbal apology to the complainants in full:

I'll try to be brief, but this is complex, and I want to be clear and sincere.

This was a tweet that implicated my colleagues, (four names withheld) and I would like to offer a three-part apology.

The first part of the apology is a little bit hollower than the next two parts, but I believe it's important and my tweet expressed regret and I do regret not having the conversation at the appropriate time. What we do is extremely hard and it's really important that we are clear and honest and forthright with each other, and I was expressing regret that I still have that I did not address this particular issue at that particular time and apologize for not doing that. I think it's really critical that we are clear with each other. Having said that, there are real things to apologize here, and I would like to move on to that.

I was quote tweeting a member of our community who is active in the 'resign (name withheld) movement'. But this particular individual delves ... I believe any reasonable person would agree delves too much in to trollishness and is not advancing thoughtful or helpful dialogue on this important subject. Ah it's a questionable at any time on social media to play with and feed the trolls and I should obviously never do that when my colleagues are attached to that and implicated. If I make that decision, it should be mine and I should not implicate my colleagues like that and I'm sorry about that but the third part is the really important part.

And that is by quote tweeting this individual I implied the truly objectionable idea. By quote tweeting this individual I implied that opposed to ...it was my intention to moderate, but my quote tweet did not do that. It projected it seemed to stand with and it amplified the idea that these Councillors are not fit to serve and that they are sympathetic to child molestation and I just want to be extremely clear that was never my intention that I do not believe that at all, and I was not um thoughtful or helpful in weighing in that way and I deeply apologize to all four Members of Council for attaching them to those ideas. I in no way believe that you stand for any of those terrible things, and I apologize for attaching you to that unqualified.³

³ Council meeting

Complainants' Response

The complainants were given an opportunity to respond to Councillor Carra's formal reply. I received responses from three of the four complainants, the last approving of the other responses.

The main response I received from the complainants stated they felt that the apology was not sincere, minimized the impacts of his words, and that Councillor Carra was continuing a pattern of behavior through subsequent statements and posts. Councillor Carra stated in his apology that his intention was to soften the statement that they (the complainants) are supporters of child molestation not fit to serve. However, the complainants stated, there is no softening of the message, and his words show a support and belief in the message. In addition, the complaint submitted that:

1. Councillor Carra apologized, and then proceeded to "like" the comments related to the ongoing negative tweets about the matter. He has not addressed the "like", but shows that he still believes that we (the complainants) are "supporters of child molesters not fit to serve".

I was provided with the link to a second twitter thread in question from February 15, 2022. The thread is as follows:

(Name withheld)
Coun. Carra says he has been in touch with the ethics advisor and offers an apology to his council colleagues over this tweet. #YYC #YYCcc @GlobalCalgary twitter.co.

A third party tweeted in reply
(name withheld)
Replying to @gccarra @ (name withheld) and 3 others
(the complainants)

However, when you are rightYour right lol

My review of the "Likes" showed two "Likes" following this tweet, and one of them was identified as coming from the following twitter account:

Gian-Carlo Carra
@gccarra follows you
Ward 9 City Councillor representing #EastCalgary. We will
Risetotheryyc.(he/him)

Councillor Carra did not deny that he posted the “Like” and I find as fact that he did so.

2. The tweets stirred a base that resulted in a twitter attack and intimidation against Councillors that do not agree with him.

In my investigation I reviewed tweets that appeared to confirm this allegation.

3. Councillor Carra made statements that inferred a council member supported white supremacists and or terrorists.

I was provided with some of the tweets in question in my investigation and do consider them concerning. I was provided with tweets inferring that a council member was aligning with ‘terrorists’.

4. A Councillor resigned from a committee due to Councillor Carra’s personal attacks.
5. Councillor Carra continues to use his power as a veteran Councillor and social media to intimidate new Councillors.
6. He has made unacceptable comments related to the Calgary Police Commission and other committees he leads.
7. He continues to attack Councillors who do not agree with him.
8. His behavior should be classified as workplace harassment under the *Respectful Workplace Policy*.

