



Human Resource Risk Management
Workplace, Regulatory and Sport Investigations
Psychological Safety Management
Corporate Training

Investigation Report

City of Red Deer

Complainant: [REDACTED]
Respondent: Kraymer BARNSTABLE

Date: May 8, 2023

Submitted by: Naomi Yamamoto
Associate Investigator
Veritas Solutions

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1. EXECUTIVE SUMMARY

- 1.1** On April 6, 2023, Veritas Solutions was contracted by the City of Red Deer to investigate multiple allegations made by the Complainant, [REDACTED], against the Respondent, City of Red Deer Councillor, Kraymer BARNSTABLE.

The Complainant [REDACTED] is referred to as [REDACTED] in this report. The Respondent Councillor Kramer Barnstable is referred to as BARNSTABLE in this report.

An investigation was conducted, which included interviews of [REDACTED] and BARNSTABLE and three witnesses.

- 1.2** Veritas Solutions has assigned this investigation to Associate Investigator Naomi Yamamoto (referred to as INVESTIGATOR in this report). In addition, this investigation was further supported by two secondary investigators, Lauren Hanon (Lawyer/Investigator) and Bob Stenhouse (CEO/Investigator)

- 1.3** The following is a summary of the alleged incidents and behaviours in question that have culminated in this formal complaint. [Appendix 27 and 28] It is alleged by [REDACTED] that:

1.3.1 Allegation 1

BARNSTABLE breached the Red Deer Council Code of Conduct Bylaw when he posed for a photo with Shaun Hamm and Artur Pawlowski, that was posted on Facebook in November 2022.

BARNSTABLE claimed that she was stalking him, in a Facebook post he made in response to an April 3, 2023 article in the Red Deer Advocate, "City Councillor at event featuring controversial pastor", contrary to the Red Deer Council Code of Conduct Bylaw.

1.3.2 Allegation 2

On February 18, 2023, BARNSTABLE publicly "liked" a Facebook post posted by Shawn Hamm who attended an event in Calgary featuring the *alt-right* politician Christine Anderson, a member of the *Alternative for Germany Party*, and a member of the European Parliament, contrary to the Red Deer Council Code of Conduct Bylaw.

1.3.3 Allegation 3

On February 1, 2023, BARNSTABLE publicly discussed confidential information during a conversation with [REDACTED] [REDACTED] contrary to the Red Deer Council Code of Conduct Bylaw.

1.3.4 Allegation 4

On June 22, 2022, BARNSTABLE posted misinformation and his expressed opposition to an event for children (Drag Queen Storytime) at the Red Deer Public Library on Facebook, contrary to the Red Deer Council Code of Conduct Bylaw.

1.3.5 Allegation 5

On May 9, 2022, BARNSTABLE read a portion of a religious, self-published children's book, written by his mother, and illustrated by his wife at the Glendale Science and Technology School during Education Week, to a class of grade 1 and grade 3 students, contrary to the Red Deer Council Code of Conduct Bylaw.

1.3.6 Allegation 6

BARNSTABLE failed to delete his Twitter account upon his election to Council that contained a tweet posted in 2013 that denigrated homeless people and trans-gendered people, contrary to the Red Deer Council Code of Conduct Bylaw.

1.4 The INVESTIGATOR reviewed documents, emails, and statements and conducted interviews with the Complainant [REDACTED] and the Respondent BARNSTABLE, to come to a finding as to whether or not BARNSTABLE engaged in behaviour contrary to the City of Red Deer Council Code of Conduct Bylaws, which includes laws established by the Parliament of Canada and the Legislature of Alberta. [Appendix 1]

1.5 After the interviews and analysis, it is the finding of this investigation that the Respondent, BARNSTABLE did engage in behaviour contrary to the Council Code of Conduct Bylaws with respect to Allegations 3 (already admitted to and apologized for) and 4.

1.6 The INVESTIGATOR has investigated allegations 1, 2, 5, and 6 and determined that these complaints did not meet the threshold and definitions of the Code of Conduct Bylaw and are therefore unfounded.

2. SCOPE AND MANDATE

2.1 The scope of this investigation was to determine whether the Respondent BARNSTABLE engaged in behaviour that would reasonably be determined to be contrary to the City of Red Deer Council Code of Conduct Bylaw No. 3608/2018. [Appendix 1]

3. METHODOLOGY

3.1 The process utilized to come to conclusions in the investigation included interviews with Complainant, and Respondent and three Witnesses.

The Complainant [REDACTED] is referred to as [REDACTED] in this report.
The Respondent Councillor Kraymer Barnstable is referred to as BARNSTABLE in this report.

Witness ██████████ is referred to as ██████████ in this report.

Witness ██████████ is referred to as ██████████ in this report.

Witness ██████████ is referred to as ██████████ in this report.

- 3.2** Within the context of these interviews, the INVESTIGATOR is required to assess the credibility of all parties, particularly where viewpoints and perspectives differed between them. Credibility assessments are identified in this report as part of the analysis of information.

To come to a finding, the INVESTIGATOR also applied the following two-pronged test:

- 1) First, did the alleged behaviour occur, on a balance of probabilities?
- 2) Second, if the behaviour did occur, does it meet the definitions and reasonable interpretation and understanding of the Council Code of Conduct Bylaw or applicable legislation?

- 3.3** In addition to the interviews, the investigator also examined and weighed emails, Red Deer Council Code of Conduct Bylaws, the Canadian Charter of Rights and Freedoms, the Alberta Human Rights Act, media articles, and the written response of the Complainant. These will be identified within the *Documents Reviewed* section later in this report.

4. BACKGROUND

- 4.1** The City of Red Deer is located mid-way between Calgary and Edmonton, with a population of just over 100,000. The current Council was elected in 2021.
- 4.2** On March 3, 2023, Complainant ██████████ filed a Code of Conduct complaint against Councillor BARNSTABLE alleging several breaches of conduct contrary to the Red Deer Council Code of Conduct Bylaw. She made a formal complaint that Red Deer elected officials have not protected “Red Deerians from the growing threat of Christofacism and alt-right extremism”. [Appendix 27 and 28]
- 4.3** On March 20, 2023, as per the Council Code of Conduct Bylaw s.19.1 [Appendix 1], the complaint was reviewed by the Mayor and two Council members to determine if it was frivolous or vexatious, or if it had been made in good faith, providing grounds for investigation. The reviewers found that the complaint had merit and should be sent to Council. The reviewers also recommended that Council appoint an external investigator. [Appendix 25]
- 4.4** Complainant ██████████ is a resident of Red Deer.
- 4.5** Respondent BARNSTABLE was newly elected to Council in October 2021.
- 4.6** ██████████ complaints [Appendix 27 and 28] allege that BARNSTABLE, in his role as a Councillor of the City of Red Deer, contravened the Council Code of Conduct Bylaw.

5. ALLEGATIONS

5.1 This investigation was conducted to examine the behaviour of the City of Red Deer Councillor BARNSTABLE, who was alleged to have breached the Council Code of Conduct Bylaw in the following sections.

5.2 Red Deer City Council Code of Conduct Bylaw 3608/2018 [Appendix 1]:

4. Representing the Municipality

4.1 Members shall:

(d) arrange their private affairs and conduct themselves in a manner that promotes public confidence.

5. Communicating on Behalf of the Municipality

5.1 Unless Council directs otherwise, the Mayor is Council's official spokesperson and in the absence of the Mayor it is the Deputy Mayor or Acting Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.

5.2 A Member who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the will or official position of Council as a whole, even if the Member personally disagrees with Council's position.

5.3 A Member must not claim to speak on behalf of Council unless authorized to do so.

6. Respecting the Decision-Making Process

6.1 Decision-making authority lies with Council, and not with any individual Member. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present. No Member shall, unless authorized by Council, attempt to bind the Municipality or give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the Municipality.

7. Adherence to Policies, Procedures and Bylaws

7.1 Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.

7.2 Members shall respect the Municipality as an institution, its bylaws, policies and procedures and shall encourage public respect for the Municipality, its bylaws, policies and procedures.

