

I am honoured to be this year's Ontario Civil Liberties Award recipient.

To have such an Organization recognize my efforts to expose the retaliation whistleblowers face and advocate for protections for whistleblowers in Ontario goes to show that status quo is no longer being accepted. I also want to thank my friend and fellow advocate for accountability and transparency Valarie Findlay for sharing this moment with me and for her support over these past few years. She knows just how trying they have been.

I could no longer tolerate the abuses of power I was witnessing around me, while working as a police officer, and I faced retaliation for speaking up.

I am no longer a police officer with the Waterloo Regional Police Service, but I am still working to improve the ethicality of workplaces by providing consulting services, workplace investigations and independently managed whistleblower programs.

The relevant parts of my story begin in 2015, when I witnessed the service's handling of four separate matters involving its police officers.

In one case, I reported criminal conduct by a member of the police service and there wasn't even an investigation.

I had witnessed that favouritism was afforded to some officers, while others were disproportionately disciplined or even charged criminally for conduct for which a member of the public would never be charged.

I knew that with checks and balances in place, consistency and fairness could be achieved, and taxpayer funds would not be abused to fund personally motivated large-scale investigations.

What led to my eventual resignation was a disclosure I made to the police services board in May of 2016. At that time and still to this date (as far as I know) there is no policy at the police service outlining how an internal investigation is to be conducted, there is no policy defining an investigative conflict of interest, or any policy on ethics whatsoever.

I knew this was a real problem for the board, since they were already facing a lawsuit by one of their members for a negligent investigation.

Ultimately, I chose to disclose this issue to the police services board because I felt it was my duty as a police officer having sworn an oath of office to her Majesty the Queen and to Canada.

After I made this disclosure in 2016 I faced allegations by the chief of police that I had committed misconduct contrary to the police services act, I was taken out of my job as a use of force instructor, and I was told I could not present to the board again without the permission of the chief.

That evening in May 2016 I sent an email to members of the police services board. Since the board is an independent oversight body of the police service I expected that they would be concerned to know I was facing this type of retaliation.

Instead, the board shared my email with the chief of police who made further allegations against me of misconduct and ordered me from that point on to have absolutely no contact with members of the board whatsoever.

In Ontario, our laws allow a chief of police to control what information is disclosed to the board. It is also the board who appoints the chief and renews their contract of employment. But, the chief of police also has full autonomy to issue discipline. I disclosed information to the board that the chief wanted to keep secret, and as a result, the chief disciplined me.

I made attempts at that time to have provincial oversight bodies intervene and examine this situation objectively. Neither the Office of the Independent Police Review Director nor the Ontario Civilian Police Commission got involved, it simply was not in the public interest, they said. I tried making a workplace harassment complaint and I even reached out to the Human Rights Tribunal of Ontario and the Ontario Ombudsman. There was nothing in place to protect to me at that time, and our government bodies did not believe it was in the public interest to find out if these problems genuinely existed within the police service. I knew they did, and I knew they existed at other police services as well.

But it became evident to me as I worked administrative duties and conducted research from home that this problem was prevalent in policing across Canada and that many police officers before me had spoken out about it, and had faced retaliation.

In May of 2017, a \$167M class action lawsuit was filed against the police service for systemic gender discrimination, sexual harassment and sexual assault. It was becoming more and more obvious, that I wasn't the only one witnessing abuses and poor decisions by leadership.

Yet, as long as I remained a police officer I was prohibited from speaking publicly without permission of the chief. In June 2017, I resigned from the Waterloo Regional Police Service and one month later released my research into the prevalence of police whistleblower suppression.

I believed then as I do today that police abuses of power are matters of public interest. I turned my research into my first book titled; “The Systemic Misfeasance in Ontario Policing and the Coordinated Suppression of Whistleblowers.”

When I resigned, I started a business called Fit4Duty to improve the ethicality of businesses and government agencies. Normally, we think of the term Fit4Duty we think of a person who is healthy and physically fit to do a job. Well, in my experience, you can be those things, and still not be suited for most work, if your moral compass is not properly aligned or if you have personal motivations.

I traveled across Canada sharing my story to highlight the need for not only policy, but cultural change to ensure that people feel safe coming forward. Most Canadians do not understand why someone who witnesses an illegal or unethical act would stay silent. When they hear my story, people understand exactly what someone stands to lose if they speak up.

As the class action against the police service progressed, it became more and more obvious that the issues I addressed in my book were in fact happening. There were several egregious allegations made by the plaintiffs in the ongoing class action lawsuit, however, for the most part, the response from the police service was that the allegations were false, exaggerated and misleading.

You may have seen the popular meme of a police officer saying; “We investigated ourselves and found no wrongdoing.”

I thought that maybe people were starting to understand that as long as we allow police to maintain carriage of investigations

against police, we are perpetuating corruption within Canadian police services, which is exactly what my book is about.

7 months after my resignation, the police service took 2 separate actions that I am now alleging in a Superior Court lawsuit are breaches of the contract they signed when I resigned.

Having recently won my appeal to proceed with my lawsuit, those allegations will be tested in court in the near future.

One month after I filed my 10-page lawsuit against the police service, they filed this contravention of settlement application against me at the Human Rights Tribunal of Ontario.

When a contract is signed that includes the settlement of an Ontario Human Rights complaint, someone alleging a breach of that contract may bring a contravention of settlement application to the Human Rights Tribunal.