The complainants set out the definition of ‘workplace harassment’ at section 2.5.3 a. of the policy:

2.5.3 a. A single or repeated incident of objectionable or unwelcome conduct, comment, bullying, or action intended to intimidate, offend, degrade or humiliate a particular person or group;

9. Councillor Carra is under investigation by the Edmonton Police Service for an alleged incident with a member of the public.

I regard this allegation as being irrelevant to this matter, as Councillor Carra has not been charged or convicted of a criminal offence. Other allegations were raised with me, which did not fall under the ambit of this complaint and which I have therefore not considered here.

10. The Councillors requested that Councillor Carra be removed from any position of leadership, chairing the Infrastructure Planning Committee and be removed from the Calgary Police Commission. ⁴

⁴ I will not recommend removal from the Calgary Police Commission as that is a separate entity and a separate issue unrelated to these complainants.

Analysis

Burden of Proof

The standard of proof required to make out a violation of the *Code* is the civil standard, which is proof “on a balance of probabilities”.

Councillor Carra posted the tweet and ‘Like’ in question. The question, therefore, is whether his actions constituted violations of section 19 of the *Code*, on the balance of probabilities.

The nature of the first tweet was, in my opinion, offensive and harmful towards the complainants. It suggested support for one of the most egregious forms of criminal behavior a person could commit in our society, child molestation. It also suggested these elected officials were not fit to serve. Councillor Carra’s response to it, which was likewise negative towards the complainants, was at the very least, disrespectful.

I find on the balance of probabilities, that the tweet was posted because Councillor Carra disagreed with the complainants’ for signing a Notice of Motion before Council. His tweet and the first part of his apology confirmed this.

The Complainants reported, and I find on the balance of probabilities, that this was intimidating behavior towards the complainants, in their role as Council Members, especially the newcomers on Council. They were and continue to be concerned that future disagreements with Councillor Carra may result in more derogatory statements being made about them. They stated they felt that this was a way for Councillor Carra to bully them into agreeing with him in the future.

Council Members are elected to serve Calgarians. As part of their mandate, they are required by law to participate in Council matters and to vote on Motions before Council or be disqualified from serving, that is, be removed from their Council Member positions.⁵ Council Members should be free to advance the City’s interests and vote as they see fit, given their knowledge, expertise, conscience, representation of their constituents, the best interests of the city, and other relevant factors. It is very disturbing that the complainants were subjected to personal attacks for signing their names on a Notice of Motion for Council’s consideration.

In my opinion the twitter thread rose to the level of abuse, contrary to section 19 of the *Code*. Councillor Carra ought to have known that it was disrespectful, could cause harm to the reputations of the complainants and may trigger public backlash against them, which the complainants stated that it did. With the evidence I was given, I accept that it had this effect, on the balance of probabilities.

⁵ MGA section, Procedure Policy

On February 15, 2022, Councillor Carra made an apology in Council and on social media, but then he posted a “like” shortly afterwards in response to the tweet that, in the complainants’ view, demonstrated he did not feel sorry at all, and was continuing the abusive behavior.

The twitter thread on February 15th, 2022, stated:

(name withheld)

Counc. Carra says he has been in touch with the ethics advisor and offers an apology to his council colleagues over this tweet #YYC
YYC#@Global Calgary twitter.com

This was followed by another tweet a short time after the Council apology, but on the same day, which stated:

(name withheld)

However, when you are right.... you are right lol

Councillor Carra ‘liked’ this tweet.

In my opinion, this constituted a perpetuation of the negative personal attacks on the complainants after the apology in Council Chambers. In my opinion, it did, on balance, undermine the intent and sincerity of the verbal apology.

I accept, on the balance of probabilities, given that the four complainants assert it, and I have seen the twitter threads in particular, that there is a continuing pattern of inappropriate statements, including on Twitter, by Councillor Carra about his colleagues on Council, whose views are not in alignment with his own. In the eyes of reasonable, informed Calgarians, this behavior has the potential to undermine confidence in City governance.

The forum for debating political beliefs, motions and other issues is in Council Chambers or in Committees. The debates should center around policies and ideas, and not be targeted at specific individuals.

I find that Councillor Carra violated section 19 of the *Code of Conduct* by communicating in a disrespectful, intimidating and abusive manner about his colleagues.