8. Respectful Interactions with Council Members, Staff, the Public and Others

- 8.1 Council members will establish and model a respectful workplace where they will not speak disrespectfully about the organization, other members of Council, the City Manager or employees of The City.
- 8.2 Members shall act in a manner that demonstrates fairness, respect for individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest.
- 8.3 Members shall treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation.
- 8.4 No Member shall use indecent, abusive, or insulting words or phrases toward another Member, any employee of the Municipality or any member of the public.
- 8.5 No Member shall speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

9. Confidential Information

- 9.1 Members must not disclose matters that were discussed In Camera at a Council or Council committee meeting until the matter is discussed at a meeting held in public.
- 9.2 In the course of their duties, Members may also become privy to confidential information received outside of an In Camera meeting. Members must not:
 - (a) disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is required by law or authorized by Council;
 - (b) access or attempt to gain access to confidential information held by the Municipality unless it is needed for the performance of the Member's duties and then only through appropriate channels; or
 - (c) use confidential information for personal benefit or for the benefit of any other individual or organization.
- 9.3 Confidential information includes information in the possession of, or received in confidence by, the Municipality that the Municipality is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIP or any other legislation, or any other information that pertains to the business of the Municipality, and is generally considered to be of a confidential nature, including but not limited to information concerning:
 - (a) the security of the property of the Municipality;
 - (b) a proposed or pending acquisition or disposition of land or other property;
 - (c) a tender that has or will be issued but has not been awarded;

- (d) contract negotiations;
- (e) employment and labour relations;
- (f) draft documents and legal documents, including reports, policies, bylaws and resolutions, that have not been the subject matter of deliberation in a meeting open to the public;
- (g) law enforcement matters;
- (h) litigation or potential litigation, including matters before administrative tribunals; and
- (i) advice that is subject to solicitor-client privilege.

10.2 Members are expected to carry out their duties free from improper influence and must not act or appear to be acting in order to gain financial benefits for themselves, family, friends or associates, business or otherwise.

11. Improper Use of Influence

11.1 No Member shall use their position as a Member for their own private gain, or for that of persons or organizations that the member is personally associated with.

11.2 No Member shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or a committee of Council or any other body established by Council.

20. Compliance and Enforcement

20.3 No Member shall:

- (a) undertake any act of reprisal or threaten reprisal against a complainant or any other person;
- (b) obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.

5.3 Allegation 1

BARNSTABLE breached the Red Deer Council Code of Conduct Bylaw when he posed for a photo with Shaun Hamm and Artur Pawlowski, that was posted on Facebook in November 2022 [Appendix 5].

BARNSTABLE claimed that [REDACTED] was stalking him, in a Facebook post he made in response to an April 3, 2023, article in the Red Deer Advocate, "City Councillor at event featuring controversial pastor", contrary to the Red Deer Council Code of Conduct Bylaw.

5.4 Allegation 2

On February 18, 2023, BARNSTABLE publicly "liked" a Facebook post [Appendix 7 and 8] posted by Shawn Hamm who attended an event in Calgary featuring the *alt-right* politician Christine Anderson, a member of the *Alternative for Germany Party*, and a

member of the European Parliament, contrary to the Red Deer Council Code of Conduct Bylaw.

5.5 Allegation 3

On February 1, 2023, BARNSTABLE publicly discussed confidential information during a conversation with [REDACTED], contrary to the Red Deer Council Code of Conduct Bylaw.

5.6 Allegation 4

On June 22, 2022, BARNSTABLE posted misinformation and his expressed opposition to an event for children at the Red Deer Public Library on Facebook, [Appendix 9] contrary to the Red Deer Council Code of Conduct.

5.7 Allegation 5

On May 9, 2022, BARNSTABLE read a portion of a religious, self-published children's book, written by his mother, and illustrated by his wife at the Glendale Science and Technology School during Education Week, to a class of grade 1 and grade 3 students, contrary to the Red Deer Council Code of Conduct Bylaw.

5.8 Allegation 6

BARNSTABLE failed to delete his Twitter account upon his election to Council that contained a tweet posted in 2013 that denigrated homeless people and trans-gendered people, contrary to the Red Deer Council Code of Conduct Bylaw.

6. SOURCES OF INFORMATION

- 6.1** During the course of the investigation, the INVESTIGATOR received documentation from the client and the Complainant [REDACTED]. Each of these documents were examined for probative value and weight. All of the documents and corresponding emails have been captured in appendices log below. Documents/emails that were considered to have probative value are identified in the body of this report, where applicable. Other documents provided by persons involved and/or the client are attached and identified as appendices for the purpose of potential access, however, they may not be relevant to the scope of the investigation or referred to in this report.

The following is a catalogue of documents and correspondence either considered as evidence or captured for the purpose of overall documentation and acknowledgement that the persons involved in the investigation have provided them. The documents identified are not necessarily in chronological order from their development and/or receipt by the INVESTIGATOR.

6.2 Appendices Log

Appendix #	Description of Document
1	File: App 1 Code of Conduct Bylaw.pdf Evidence Assessment: Red Deer Council Code of Conduct Bylaw
2	File: App 2 Complainant Notification [REDACTED].pdf Notification letter to Complainant [REDACTED]
3	File: App 3 Veritas Respondent Notification - K BARNSTABLE Notification letter to Respondent BARNSTABLE
4	File: App 4 Zoom interview w_ [REDACTED].pdf Interview transcript with Complainant [REDACTED]
5	File: App 5 Barnstable with Artur Pawlowski.pdf Photo of BARNSTABLE, Pawlowski and Shawn Hamm
6	File: App 6 Red Deer Advocate article April 3.pdf Red Deer Advocate article: <i>Red Deer City Councillor at event featuring controversial pastor 'I am not ashamed' for posing with Artur Pawlowski, says Coun. Barnstable</i>
7	File: App 7 Shawn Hamm FB post.png Facebook screenshot of Shawn Hamm's post of event featuring Christine Anderson
8	File: App 8 Screenshot BARNSTABLE 'like' of Hamm's FB post.png Screenshot of Shawn Hamm's FB post showing BARNSTABLE's "like" of his photo and post of an event featuring Christine Anderson
9	File: App 9 App 9 BARNSTABLE FB post June 22, 2022.png Facebook post by BARNSTABLE re: Drag Queen Storytime
10	File: App 10 [REDACTED] BARNSTABLE post.pdf BARNSTABLE's wife, [REDACTED] posted on Telegram that her husband has not backed down on his stance re: Drag Queen Storytime.
11	File: Winston Wonders book.pdf Scanned pages of book, "Winston Wonders", written by BARNSTABLE's mother and illustrated by his wife [REDACTED]
12	File: App 12 BARNSTABLE FB post Education Week.pdf Facebook post by BARNSTABLE re: Winston Wonders book read to grade 1 classes at Glendale School
13	File: App 13 BARNSTABLE 2013 tweet.pdf Screenshot of a Tweet posted January 27, 2013, captured before BARNSTABLE deleted his Twitter account.
14	File: App 14 Interview w_ Kraymer BARNSTABLE_otter_ai.pdf Interview transcript with Respondent BARNSTABLE
15	File: App 15 Red Deer Advocate Feb 6, 2023.pdf

Appendix #	Description of Document
	Red Deer Advocate article: Reaction to changes coming to Red Deer’s overdose prevention site
16	File: App 16 Red Deer Advocate Feb 8, 2023.pdf Red Deer Advocate article: Red Deer city council loses chance to debate plan for overdose prevention site
17	File: App 17 BARNSTABLE FB apology coffee shop.png BARNSTABLE’s Facebook apology
18	File: App 18 BARNSTABLE Drag Queen Storytime post.png BARNSTABLE’s Facebook post re: Drag Queen Storytime
19	File: App 19 BARNSTABLE FB May 9 Education Week.pdf BARNSTABLE Facebook post May 9, 2023, re: Education Week
20	File: App 20 BARNSTABLE book.pdf Book that BARNSTABLE read to kids during Education Week
21	File: App 21 ██████████.pdf ██████████ “A Red Deer city Councillor used a public-school classroom to promote his mom’s Christian book”.
22	File: App 22 AP 153 Advertising and Distribution of Materials in Schools.pdf Red Deer School District Administrative Procedures Manual – AP 153 – Advertising and Distribution of Materials
23	File: App 23 AP 208 Religious Instruction Exercises and Activities.docx Red Deer School District Administrative Procedures Manual – AP 208 – Religious Instruction, Exercises and Activities
24	File: App 24 canadian-charter-rights-freedoms-eng.pdf Canadian Charter of Rights and Freedom – section 2: Fundamental freedoms – Freedom of Expression
25	File: App 25 CONFIDENTIAL - March 20 2023 Reviewers' Report.pdf Report of review to determine if the complaint is frivolous or vexatious.
26	File: App 26 Red Deer Public Library 2023-Board-Bylaws-and-Policy.pdf Red Deer Public Library Board Bylaws and Policies
27	File: App 27 ██████████ Complaints allegations 2 to 6.pdf Formal Complaint document requesting an investigation for allegations 2 to 6
28	File: App 28 ██████████ complaint allegation 3.pdf Allegation 3 complaint
29	File: App 29 Coun. Kraymer Barnstable apologizes for offending Red Deer’s pride community - Red Deer Advocate Allegation 4: apology

6.3 Persons Interviewed

It should be noted that for this investigation, interviews were done either by video or audio call.

