



**OFFICE OF THE ETHICS COMMISSIONER  
PROVINCE OF ALBERTA**

**Report**

**of the Investigation  
under the *Conflicts of Interest Act***

**by**

**Hon. Marguerite Trussler, Q.C.,  
Ethics Commissioner**

**into allegations involving**

**Shannon Phillips, Member for Lethbridge- West**

**March 15, 2021**

## **Request for an Investigation**

On February 12, 2021, I received a request from Briane Simpson to investigate Member of the Legislative Assembly, Shannon Phillips. It was alleged that Member Phillips used her position and influence to pressure the Lethbridge police leadership to support her position with respect to allegations of misconduct against two members of the Lethbridge Police force and that by receiving funds from a “Go Fund Me” page as a Member of the Legislative Assembly, she received a gift contrary to the *Conflicts of Interest Act*, R.S.A.2000, c. C-23 as amended.

I advised Member Phillips that I was conducting an investigation and she provided me evidence under oath and documents with relation to the matter.

## **Facts**

At the time relevant to the incident which eventually gave rise to the allegations, Member Phillips was Minister of Environment. She was meeting with two stakeholders at Stella’s Diner in Lethbridge on April 14, 2017. Three uniformed police officers from the Lethbridge Police Service were at an adjacent table. Later a fourth officer joined them. At least one police officer took photos of Member Phillips and the individuals with whom she was meeting. Later, the photos were posted to Facebook by one of the officers under the name of a person who did not exist, complete with derogatory comments. Member Phillips believes those comments were defamatory. The officers eavesdropped on the conversation and later followed two of the individuals with whom she was meeting and ascertained the identity of one of them by running the number plate of the person’s car and undertaking Google searches.

The officers thought that the conversation in which Member Phillips was engaged was about restrictions to off road vehicles in the Castle area in southern Alberta. They appear to have had strong personal views about this issue. In fact, the conversation was about the reintroduction of bison into Banff National Park.

Member Phillips, when she found out about the surveillance, asked the Chief of Police in Lethbridge for advice on April 15, 2017, and he recommended she file a complaint under the *Police Act*. She filed a complaint under the *Police Act* on April 25, 2017. She had no other significant interactions with either the Chief of Police or the Deputy about the complaint.

The complaint was referred to the Calgary Police Service for investigation. Member Phillips was interviewed. The Lethbridge Chief of Police gave her his decision, based on the investigation, in April of 2018. He dismissed most of the complaint. Later, he referred what he termed “unrelated conduct” to the Medicine Hat police service for investigation. Ultimately one officer pled guilty to 5 counts of misconduct and the other to two counts of misconduct. Member Phillips was not advised about this investigation by the Medicine Hat police service, nor was she interviewed. She first heard about it from the media.

The presiding officer imposed short periods of demotion on both officers. Member Phillips appealed the punishment to the Alberta Law Enforcement Review Board. The Lethbridge Police service argued that she did not have status to do so but the Alberta Law Enforcement Review Board found that she has standing to make an appeal. The appeal is yet to be heard.

Subsequently, Member Phillips made a request under the *Freedom of Information and Privacy Act* of the Lethbridge Police service. She asked for all email correspondence between officers, staff, legal counsel and management working for, or with, or contracted to, the Lethbridge Police service related to her. The information revealed that 6 employees of the Lethbridge Police service accessed files with respect to Member Phillips without any legal justification.

As Member Phillips was having to use her own resources to fund the appeal to the Alberta Law Enforcement Review Board, three Lethbridge women decided that was an undue burden and started a “Go Fund Me” page to assist with her legal costs. Ms. Phillips advised my office and later asked for advice on the page. Before a meeting could be arranged, this request for an investigation was received. As an investigation was underway, advice could not be given. It turns out that Member Phillips declined the assistance and the funding that was received was returned to donors.

### **Relevant Legislation**

The relevant sections of the *Conflicts of Interest Act* are:

**3** A Member breaches this Act if the Member uses the Member’s office or powers to influence or to seek to influence a decision to be made by or on behalf of the Crown to further a private interest of the Member, a person directly associated with the Member or the Member’s minor child or to improperly further another person’s private interest.

and

**7(1)** A Member breaches this Act if the Member or, to the knowledge of the Member, the Member’s spouse or adult interdependent partner or minor child accepts from a person other than the Crown a fee, gift or other benefit that is connected, directly or indirectly, with the performance of the Member’s office.

### **Findings**

I have found nothing in Member Phillips’ evidence or any document to show that she exerted pressure on the Chief of the Lethbridge Police service in pursuing her complaint. She did not improperly use her influence under s. 3 of the *Conflicts of Interest Act*.

There is no breach of the gift section of the *Conflicts of Interest Act* because Member Phillips did not receive any funding from the "Go Fund Me" page.

With respect to the "Go Fund Me" page contributions, they would definitely be a gift. However, s. 7 (1) of the *Conflicts of Interest Act* does not prohibit all gifts but rather states that a Member cannot receive a gift that is connected, directly or indirectly with the performance of the Member's office. Exceptions to this prohibition are set out subsequently in the section but are not relevant to this investigation.

While I do not have to decide if s.7 (1) applies, I would be inclined to find that the "Go Fund Me" contributions, while a gift, were not related to the performance of Member Phillips' office but rather to the personal targeting of Member Phillips by the police officers and her efforts in her personal capacity, to have that conduct addressed. The meeting that Member Phillips attended at Stella's Diner in Lethbridge on April 14, 2017, did relate to the performance of her office but the "police state" conduct of the officers in targeting her was deeply personal. Given the egregious conduct of the officers and the paltry penalty that they received for their behaviour, it was a personal decision, and not a decision related to the performance of her office, to appeal the penalty decision and she did so in her own capacity. One has to wonder if the actions of the two officers were that of two rogue officers, evidence of a serious culture problem within the police service or negligence by the leadership of the Lethbridge Police Service. The subsequent improper access to Member Phillips' files suggests the problem may be systemic.

### Conclusion

Members Phillips did not contravene the *Conflicts of Interest Act*.



Hon. Marguerite Trussler, Q.C.  
Ethics Commissioner