

## AN OPEN LETTER TO MAYOR EISENBERGER AND MEMBERS OF COUNCIL

May 10, 2016

Dear Mayor Eisenberger and Members of City Council,

**Journalist Joey Coleman deserves a public apology from city council.** The city's inappropriate response to his frightening and humiliating experience, its failure to protect the complete video evidence, and its inaction to reject unfair accusations in the Basse Report are unacceptable.

On Feb. 25, 2015 the city's former Integrity Commissioner, Earl Basse concluded Police Board chair Lloyd Ferguson "should not have made physical contact" with journalist Joey Coleman. He found him "in violation of \*Section 45a) and b) of the (Council) Code of Conduct" concerned with "harassment" and "abuse, bullying or intimidation." \*note: actually Section 17

After months of silence (and help from the Ontario Ombudsman's office) the city responded this spring to questions asked last September. Hamilton residents learned city hall security staff didn't respond to the incident because they were "unaware". The city solicitor explained staff "are located on the main floor, and the encounter, which was quite fleeting, transpired in the lobby outside Council Chambers." She said, "I understand that no other staff acted upon, or were aware of there being any need for assistance." She pointed to a revised Workplace Violence Prevention policy and a current city wide security review as results of the incident. But I'm still puzzled...

Security staff 'unaware'? Staff are located at the foot of a wide open staircase leading to the second floor public area. Media reported city hall was in an "uproar" and Mr. Coleman's "cries of outrage" were heard by many. (*Hamilton Spectator, Feb. 28, 2014*) Security video images were available. Unaware? Are there enough staff?

Is a 'fleeting' unwanted encounter not important? When a CBC journalist was the victim of a brief but unwelcome kiss last summer, her complaint prompted a police investigation because as BC RCMP spokesperson Staff Sgt. Brian Cumming said, "unwanted touching in any way is assault." (*Hamilton Spectator, Aug. 14, 2015*). It's 2016. Enough said.

Who is protected by the city's revised Workplace Violence Prevention policy? Only city "employees... including elected officials." But all taxpayers deserve protection from "workplace violence involving elected officials." We too need mandatory reporting, emotional support, third party investigation services and automatic complaint transfer to the city's Integrity Commissioner without the usual \$100 fee... just like city staff.

Why isn't city hall security a priority? Citizens have waited over two years for action. The current city wide security review of water, public transportation, and other civic facilities is important but should take place independent of long awaited city hall changes.

**More questions...**

Why isn't Councillor Ferguson's 'public' apology part of the permanent public record?  
(*General Issues Committee agenda/minutes, Feb. 27, 2014*)

If the security video disproved Mr. Coleman's claims of 'aggressive' language, 'clenching' and 'shoving', why didn't the city release it immediately? (*joeycoleman.ca/In Regards to Councillor Lloyd Ferguson's...*, Feb. 27, 2014) If the edited video 'set the record straight', why didn't the original? (*City of Hamilton Press Release, 'Ferguson says... shows real picture', Nov. 23, 2015*)

Is it true the city threatened to restrict Mr. Coleman's city hall access for violating its 'zero tolerance' policy because he swore in response to Councillor Ferguson's 'physical contact'?  
(*Hamilton Spectator, Nov. 9, 2015*)

Why didn't the city protect the original security video when Mr. Coleman specifically asked city officials to "secure its footage of the second floor area... as this video may become evidence in future investigations of this matter and I wish to ensure my interests are protected"?  
(*E-mail to city officials, Feb. 27, 2014*)

His e-mail continued, "I thank you for your attention to this matter and will offer any assistance I can to any internal City review of this matter." **Joey Coleman deserves justice.** Hamilton can and must do better.

Sincerely,  
D. Scott McNie

c.c.  
Ontario Ombudsman's Office  
The Integrity Commissioner for the City of Hamilton  
Mr. Chris Murray, City Manager  
Ms. Janice Atwood-Petkovski, City Solicitor  
Ms. Sandra Walker, CUPE 5167 President  
Local Media