Interviewee	Name	Role
Complainant	[REDACTED]	Resident of Red Deer
Respondent	Kraymer BARNSTABLE	Councillor, City of Red Deer
Witness	[REDACTED]	[REDACTED] [REDACTED]
Witness	[REDACTED]	[REDACTED]
Witness	[REDACTED]	[REDACTED] [REDACTED]

7. CREDIBILITY ASSESSMENTS

In order to come to a finding on the balance of probabilities, it is necessary to assess the credibility of the parties interviewed. This is particularly important where there is no independent or corroborative evidence available and there is a discrepancy between the two main parties, the complainant and respondent.

Credibility is assessed with respect to the evaluation of two basic concepts: honesty and reliability. Honesty concerns *whether the interviewee is sharing what they believe to be true*. Reliability concerns *whether the interviewee's belief regarding what is true is likely to be accurate*. Note that reliability can be undermined either by rebutting evidence (i.e., grounds to believe the interviewee is unreliable) or by undercutting evidence (i.e., lack of grounds to believe the interviewee is reliable).

The following list of twelve factors is used as a guide to evaluate the credibility of the two main parties (complainant and respondent) with respect to honesty and reliability:

- 7.1 **Initial Credibility:** Did the interviewee impress as one who was telling the truth?
- 7.2 **Motive to Deceive:** Did the interviewee have any particular reason not to tell the truth? Do they have a motive to falsify, exaggerate or deny the incident(s)? Do any of the interviewees have a special loyalty to – or grudge against – any of the individuals involved?
- 7.3 **Personal Interest:** Did the interviewee have a personal interest in the outcome of the case which could skew their perspective?
- 7.4 **Accurate Memory:** Did the interviewee seem to have a good memory? Did the interviewee have the opportunity and ability to recall accurately the things he or she testified about?

- 7.5 **Comprehension and Directness:** Did the interviewee appear to understand the questions clearly and answer them directly? Did they exhibit frankness in their responses or were they evasive?
- 7.6 **Specificity and Detail:** How general or specific was each person's statement? If an interviewee gave a detailed statement, were those details supported by other evidence? Did the Respondent deny the allegations in detail or generally?
- 7.7 **External Corroboration:** Are there witnesses or documents that support one side of the story? Does the evidence contradict one person's statements? Do the witnesses support the person who proposed that they be interviewed? If there are conflicts, are those conflicts minor or significant?
- 7.8 **Stability of Testimony:** Was each person's story consistent throughout questioning or on second telling? Did any of the interviewees contradict themselves during the interview? If so, did the change involve a minor issue or a matter of substance?
- 7.9 **Appropriateness of Affect:** How did the interviewee present or act during the interview? Was their affect appropriate to the subject matter?
- 7.10 **Notable Omissions:** Did anyone leave out important information during the interview? Is there a sensible explanation for the omission? Did the respondent or complainant(s) admit an important detail only after being confronted with it?
- 7.11 **Nuanced Analysis:** Did the interviewee include nuance in their descriptions which does not necessarily support their case? Did they include embarrassing details (i.e., criterion of embarrassment) which may testify to a nuanced recall committed to accuracy and truth?
- 7.12 **Coherence or Collusion:** Did the interviewee's testimony exhibit a natural fit with the testimony of other interviewees? That is, did that testimony cohere on the main relevant points while exhibiting a distinct perspective, interest, and emphasis? Or did that testimony exhibit an unnatural fit? That is, did that testimony cohere both on main points as well as perspective, interest, and emphasis in a way that was suggestive of collusion or coordination of testimony?

8. INVESTIGATION INTERVIEWS

8.1 Overview of the Interviews

Over the course of this investigation, five persons were interviewed in total.

The Complainant and Respondent were provided a preamble to the interview about the allegation. The preamble included a request for confidentiality. Each interviewee was invited to provide an initial free narrative of their concerns/perspective. This was followed by a focused discussion on a range of specific questions led by the INVESTIGATOR. The interview concluded with the interviewee being invited to share any concluding thoughts, reflections, or concerns or to address any important topic yet unaddressed. Interviewees were informed that they could take a break at any time

during the interview. Interviewees were also instructed to keep the contents of the interview confidential to protect the integrity of the investigation.

The following synopses of the interviews will use bullet points to highlight specific information provided by the persons interviewed. The interviews were audio-recorded and very roughly transcribed (i.e.: errors). These rough transcriptions and notes are available if needed. The summarized information provided below comes from the notes and rough transcripts. Each summary will include (a) background, (b) a summary of the interview, and (c) an evaluation of the credibility of the interviewee.

The summary below can be considered to be either responses to questions or information provided freely and unprompted. Where applicable, the investigator will highlight areas where the context of the information provided is of importance to the overall analysis.

8.2 Summary of Interview with Complainant, [REDACTED]

8.2.1 Background

Date: April 14, 2023

Time: 12 PM MT

Location: via Zoom

Notification to Complainant: Appendix 2

Interview of Transcript: Appendix 4

8.2.2 Interview Summary

The following is a summary of the interview. The statement was provided in a free flow method and/or in response to questions. The interview was recorded.

Allegation 1

BARNSTABLE breached the Red Deer City Council Code of Conduct Bylaw when he posed for a photo with Shaun Hamm and Artur Pawlowski, which was posted on Facebook in November 2022. [Appendix 5]

[REDACTED] also claimed that BARNSTABLE said she was stalking him, in a Facebook post in response to an April 3, 2023, article in the Red Deer Advocate, "City Councillor at event featuring controversial pastor", contrary to the Red Deer Council Code of Conduct Bylaw.

The Complainant, [REDACTED] stated that:

- Red Deer Councillor BARNSTABLE should not be posing in a photo with Artur Pawlowski who at the time of the photo (November 2022) was a political and religious leader, and had a reputation for being anti-queer, anti- LGBTQ, anti-Muslim, who made hateful statements (i.e., the 2013 Calgary floods were due to homosexuality), and who refused to comply with public health Covid measures.

- The presence of BARNSTABLE in the photo does not reinforce Red Deer City's inclusivity and welcoming policies – behaviour with which the City of Red Deer should not be associated.
- These remarks and behaviours made those in the LGBTQ community feel unsafe.
- Pawlowski was charged with mischief for inciting violence and encouraging people to block public property at the border crossing at Coutts, Alta., and repeatedly asked the Alberta Premier to seek clemency or leniency for him from her justice department officials.
- As an elected official, she felt that BARNSTABLE should not be associating with people like Pawlowski.
- She tweeted the downloaded photo in February 2023 from Pawlowski's Facebook site and retweeted the photo again on March 31, 2023, after the news about phone calls between Premier Danielle Smith and Pawlowski became public.
- She was angry that BARNSTABLE tweeted the photo on April 3, 2023, to announce that he would not apologize for posing in the photo. [Appendix 6]
- She said that it was inappropriate for BARNSTABLE to accuse her of stalking him and that it comes close to breaching the Council Code of Conduct Bylaw section 20.3 "No Member shall: (a) undertake any act of reprisal or threaten reprisal against a complainant or any other person."
- She refuted BARNSTABLE's claims that she is stalking him, she has not stalked anyone – she "did some very basic, light journalism and journalism is not a crime yet".
- Red Deer cannot claim to be a welcoming and inclusive community when Councillors are refusing to apologize for being associated with, or being influenced by Pawlowski, known for hate and accused of inciting violence. Council Code of Conduct Bylaw section 10.2 "Members are expected to carry out their duties free from proper influence and must not act or appear to be acting in order to gain financial benefit for themselves, family, friends or associates".

Allegation 2

On February 18, 2023, BARNSTABLE publicly "liked" a Facebook post [Appendix 7 and 8] posted by Shawn Hamm who attended an event in Calgary featuring the *alt-right* politician Christine Anderson, a member of the *Alternative for Germany Party*, and a member of the European Parliament, contrary to the Red Deer Council Code of Conduct Bylaw.

The Complainant, [REDACTED] stated that:

- While she was working on a story, freelancing as a journalist, that involved a religious group, she started following Shawn Hamm, a Councillor for the Town of Penfold and the Pastor at Remnant Church in Red Deer. She noted that Hamm was a supporter of Pawlowski.
- BARNSTABLE's "like" of this post violates sections of the Council Code of Conduct Bylaw because Anderson's political party has members with

antisemitic views, has taken anti-Islam positions, and that Anderson has met with members of Canadian/American extremist far-right, white-supremist group, Diagonal, an accelerationist organization known to call for violence on Alberta soil, and alleged to be involved in plans for violence at the Coutts border crossing.

- The City of Red Deer’s bylaws concerning inclusivity are not compatible with “liking” Nazi-affiliated Facebook posts.
- That BARNSTABLE’s conduct does not promote public confidence, breaching the Code of Conduct Bylaw section 4.1 (d).

Allegation 3

On February 1, 2023, BARNSTABLE publicly discussed confidential information during a conversation with [REDACTED], contrary to the Red Deer Council Code of Conduct Bylaw.