The police service is asking the Tribunal to order me to stop talking about them, stop selling my book, and pay them significant damages for the harm I have done to their reputation.

The current Registrar of the Human Rights Tribunal is the former head instructor of the Ontario Police College, but no conflict of interest has been declared in this case.

Their case against me has continued for a year and a half, with no end in sight. If it is anything like Heather McWilliams' case to hold Toronto police accountable for the sexual harassment she endured, this could drag on for at least 6 years.

I tried to have the police service's case against me dismissed, in accordance with Ontario's Anti-SLAPP laws, "SLAPP" standing for strategic lawsuit against public participation. But in February

of this year, Justice Favreau ruled that Ontario's Anti-SLAPP law does not apply to matters at a Tribunal.

Although, Justice Favreau did state that had the police service brought their case against me in court, I would have been able to apply to have it dismissed.

When I made the constitutional challenge at the Tribunal, the adjudicator ruled that I should take the matter up with Court.

Essentially, our laws have written a playbook on how to gag a critic. If a tribunal has jurisdiction to hear a claim, and provide a broad range of remedies, and Ontario's Anti-SLAPP laws do not extend to tribunal matters, then government supported censorship still exists. As Justice Favreau said, had the case been brought in court, the Anti-SLAPP law would have applied.

So, the matter of the police service's case against me being an attempt to limit my freedom of expression remains in limbo, and our Attorney General has refused to intervene.

It is my opinion that our Anti-SLAPP laws need to protect anyone who is facing a lawsuit in Ontario equally, whether that is in court or at a tribunal, if that lawsuit is in fact an attempt to limit freedom of expression on matters of public interest.

I have made several attempts to speak with lawmakers over the past 2 and a half years. I spoke at the Ontario Legislature about proposed changes to policing legislation and how too much power was being entrusted to chiefs of police, and that police services boards were not effectively governing police services in Ontario.

I provided very concrete recommendations to Bill 175 to improve accountability and transparency. Bill 175 was passed, and later repealed by the Conservatives once they came into power.

This past spring, a new statute was created called the Comprehensive Ontario Police Services Act, which includes some measures I had recommended, yet still does not do enough to protect police whistleblowers, or ensure that police are not investigating police.

The new act still gives far too much power and autonomy to a chief of police to make decisions, and does not offer enough protection from reprisals to police officers who come forward.

During these past 2 and a half years, when I should have been working to further build my business, I have been entrenched in litigation.

I had no doubt when I left policing that there would be attempts to prevent my success as a business owner, and that's why I am so relieved to know there are organizations such as the Ontario Civil Liberties Association. If people like me did not have the support of organizations like this, we would be completely alone, disadvantaged and marginalized.

Without individuals willing to risk everything and speak out, the public would only ever hear what the chief and board want them to hear. Why should anyone care?

I still firmly believe that it is in the public interest to know when police powers are misused. I believe it is a matter of public interest that someone other than the police investigate all allegations against the police so that police resources can be dedicated to keeping our communities safe.

But, this is not only about interests. The fact that the taxpayers in the region of Waterloo are funding the police service's legal battle against me should upset everyone.

I have already publicly said that I believe far too many police resources are dedicated to internal, unfair and biased investigations, while police chiefs tell the public they simply don't have the resources they need to properly combat crime.

But, now we have a police service that is spending more than the cost of hiring a couple of new officers, just to keep me from telling you what they did to me.

Since resigning, the police has spent over \$203,000 on a lawyer to try to silence me, and that is only up until April of this year. That figure would be much higher now. This is what \$203,000 looks like; and none of the outstanding matters have been resolved. In January of this year, the Region of Waterloo paid an invoice to the law firm for over \$14,900, followed by another in the same month for over \$15,400. Then one month later, in February, paid a single invoice for over \$37,000. There are people living in the Region of Waterloo who don't make that kind of money in an entire year.

And, this is all to keep me from telling my story.

If the police service was really worried about protecting their reputation, they would not stop me from telling my story, they would learn from it.

I have no choice but to protect my freedom of expression at all cost. Those in positions of authority should not have the ability to use public funds to maintain secrecy of unethical or illegal conduct.

I hope to file for judicial review shortly to force the Attorney General to intervene in the matter before the Human Rights Tribunal. It is my belief that Courts of Justice Act section 137.1



must apply to tribunal matters, as it does to lawsuits filed in court, if freedom of expression on matters of public interest is to be preserved.

I hope that after hearing my story, you agree with me and are willing to join me in my fight to have the legislation updated. Every other section of the Courts of Justice Act that pertains to a constitutional matter specifically refers to both court and tribunals. It is time to amend the act for better Anti-SLAPP protections.

I am living proof that whistleblowers face retaliation in Canada. THIS is what whistleblower retaliation looks like. With everything that has happened to me, no one would dare speak out about what goes on within the thin blue line.

We must work towards empowering those who have the courage to speak out about unethical conduct, and not tolerate the reasoning that takes place when we choose to turn a blind eye to unethical or illegal conduct.

We must step out of our comfort zone and learn to stand up for ourselves and for others.

Please stay connected with me through my website at [kellydonovan.ca](http://kellydonovan.ca), where you can sign-up for my mailing list or connect through social media.

Thank you once again for this honour, thank you for providing a venue to celebrate those who make tremendous personal sacrifice to protect the rights of everyone in this province. Thank you.