Sanction Considerations

Where I determine that a violation of the *Code* has occurred, the next steps are set out in the *Code* at Part H -Adjudication and Reporting. Section 90 provides that I must write a report to City Council and recommend a sanction. However, if I determine that the Member took all reasonable steps to prevent the violation, or if it was trivial or committed through inadvertence or a genuine error in judgment, I may state so, and recommend that no sanction be imposed.

It is my opinion that the violation was not trivial, committed through a genuine error in judgment, or inadvertence. Although Councillor Carra stated in his apology that his intention was to moderate, not amplify the tweet he commented on, there is no indication of this in a plain reading of the text.

Furthermore, he knew or ought to have known that his words and actions were disrespectful, abusive and intimidating. This was not, in my opinion, a genuine error in judgment, so much as an individual, intentional and harmful disregard for his fellow councillors confirmed by the subsequent 'like' of a tweet that stated in effect, that with regards to the impugned tweet, he was right in the first place.

I have considered the mitigating and aggravating factors below to decide what, if any, sanctions should be recommended for City Council to consider in the circumstances.

Mitigating Factors

Councillor Carra cooperated fully with the investigation.

Councillor Carra is a long time Council member having first been elected in 2013 and having served Calgarians for many years.

Councillor Carra did offer public apologies, including in Council, on social media, and in response to the complaint.

Aggravating Factors

Councillor Carra's tweet and "Like" were personal attacks on his colleagues and were egregious in nature.

Councillor Carra, as a long-time council member, ought to have known the negative impact his statements would have on the complainants and the work environment.

Councillor Carra's apology did not end the matter. Subsequent messaging continued to perpetuate personal attacks.

Councillor Carra, in my opinion, lacks the understanding of what constitutes safe and acceptable social media use and fair comment about his colleagues.

In my view, in the balancing of the mitigating and the aggravating factors, I find that the aggravating factors outweigh the mitigating factors such that a sanction is warranted. I conclude that this violation is moderate to severe in nature.

Sanction recommendation

Section 92 of the *Code* lists the sanctions that may be imposed for *Code* violations including:

- (a) a letter of reprimand addressed to the *Member*;
- (b) a request that the *Member* issue an apology;
- (c) the publication of a letter of reprimand or request of apology by the *Integrity Commissioner*, and the *Member's* response;
- (d) A requirement that the *Member* attend training;
- (e) Suspension or removal of the appointment of a *Member* as the *Deputy Mayor*;
- (f) Suspension or removal of the *Mayor's* presiding duties under section 154 of the *Municipal Government Act R.S.A. 2000, c. M-26*;
- (g) Suspension or removal of the *Member* from some or all *Council* committees and bodies to which the *Member* was appointed by *Council*; or
- (h) Reduction or suspension of the *Member's* remuneration as defined in section 275.1 of the *Municipal Government Act, R.S.A. 2000, c. M-26*, corresponding to a reduction in duties, excluding allowances for attendance at council meetings.

In my view, sanctions (a) and (b) standing alone constitute minor sanctions. So does sanction (c), since this report will be made public at the conclusion of this matter, pursuant to section 90(h) of the *Code*. In my view, sanctions (e) to (h) are more serious in nature. A combination of sanctions to reflect the seriousness of the violation, would in my opinion, be appropriate in the circumstances.

My recommendations are as follows:

1. That City Council deliver a letter of reprimand to Councillor Carra and that the letter be published.
2. That Councillor Carra be required to issue a letter of apology to the complainants within 30 days and that the letter be published.
3. That Councillor Carra be removed from any chair positions he holds on City boards and committees until October 25, 2022, which is the date of Council's next organizational meeting, but that he continue to actively participate in them.
4. That Councillor Carra be required to undergo respectful workplace and social media training with the Ethics Advisor before the September 13th, 2022, Combined Meeting of Council.

I request that the Integrity and Ethics Office be advised when all sanctions have been met.

This report was completed and signed by me at Calgary, Alberta on June 29, 2022.

"Ellen-Anne O'Donnell"
Integrity Commissioner
City of Calgary