The Complainant, [REDACTED] stated that:

- BARNSTABLE and a ‘provincial colleague’ met at a coffee shop and talked openly about confidential information related to the transition of Red Deer’s Overdose Prevention Site (OPS).
- It is unacceptable that the service provider, their clients, and the public learned about the fate of the OPS, in this manner.
- Two days later, Mayor Johnston apologized for the “leak”.
- BARNSTABLE’s “coffee shop leak” resulted in the Red Deer Council losing its chance to debate the future of the OPS.
- BARNSTABLE’s actions are at odds with the Council Code of Conduct Bylaw sections: 5.1, 5.2, 5.3, 6.1-9.1 and 9.2 (a), and 9.3. [Appendix 1]

Allegation 4

On June 22, 2022, BARNSTABLE posted misinformation and his expressed opposition to an event for children, Drag Queen Storytime, at the Red Deer Public Library on Facebook, [Appendix 9] contrary to the Red Deer Council Code of Conduct Bylaw.

The Complainant, [REDACTED] stated that:

- BARNSTABLE posted:
“I have sent my disappointment to the rest of council and our administration for allowing this event to happen.
Drag is adult entertainment and should not be put in front of 4–8-year-olds, especially in a public setting. Like many I am extremely disheartened by this event.” [Appendix 9]
- She is upset that “despite it contains blatant misinformation”, this post remains – the event was not adult-themed and was appropriate for kids – the accusation BARNSTABLE made in his Facebook post is false. All stories were vetted by Library staff.

- BARNSTABLE issued a public apology which was contradicted by his wife, ██████ BARNSTABLE, who posted [Appendix 10] a message on Telegram that “Kraymer has not backed down in his stance.”
- BARNSTABLE’s anti-drag rhetoric is dangerous – researchers and human rights experts note a link between anti-LGBTQ+ content posted by extremist politicians are increasing hate crimes against queer and gender-nonconforming people.
- BARNSTABLE is bigoted and has little respect for the people he represents and the City of Red Deer Council Code of Conduct Bylaw sections: 8.3, 8.4 and 8.5 [Appendix 1]

Allegation 5

On May 9, 2022, BARNSTABLE read a portion of a religious, self-published children’s book, written by his mother, and illustrated by his wife, at the Glendale Science and Technology School during Education Week, to a class of grade 1 and grade 3 students, contrary to the Red Deer Council Code of Conduct Bylaw.

The Complainant, ██████ stated that:

- BARNSTABLE, as Deputy Mayor, during Education Week, visited the Glendale Science and Technology School, a public, secular, elementary school, where he chose to read a portion of an overtly religious, self-published children’s book illustrated by his wife and written by his mother. [Appendix 11]
- BARNSTABLE stated on Facebook that “the teacher asked where they could buy it”. [Appendix 12]
He has deleted that part of the post.
- BARNSTABLE read a section of the book entitled “Special Abilities” – about Winston, a puppy, whose siblings have unique “abilities” and that his worries should be given up to God. The word “God” is mentioned seven times in this section of the book.
- BARNSTABLE used a Red Deer public school classroom to promote his family’s explicitly Christian children’s book contrary to Council Code of Conduct Bylaws Sections 11.1 and 11.2
- After exchanging emails with BARNSTABLE, they arranged to meet so he could give her a copy of the book. He told her there was not anything to worry about, “it was a nice book that my mom wrote”, however, ██████ after reading the book emailed BARNSTABLE and told him she thought it was overtly religious.
- After reading the book, ██████ wrote a blog titled “A Red Deer Councillor used a public-school classroom to promote his mom’s Christian book”. [Appendix 21]

Allegation 6

BARNSTABLE failed to delete his Twitter account upon his election to Council that contained a tweet posted in 2013 that denigrated homeless people and transgendered people, contrary to the Red Deer Council Code of Conduct Bylaw.

The Complainant, ██████████ stated that:

- BARNSTABLE violated the Council Code of Conduct Bylaw 8.5 “No Member shall speak in a manner that is discriminatory to an individual based on the person’s race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation”.
- BARNSTABLE should have deleted the tweet the day he took office.
- The tweet reflected hateful, awful, transphobic, dehumanizing attitudes towards people and that would make people feel less safe with BARNSTABLE elected as a Councillor.
- When politicians speak negatively about marginalized people, violence often follows – people are emboldened to take up violent actions – when hate is blasted out – bad things happen.

8.2.3 Credibility Assessment - ██████████

8.2.3.1 **Initial Credibility:** ██████████ presented as one who was telling the truth. Her statements were corroborated by articles in the Red Deer Advocate and screenshots of social media posts.

8.2.3.2 **Motive to Deceive:** There was no reason for ██████████ to not to tell the truth. There may be a motive to exaggerate to have more of an impact on social media. She stated that her tweets reflect her opposition to fascism, hate, Christian Nationalism, and capitalism and reflect that she is a socialist who swears. She wanted to make a strong impression on social media.

8.2.3.3 **Personal Interest:** ██████████ has an interest in the outcome of this investigation. She has been frustrated with what she considers to be a lack consideration for her complaints. Her personal beliefs do not accord with those of the Respondent,

8.2.3.4 **Accurate Memory:** ██████████ displayed a good recall of events. She prepared several pages of documents outlining her complaints.

8.2.3.5 **Comprehension and Directness:** ██████████ comprehended questions and answered directly.

8.2.3.6 **Specificity and Detail:** ██████████ was able to express her views verbally, although her written complaints contained more detail.

8.2.3.7 **External Corroboration:** ██████████ statements regarding BARNSTABLE’s behaviour and his social media posts were corroborated by the screenshots of the social media posts in question, the Red Deer Advocate, and largely corroborated by BARNSTABLE’s statement.

8.2.3.8 **Stability of Testimony:** ██████████ testimony was consistent throughout questioning.

- 8.2.3.9 **Appropriateness of Affect:** ██████ behaviour was appropriate throughout the interview for someone who was clearly frustrated. She was quick to respond with any additional information or clarification that was requested following the interview.
- 8.2.3.10 **Notable Omissions:** ██████ social media accounts were not accessible following her interview.
- 8.2.3.11 **Nuanced Analysis:** ██████ admitted that her social media posts were inflammatory - she swears frequently and recognizes that she is extreme in her political views - which she said does not make her a particularly useful source for information. She described herself as a “crazy town person on Twitter that just likes to tweet vulgar nonsense” but that should not ruin the investigation or distract from what she considers inappropriate behaviour contrary to the Council Code of Conduct bylaws.

She tended to jump to conclusions regarding the motive of others.

- 8.2.3.12 **Coherence or Collusion:** ██████ testimony exhibited a natural fit with articles in the Red Deer Advocate and for the most part BARNSTABLE’s testimony. Her testimony cohered on their main points, less so on their perspective and emphasis.

Overall, the INVESTIGATOR determined that ██████ was credible to the extent that she believed what she said was true. It was reasonable to believe that her testimony was reliable. However, her interpretation of the activities she has complained about may be coloured by her self-described “extreme in her political views” admission.

8.3 Summary of Interview with Witness, ██████

8.3.1 Background

Date: April 25, 2023

Time: 3:50 PM MT

Location: Phone

8.3.2 Interview Summary

The following is a summary of the interview. The statement was provided in a free flow method and/or in response to questions.

Allegation 5

On May 9, 2022, BARNSTABLE read a portion of a religious, self-published children’s book, written by his mother, and illustrated by his wife, at the Glendale Science and Technology School during Education Week to two classes, a grade 1 class and a grade 3 class, contrary to the Red Deer Council Code of Conduct Bylaw.

The Witness [REDACTED] stated that:

- She is [REDACTED] was not present when BARNSTABLE read the story to the students.
- Education Week is an annual event where fire fighters, police officers, politicians and other well-known community members are invited to read a book to school-age children. The school has a selection of books that have been vetted by the school that community members have the option to read, or they can read a book of their own choosing.
- No one vetted the book, “Winston Wonders”, that BARNSTABLE chose to read.
- While there is a School District policy [Appendix 22] to restrict the distribution of materials that may unduly influence students, this policy was not provided in advance to BARNSTABLE.
- BARNSTABLE was a friend with one of the teachers.
- She read the story and while the text of the story included the word, “God”, she did not believe that he was trying to proselytize his faith.
- The school embraces a diversity of religious beliefs however, teachers and students ‘celebrate’ Easter and Christmas at the school.

8.3.3 Credibility Assessment - [REDACTED]

A full credibility assessment is not determined to be necessary. [REDACTED]
[REDACTED] She demonstrated an understanding of the roles and responsibilities of the administration and teachers at Glendale Science and Technology School. Although she was not present during BARNSTABLE’s reading, she was knowledgeable about the circumstances. [REDACTED] presented as being forthright and pragmatic. The INVESTIGATOR determined that [REDACTED] is a credible witness.

8.4 Summary of Interview with Witness, [REDACTED]

8.4.1 Background

Date: May 2, 2023

Time: 3:14 PM MT

Location: Phone

8.4.2 Interview Summary

The following is a summary of the interview. The statement was provided in a free flow method and/or in response to questions. [REDACTED] stated:

- At a meeting on January 12, 2023, the Ministry of Health made a confidential presentation to members of Council of a possible change to the Overdose Prevention Site – BARNSTABLE was present.
- No Council decision was made at the January 12, 2023, meeting.
- There was an expectation of confidentiality from all those in attendance.

- It was likely that [REDACTED], with whom BARNSTABLE had a conversation that was overheard at the coffee shop, was present at the meeting.

8.4.3 Credibility Assessment - [REDACTED]

A full credibility assessment is not determined to be necessary. [REDACTED] He demonstrated an understanding of municipal and provincial government roles. He presented as intelligent and articulate. His demeanour was pleasant, respectful, and responded promptly to emails. [REDACTED] presented as a credible witness.

8.5 Summary of Interview with Witness, [REDACTED]

8.5.1 Background

Date: May 4, 2023
Time: 11:14 AM MT
Location: Phone

8.5.2 Interview Summary

The following is a summary of the interview. The statement was provided in a free flow method and/or in response to questions. Witness [REDACTED] stated:

- He is the [REDACTED].
- He was at the coffee shop on February 1, 2023, with BARNSTABLE when their conversation about the potential future of the Overdose Prevention Site (OPS) was overheard by [REDACTED].
- That BARNSTABLE's recount of the conversation and the circumstances leading up to it were accurate.
- They were seated at the coffee shop at a table for six and two people arrived and sat at the end of the same table, one of whom was an employee of [REDACTED].
- He was at a meeting on January 12, 2023, where the province presented an option for the future of the OPS and were looking for Red Deer Council support. A vote was not taken by Council at this meeting.
- That BARNSTABLE did not know the decision that the province made regarding the future of the OPS until after their meeting at the coffee shop.

8.5.3 Credibility Assessment - Witness [REDACTED]

A full credibility assessment is not determined to be necessary. His testimony exhibited a natural fit with the testimony of BARNSTABLE's account of their meeting at the coffee shop. Although he did not want to be identified as a witness, he answered the questions clearly and directly. [REDACTED] presented as a credible witness.

8.6 Summary of Interview with Respondent, Kraymer BARNSTABLE

8.6.1 Background

Date: April 18, 2023

Time: 11:00 AM MT

Location: via Zoom

Notification to Complainant: Appendix 3

Interview of Transcript: Appendix 14

8.6.2 Interview Summary

The following is a summary of the interview. The statement was provided in a free flow method and/or in response to questions. The interview was recorded, and the Respondent, BARNSTABLE stated:

Allegation 1

It is alleged that BARNSTABLE breached the Red Deer Council Code of Conduct Bylaw when he posed for a photo with Shaun Hamm and Artur Pawlowski, which was posted on Facebook in November 2022. [Appendix 5]

██████████ also claimed that BARNSTABLE said she was stalking him, in a Facebook post in response to an April 3, 2023, article in the Red Deer Advocate, “City Councillor at event featuring controversial pastor”, contrary to the Red Deer Council Code of Conduct Bylaw.

The Respondent, BARNSTABLE, stated that:

- He posted the photo on his *Kraymer Barnstable – Red Deer City Councillor* Facebook site on April 3, 2023, to get a jump on the Red Deer Advocate article, “Red Deer City Councillor at event featuring controversial pastor” for which he was interviewed. [Appendix 6]
- ██████████ had tweeted the photo several times daily.
- He is responsible for all his posts on social media.
- He released the following statement via Facebook:

“This photo is apparently news in the City of Red Deer.

I was asked today from the Red Deer Advocate to make a statement about posing with my pastor Shawn Hamm and Pastor Artur Pawlowski who was also the leader of a provincial party back in November of 2022.

This isn’t a photo I’m embarrassed of or need to apologize for. There are a handful of people on social media that are currently stalking me and trying to make my life miserable. They think this photo should be front page news and the fact that the media is feeding into their hatred is shameful.

If you find this photo offensive, so be it. I am not apologizing for it.”

Allegation 2

On February 18, 2023, BARNSTABLE publicly “liked” a Facebook post [Appendix 7] posted by Shawn Hamm who attended an event in Calgary featuring the *alt-right* politician Christine Anderson, a member of the *Alternative for Germany Party*, and a member of the European Parliament, contrary to the Red Deer Council Code of Conduct Bylaw.

The Respondent, BARNSTABLE, stated that:

- He “liked” Shawn Hamm’s post using his personal Facebook page (not his City Councillor Facebook page) - which has no reference to him being a City Councillor
- Shawn Hamm is a Councillor for the Town of Penhold, his pastor and a good friend – and tends to “like” the posts he makes.
- By “liking” the Facebook post, it was expressing his support of Hamm.
- If he later discovered that he “liked” a post that he in retrospect he thought was wrong, he would “unlike” the post and apologize right away.
- Because did not know much about Christine Anderson, he googled her as he heard she was racist and controversial. He did not find any videos or evidence to support these accusations. He noted her anti-Islam opinions and her opposition to the oppression of women. He did not attend the event at which Christine Anderson spoke but wanted to support his friend, Hamm, who was at an event he was proud to be part of.

Allegation 3

On February 1, 2023, BARNSTABLE publicly discussed confidential information during a conversation with [REDACTED], contrary to the Red Deer Council Code of Conduct Bylaw.

The Respondent, BARNSTABLE stated that:

- He met his [REDACTED], at a coffee shop to review the information being considered regarding the Overdose Prevention Site (OPS) and a shelter location. The [REDACTED] had attended several workshops/meetings while he (BARNSTABLE) was deputy mayor in January 2023 to discuss the future of the OPS. An official decision was never presented at these meetings, although a plan was presented by the province for which they wanted Council support. At the coffee shop their discussion included the options of a mobile site and that a new service provider may have to be considered. He had indicated his support for a mobile site.
- At one point a woman approached them and placed her business card on their table and said that they should not be talking about these things in public. She was an employee of [REDACTED]

- He immediately realized his mistake; he called the Mayor and the Chief of Staff to advise them that a [REDACTED] had overheard his conversation.
- The following day, February 2, 2023, he wanted to disclose to Council that he had made a mistake in talking about a confidential matter in public but was told that it was not necessary, as there did not appear to be an issue.
- On February 3, 2023, he was informed that Turning Point had reached out to the province to get confirmation about their termination. At this point, the province confirmed that their contract would be terminated.
- A confidential email/letter was received by the Mayor's office on February 1, 2023, that informed them that the province had made a decision regarding the OPS. The contents of the letter were not disclosed to BARNSTABLE or other Councillors until later on February 6, 2023. The letter also requested that the letter not be disclosed to the public.
- His discussion at the coffee shop was hypothetical and unbeknownst to him, the province had already made the decision to terminate the contract with Turning Point and to transition the OPS to a mobile site operated by Alberta Health Services.
- On February 6, 2023, an article in the Red Deer Advocate announced the upcoming changes to the OPS. [Appendix 15]
- On February 8, 2023, an article in the Red Deer Advocate [Appendix 16] stated that:

“Mayor Ken Johnston said the province recently informed the city of its plan, and received a formal letter last week from the province asking that council debate and vote on the plan.

The province's letter said it was amenable to hear the direction brought forward by council following a city council meeting.

‘Unfortunately, we were unable to proceed with our normal processes after the information became public ahead of the province's request for our decision,’ said Johnston in a statement released Wednesday night.

The plan became public Feb. 1 when Red Deer City Coun. Kraymer Barnstable was overheard talking about it with a provincial colleague in a local coffee shop.”

- He wanted to let the media know before he was identified in the February 8 article that it was him who was overheard talking about the OPS at the coffee shop.
- On February 7, he posted an apology for his Facebook page [Appendix 17].
- He felt like he was set up as the ‘fall guy’ for the province's decision to terminate Turning Point's contract and the transition of the OPS to a mobile site.

Allegation 4

On June 22, 2022, BARNSTABLE posted misinformation and his expressed opposition to an event for children, Drag Queen Storytime, at the Red Deer Public Library on Facebook, contrary to the Red Deer Council Code of Conduct.

The Respondent BARNSTABLE stated that:

- He posted a tweet on June 22, 2022, that said:

“I have sent my disappointment to the rest of council and our administration for allowing this event to happen.

Drag is adult entertainment and should not be put in front of 4–8-year-olds, especially not in a public setting. Like many I am extremely disheartened by this event.” [Appendix 18]

- “I apologize to the people that I offended and that I have no hate in my heart, I think is what I said in that article. But I left this post up because I didn't... I'm not apologizing for what I said because I still feel like that's how I feel about the event”.
- He did not attend the Red Deer Drag Queen Storytime but has seen many videos of similar events held in other communities, where he observed men dressing up as women.
- In his mind, “Drag” is advertised as adult entertainment.

Allegation 5

On May 9, 2022, BARNSTABLE read a portion of a religious, self-published children’s book, written by his mother, and illustrated by his wife, at the Glendale Science and Technology School during Education Week, to a grade 1 and grade 3 class, contrary to the Red Deer Council Code of Conduct Bylaw.

The Respondent BARNSTABLE stated that:

- On May 9, 2022, he posted on Facebook:

“A cool story behind this post:

As Deputy Mayor I was asked to come read last week with Glendale school, and they asked if I had a favourite book. It just so happens I was able to read “Winston Wonders” which was written by my mom ██████ Barnstable and all the illustrations were done by my wife ██████ Barnstable!

- The kids loved it and the teacher asked where they could buy it so I left them the book to keep in their classroom. It was cool and I’m so proud of my talented family.” [Appendix 19]

- He knew the book was “Christian in nature” but did not think there was anything that should not be shared at a public school – it is about a puppy that does not realize he has special skills, and that it is an encouraging, uplifting book. He read the second story of the book titled “Special Abilities”. [Appendix 20]
- He was not sure how many times the word “God” was mentioned in the story, but thought it was 4 or 7 times. He did not read the scripture at the end of the story.
- The book is not for sale although a teacher and some kids asked where they could buy a copy, so he left the book with the class. He told them they were not for sale. His family gives the books to family and friends at no charge or for a donation of \$20.
- The Complainant, ██████████ contacted BARNSTABLE’s wife via Instagram asking about the book. ██████████ BARNSTABLE’s wife felt uncomfortable with the interaction and asked BARNSTABLE to connect with ██████████ They exchanged a couple of emails and he offered to give ██████████ a book. He met her at City Hall where he gave her a copy of the book. Shortly after ██████████ wrote a blog titled “A Red Deer city Councillor used a public-school classroom to promote his mom’s Christian book”. [Appendix 21]
- "I know when I went to public school not that long ago, before every day we said the Lord's Prayer and sang Oh Canada, so I didn't see any issue, you know, saying you know, mentioning in the book that God created someone a certain way".
- He did not read the book with the intention of converting the kids from one religion or belief to another.

Allegation 6

BARNSTABLE failed to delete his Twitter account upon his election to Council that contained a tweet posted in 2013 that denigrated homeless people and trans-gendered people, contrary to the Red Deer Council Code of Conduct Bylaw.

The Respondent, BARNSTABLE stated that:

- He deleted his Twitter account because it was negatively affecting his mental health.
- He does not recall this tweet, it was a long time ago, he used to tweet a lot but acknowledged that he must have sent the tweet on January 27, 2013:

“Riding a bus from downtown, 1am on a Saturday night. Some things in life u don’t want to experience. #Homeless #Trannys #Drugattics & #Me”
[Appendix 13]

- He was a 22-year-old UBC student when he tweeted the post – he often tweeted his stories on public transit.

- His use of the hashtags was not a good choice.
- He was trying to be funny.
- He has learned a lot since then and would not make a tweet like this as a Councillor. “I think you know; the term ‘Tranny’ wasn't as offensive back then as it is now obviously, times have changed a lot in the last 10 years or so”.

8.6.3 Credibility Assessment - BARNSTABLE

- 8.6.3.1 **Initial Credibility:** Councillor BARNSTABLE presented as being frank and candid during the interview. His demeanour was pleasant and respectful. He was clearly frustrated by the allegations but did not appear to be guarded or defensive. He is deemed to be credible in both honesty and reliability of testimony.
- 8.6.3.2 **Motive to Deceive:** BARNSTABLE had no motive to deceive. His testimony was corroborated by media stories and social media posts he shared.
- 8.6.3.3 **Personal Interest:** BARNSTABLE has a personal interest in the outcome of the investigation as his reputation as a public figure may be at risk. He stated that these allegations have been a significant distraction.
- 8.6.3.4 **Accurate Memory:** BARNSTABLE displayed a good recall of events, despite acknowledging that he did not remember a tweet he posted in 2013.
- 8.6.3.5 **Comprehension and Directness:** BARNSTABLE comprehended questions and answered most of the questions directly. When asked if he had ever attended Red Deer Pride events, he explained that it occurs during a busy time in the summer when he is running his goalie school camps and he is too busy to attend. He was then asked, hypothetically, if he was not busy, would he attend, he responded no. In this respect his initial response was evasive.
- 8.6.3.6 **Specificity and Detail:** BARNSTABLE’s statements were supported by other evidence. BARNSTABLE did not deny some of the allegations – he publicly apologized for some of his behaviour/complaints.
- 8.6.3.7 **External Corroboration:** BARNSTABLE’s testimony was mostly corroborated by articles in the media.
- 8.6.3.8 **Stability of Testimony:** BARNSTABLE’s story was consistent throughout the questioning.
- 8.6.3.9 **Appropriateness of Affect:** BARNSTABLE’s behaviour was appropriate throughout the interview for someone who was frustrated. He behaved as one would expect to behave under these circumstances. He responded promptly to follow up questions following his interview.

8.6.3.10 **Notable Omissions:** No obvious notable omissions.

8.6.3.11 **Nuanced Analysis:** BARNSTABLE conceded that he would not now share a post he made on Twitter 10 years ago – he stated that using the term “tranny” was now not acceptable, however in 2013, it is the INVESTIGATOR’s opinion that the term was then considered an offensive and derogatory slur.

He stated he did not apologize for sharing a social media post regarding the Drag Queen Storytime event for which he expressed his disappointment, however, he did apologize to those he offended. He recognizes that there are diverse opinions, faiths, beliefs, and has an unwavering conviction in his values.

8.6.3.12 **Coherence or Collusion:** BARNSTABLE’s testimony exhibited a natural fit with the testimony of other interviewees. It cohered on the main relevant points although his testimony exhibited a distinct perspective as a person deeply involved in his Christian faith.

Overall, the INVESTIGATOR determined that the Respondent, BARNSTABLE is honest, in that he shared what he believed to be true and can be considered reliable.

9. INVESTIGATION ANALYSIS AND FINDINGS

9.1 Analysis

In the process of this investigation, the Complainant, the Respondent and three Witnesses were interviewed. The events attributed to each allegation are not in dispute. The question is whether these behaviours on the part of BARNSTABLE constitute a breach of the Council Code of Conduct Bylaw.

The INVESTIGATOR has sought to employ a two-part test to determine if the allegations against BARNSTABLE occurred and whether he breached the Red Deer Council Code of Conduct Bylaws and other such sections, policies, regulations, and legislation as they became evident through the course of this investigation.

Two-Pronged Test

As noted above, the test consists of two parts:

1. First, did the allegation(s), incidents, or behaviours, as reported, occur – based on the standard of proof, balance of probabilities?
2. And second, did the allegations that are determined to have occurred constitute violations of the relevant legal and institutional policy definitions and interpretations of the Red Deer Council Code of Conduct Bylaw, the law established by the Parliament of Canada and the Legislature of Alberta.

9.2 Incidents or Allegations

9.2.1 Allegation 1

It is alleged that BARNSTABLE breached the Red Deer Council Code of Conduct Bylaw when he posed for a photo with Shaun Hamm and Artur Pawlowski, that was posted on Facebook in November 2022.

- It is not disputed that BARNSTABLE posed in the photo in November 2022. On April 3, 2023, BARNSTABLE was quoted in the Red Deer Advocate when asked about the photo in which he posed with his pastor Shawn Hamm and Artur Pawlowski stating: “This isn’t a photo I’m embarrassed of or need to apologize for”. He added: “If you find this photo offensive, so be it. I am not apologizing for it”.
- Artur Pawlowski is a high-profile, controversial figure – a preacher, former leader of the Independence Party of Alberta, fined for his actions against the provincial government pandemic measures, and found guilty of criminal mischief for his actions at the Coutt’s border blockade. He said that the devastating Calgary flood in 2013 was caused by “Jesus weeping for the perversions of homosexuality, which includes the walking out the pride of their abominations in the streets of our cities.”
- ██████████ felt strongly that Pawlowski’s anti-LGBTQ2S+ beliefs, his refusal to comply with public health measures during covid, and the charge he was facing for criminal mischief made people feel less safe in Red Deer. That may be the case, but the complaint was not made against Pawlowski.
- The Canadian Charter of Rights and Freedoms protects fundamental freedoms [Appendix 24].
- “Everyone in Canada is free to practise any religion or no religion at all. We are also free to express religious beliefs through prayer or by wearing religious clothing for example. However, the Charter also ensures that others also have the right to express their religious beliefs in public.

We’re free to think our own thoughts, speak our minds, listen to views of others, and express our opinions in creative ways. We’re also free to meet with anyone we wish and participate in peaceful demonstrations. This includes the right to protest against a government action or institution.

However, these freedoms are not unlimited. There may be limits on how you express your religious beliefs if your way of doing so would infringe on the rights of others or undermine complex public programs and policies. For example, you may have religious reasons to object having your photo taken for your driver’s license, but this requirement may be linked to a need to stop others from unlawfully using your identity. In addition, the Charter does not protect expression such as hate speech that involves threats of violence or that takes the form of violence.” - Government of Canada website: [The rights and freedoms the Charter protects \(justice.gc.ca](https://www.justice.gc.ca/eng/1525/1525.html)

- BARNSTABLE did not disclose whether he supports Pawlowski’s political views or actions, but it is clear that he supports his religious beliefs.
- The Charter protects one’s freedom “to meet with anyone we wish...” providing we are not infringing on the rights of others.
- Pawlowski, at the time, was the leader of a registered political party in Alberta, The Alberta Independence Party. While a controversial public figure, Pawlowski is often invited to speak at events, including churches, and does have supporters. Arguably these supporters are also constituents. Posing for a picture with a controversial political figure, with differing ideologies of the complainant, would not reasonably be interpreted as a breach of the Code of Conduct Bylaw.
- The INVESTIGATOR did not find evidence that BARNSTABLE breached the Council Code of Conduct Bylaw section 7.1 “Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.”

After analyzing and weighing the evidence, the INVESTIGATOR determined that posing in a photo with Shawn Hamm and Artur Pawlowski did not constitute a violation of the relevant legal and institutional policy definitions and interpretations of the Red Deer Council Code of Conduct Bylaw, or the law established by the Parliament of Canada.

██████████ alleged that BARNSTABLE claimed that she was stalking him. BARNSTABLE shared a Facebook post in response to an April 3, 2023, article in the Red Deer Advocate, “City Councillor at event featuring controversial pastor”, which contained an accusation of stalking that ██████████ alleged is contrary to the Red Deer Council Code of Conduct Bylaw section 20.3 that states: “No Member shall: (a) undertake any act of reprisal or threaten reprisal against a complainant or any other person.”

BARNSTABLE’s Facebook post:

“This isn’t a photo I’m embarrassed of or need to apologize for. There are a handful of people on social media that are currently stalking me and trying to make my life miserable. They think this photo should be front page news and the fact that the media is feeding into their hatred is shameful.” [Appendix 5]

In a Facebook post Barnstable mentions that a “handful of people” are stalking him. There is no evidence to support the allegation that he accused ██████████ specifically, of stalking him.

BARNSTABLE’s statement does not breach the Council Code of Conduct Bylaw section 20.3.

9.2.2 Allegation 2

It is alleged that on February 18, 2023, BARNSTABLE publicly “liked” a Facebook post shared by Shawn Hamm who attended an event in Calgary featuring the *alt-right* politician Christine Anderson, a member of the *Alternative for Germany Party*, and a member of the European Parliament, contrary to the Red Deer Council Code of Conduct Bylaw.

- BARNSTABLE did not deny “liking” this post on his personal Facebook page. BARNSTABLE confirmed that he “liked” this social media post to indicate his support for his friend who was excited to be at an event featuring Christine Anderson. Shawn Hamm posted, “Christine Anderson speaking to a room of 500+ freedom loving Albertans. A free democracy does not have political prisoners.” [Appendix 8]
- Christine Anderson is a controversial public figure. She is a German parliamentarian and a member of the Alternative for Germany Party (AfD), AfD has been accused of being racist, anti-Islam and anti-immigration – all positions that ██████████ vehemently opposes.
- The Facebook post is a photo of an audience in a large event venue and is taken a fair distance from the stage – Christine Anderson is barely visible. There is no reference to Christine Anderson/AfD’s policies or hate speech in the post.

Political ideologies occupy a spectrum and, notwithstanding controversial views that may be expressed, an opinion expressed by an individual will inevitably offend someone, somewhere. A Code of Conduct Bylaw should not be used to silence unless it is determined that the Member has used “indecent, abusive, or insulting words or phrases”, has made a statement with the intent to mislead Council or the public, or knowing that their statement is false.

There is no evidence to support that BARNSTABLE, by liking a post made by a friend at an event, breached the Council Code of Conduct Bylaw section 4.1(d) “Representing the municipality: Members must arrange their private affairs and conduct themselves in a manner that promotes public confidence” or section 7.2 “Members shall respect the Municipality as an institution, its bylaws, policies and procedures.” [Appendix 1]

9.2.3 Allegation 3

It was alleged that on February 1, 2023, BARNSTABLE publicly discussed confidential information during a conversation with ██████████ ██████████ ██████████, contrary to the Red Deer Council Code of Conduct Bylaw

- BARNSTABLE did not deny that he was overheard talking at a coffee shop with ██████████ ██████████ about the future of the Overdose Prevention Site

- An employee of [REDACTED] overheard BARNSTABLE speaking about the future of the Overdose Prevention Site. The information he acquired as a Councillor at meetings in January 2022, was considered confidential.
- BARNSTABLE publicly apologized [Appendix 17] that his conversation which included confidential information that was acquired by virtue of meetings he attended as a Councillor and Deputy Mayor was overheard.

“Confidential Information”

- 9.1 Members must not disclose matters that were discussed in Camera at a Council or Council committee meeting until the matter is discussed at a meeting held in public.
- 9.2 In the course of their duties, Members may also become privy to confidential information received outside of an In Camera meeting. Members must not:
- (a) disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is required by law or authorized by council.
- 9.3 confidential information includes information in the possession of, or received in confidence by, the Municipality that the Municipality is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIP or any other information that pertains to the business of the Municipality, and is generally considered to be of a confidential nature, including but not limited to information concerning:
- (c) a tender that has or will be issued but has not been awarded;
 - (d) contract negotiations;
 - (f) draft documents and legal documents, including reports, policies, bylaws, and resolutions, that have not been the subject matter of deliberation in a meeting open to the public;”

Council Code of Conduct Bylaws [Appendix 1]

BARNSTABLE has publicly apologized for disclosing confidential information.

BARNSTABLE disclosed confidential information acquired by the virtue of his office and in doing so, breached the Council Code of Conduct Bylaw sections 9.1, 9.2 and 9.3.

9.2.4 Allegation 4

It is alleged that on June 22, 2022, BARNSTABLE posted misinformation and his expressed opposition to an event for children at the Red Deer Public Library on Facebook, contrary to the Red Deer Council Code of Conduct Bylaw.

- BARNSTABLE did not deny writing the post on Facebook that he shared June 22, 2022, that read:

“I have sent my disappointment to the rest of council and our administration for allowing this event to happen.

Drag is adult entertainment and should not be put in front of 4–8-year-olds, especially not in a public setting. Like many I am extremely disheartened by this event.” [Appendix 18]

- BARNSTABLE did not attend the Drag Queen Storytime event and he was unaware of what specifically occurred. He considered ‘drag’, adult entertainment. He believes his statement to be true.
- Lilliana Starlight read two age-appropriate books to kids and was dressed in a full-length gown.

Men have dressed up as women in films for years, as Robin Williams did in *Mrs. Doubtfire*, Eddy Murphy in *The Nutty Professor*, and Arnold Schwarzenegger in *Junior*, to name just a few, without the same concerns or labels of adult entertainment. Kabuki, a classic Japanese form of theatre, has an all-male cast. Performances during the time of William Shakespeare had all-male casts. Again, these did not draw criticism.

BARNSTABLE’s negative criticism with Drag Queen Storytime can be drawn to his opposition with the individual performing as Lilliana Starlight, a member of the LGBTQ2S+ community.

- Referring to the event as “adult entertainment” is the crux of the concern. The following are some definitions of *Adult Entertainment*:

“Adult entertainment is entertainment intended to be viewed by adults only and distinguished from family entertainment. The style of adult entertainment may be ribaldry or bawdry. Any entertainment that normally includes *sexual* content qualifies as adult entertainment...” *Wikipedia*

“Adult entertainment means the sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified *sexual activity*”. *Ohio Laws and Administrative Rules*

“Adult entertainment means any exhibition of any adult-oriented: motion pictures, live performance, computer or CD Rom generated images, displays of adult-oriented images or performances derived or taken from the internet, displays or dance of any type, which has a substantial portion of such performance any actual or simulated performance of specified *sexual activities* or exhibition and viewing of specified anatomical areas, removal or partial removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.” *LawInsider.com*

It is generally accepted that ‘adult entertainment’ is a form of entertainment designed for adults that usually involves content of a *sexual nature*.

A reasonable person would conclude that BARNSTABLE’s use of the term “adult entertainment” in his post suggested that the Drag Queen Storytime event at the Red Deer Public Library contained sexualized content. This is not the case.

These events, while controversial across Canada, are primarily attended by younger children accompanied by their parents. Inferring sexual content (ie: adult entertainment) not only could be reasonably experienced as offensive to the LBGQT2S community, it could also be reasonably experienced as offensive to the parents of the children who attended and brought them to the event.

The Red Deer Public Library is guided by bylaws and policies. The Drag Queen Storytime event fell within the acceptable *Use of Library Facility* policy 3.4. [Appendix 26]

- The use of the term ‘adult entertainment’ to describe the Drag Queen Storytime serves to further empower homophobic sentiments in the community – further adding to the stereotyping that villainizes gay men and presents them as predators.
- BARNSTABLE’s use of the term ‘adult entertainment’ when he referred to Drag Queen Storytime is reasonably interpreted as disrespectful, bullying and intimidating, and denies dignity to the LGBTQT community, and the parents who chose to bring their children to the event.

This is contrary to the Council Code of Conduct section 8.3: “Members shall treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation.” BARNSTABLE apologized that his comments offended and hurt members of the Red Deer Pride community. However, he kept his Facebook post up which sends a mixed message as related to his apology. [Appendix 29]

The Red Deer Council Code of Conduct Bylaw sections 5.4, 5.5, and 8:

8. Respectful Interactions with Council Members, Staff, the Public and Others
 - 8.2 Members shall act in a manner that demonstrates fairness, respect for individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest.
 - 8.3 Members shall treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation.
 - 8.4 No Member shall use indecent, abusive, or insulting words or phrases toward another Member, any employee of the Municipality or any member of the public.
 - 8.5 No Member shall speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

(It should be noted here that the Council Code of Conduct does not include gender identity or expression as protected grounds, where the Alberta Human Rights Act does. However, it is arguable that Drag Queen Story time is less about gender identity and expression versus sexual orientation)

It is the findings of the INVESTIGATOR and supporting investigators, Hanon and Stenhouse that BARNSTABLE breached the Council Code of Conduct Bylaw 8.2, 8.3, 8.4 and 8.5 when he posted that "Drag is adult entertainment and should not be put in front of 4–8-year-olds, especially not in a public setting." His comments were harmful, hurtful, offensive, and disrespectful to the LGBTQ2S+ community by opining that the event was sexual in nature. It is also reasonably interpreted that his opinion was offensive and disrespectful to the parents who chose to bring their children to the event, by inferring that they exposed them to sexual content.

9.2.5 Incident/Allegation 5

It is alleged that on May 9, 2022, BARNSTABLE read a chapter of a religious, self-published children's book, written by his mother, and illustrated by his wife at the Glendale Science and Technology School during Education Week, to two classes of students in grade 1 and 3, contrary to the Red Deer Council Code of Conduct Bylaw.

- BARNSTABLE did not deny reading a book that was "Christian in nature" to the students during Education Week.

- He did not attempt to sell the book to the teachers or the student, despite a request to do so.
- The book is not available for sale, although copies have been printed for family and friends.
- There is a School District policy guideline to determine what material is appropriate to distribute/present to students. This information was not provided to BARNSTABLE. This book would not have been approved had the policy been followed.
- There was no intent to proselytize or preach the merits of the Christian faith to the students, despite the word “God” being mentioned seven times.
- The Red Deer Council Code of Conduct Bylaw section 11 states:
Improper Use of Influence
 - 11.1 No Member shall use their position as a Member for their own private gain, or for that of persons or organizations that the member is personally associated with.
 - 11.2 No Member shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or a committee of Council or any other body established by Council
- The Glendale Science and Technology School celebrates Easter and Christmas annually which are observed by Christians as well as others.
- BARNSTABLE attended a public school where the *Lord’s Prayer* and *O Canada - God keep our land glorious and free...* were recited or sang regularly. He considered the book to be an uplifting story about a puppy that has unique skills that it had yet to realize, that he was proud to read because his mother authored the story, and his wife illustrated the book. There was no monetary gain associated with the reading of this book.

BARNSTABLE did not breach the Council Code of Conduct Bylaw section 11, however, the book he read was contrary to the Red Deer School District Administrative Procedures Manual – AP 153 – Advertising and Distribution of Materials and AP 208 – Religious Instruction, Exercises and Activities.

9.2.6 Incident/Allegation 6

BARNSTABLE failed to delete his Twitter account upon his election to Council that contained a tweet posted in 2013 that denigrated homeless people and transgendered people, contrary to the Red Deer Council Code of Conduct Bylaw.

- He tweeted a lot as a university student and did not recall writing the tweet; however, he did not deny that he made the post in 2013:
“Riding a bus from downtown, 1am on a Saturday night. Some things in life u don’t want to experience... #Homeless #Trannys #Drugattics & #Me

- He confirmed he recently deleted his Twitter account.
- He acknowledged that the hashtags were not a desirable choice and as a Councillor would not post such comments.

BARNSTABLE did not breach the Council Code of Conduct Bylaw “8.5 No Member shall speak in a manner that is discriminatory to any individual based on the person’s race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation” by not deleting this tweet upon his election to Council.

His tweet would be considered discriminatory had he posted it as a Councillor today and arguably 10 years ago. The expectation for a Councillor to recall a solitary tweet discriminatory or not, made 10 years ago is not a reasonable one.

9.3 Findings

9.3.1 Allegations

The Council Code of Conduct Bylaw should not be used to seek to advance the views or silence the views of individuals that may be considered contrary. The INVESTIGATOR, and investigative team, reviewed the allegations to determine whether the alleged behaviour of BARNSTABLE breached the Council Code of Conduct Bylaws. If the Bylaws were silent or ambiguous, the law established by the Parliament of Canada and the Legislature of Alberta were considered.

An opinion expressed by an individual will inevitably offend someone, somewhere. A Code of Conduct Bylaw should not be used to silence. Differences of opinions are becoming very divisive. Guidelines, policies, and codes of conduct should not be weaponized or used to score political points.

For the reasons set out in this report, on the balance of probabilities, it is the finding that BARNSTABLE did not breach the Council Code of Conduct Bylaws as summarized in this report with respect to allegations 1, 2, 5 and 6.

For the reasons set out in this report, on the balance of probabilities, it is the finding that BARNSTABLE breached the Council Code of Conduct Bylaw Confidentiality policies sections 9.1, 9.2 and 9.3 when he publicly disclosed confidential information during a conversation with [REDACTED].

He also breached the Council Code of Conduct Bylaw sections 8.2, 8.3, 8.4 and 8.5 when he shared a Facebook post where he declared that “Drag is adult entertainment and should not be put in front of 4–8-year-olds, especially in a public setting. Like many I am extremely disheartened by this event.”

Allegation 3 and 4 therefore, are **FOUNDED**.

Allegations 1, 2, 5, and 6 are **UNFOUNDED**.

10. AGGRAVATING AND MITIGATING FACTORS TO BE CONSIDERED

During an investigation there are typically both aggravating and mitigating factors that present themselves during interviews and the evaluation of documentary evidence. For the employer to make the most informed decisions with respect to corrective action pertaining to a founded allegation, it is necessary for them to be aware of these factors as they weigh potential disciplinary sanction or exoneration.

10.1 Aggravating Factors

10.1.1 There are no aggravating factors to consider.

10.2 Mitigating Factors

10.2.1 BARNSTABLE apologized publicly on Facebook for discussing confidential information in a public setting. He posted on Facebook and was quoted in the Red Deer Advocate:

“Red Deerian’s, this past Wednesday I was involved in a conversation with a Provincial colleague at a coffee shop downtown. We were discussing meetings that we were both involved in that pertained to the overdose prevention site and the Provincial government’s plans moving forward.

Unfortunately, our conversation was overheard by someone else in the coffee shop who is connected to the OPS which led to the announcement by the Province on Friday.

I am truly sorry to Turning Point to have put them in this position. When I sat down that day to have a conversation with a colleague, I had no idea who was listening to our conversation, and I learned a hard lesson to never have these conversations in public.

I want to thank Turning Point for all you do, and it pains me to know that I put you in such a vulnerable position last week. I won’t make this mistake again.”

10.2.2 BARNSTABLE’s disclosure of confidential information of options for the future of the Overdose Prevention Site at the coffee shop did not impact the province’s decision regarding its future – BARNSTABLE was not aware at the time that the province had made their decision. It did, however, force the province to move up the timing of their announcement.

10.2.3 BARNSTABLE apologized that his comments offended and hurt members of the Red Deer Pride community. [Appendix 29] However, he did not apologize for making the statement.

11. OTHER SUPPORT

This report does not contain recommendations related to discipline sanction as it is beyond the scope and expectations of an objective INVESTIGATOR to do so. The CEO of Veritas Solutions, and our human resource associates, are available to the client to assist in risk management decisions, culture assessments and potential training in the areas of:

- Harassment, Bullying and Sexual Harassment Identification and Prevention
- Psychological Safety in the workplace
- Conducting Workplace Investigations
- Risk Informed Management Training
- Culture Assessments

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