



**Report to the Minister of Justice
and Attorney General
Public Fatality Inquiry**

Fatality Inquiries Act

WHEREAS a Public Inquiry was held at the Calgary Court Centre

in the City of Calgary, in the Province of Alberta,
(City, Town or Village) (Name of City, Town, Village)

on the 25th day of November, 2019, (and by adjournment)
year

on the 26, 27 & 28th days of November, 2019),
year

before Michael C. Dinkel, a Provincial Court Judge,

into the death of Cst. Britni Randal Joyal 27
(Name in Full) (Age)

of Calgary, Alberta and the following findings were made:
(Residence)

Date and Time of Death: April 2, 2016 at 02:26 a.m.

Place: 4020 Bowness Road N.W., Calgary, Alberta, Canada

Medical Cause of Death:

("cause of death" means the medical cause of death according to the International Statistical Classification of Diseases, Injuries and Causes of Death as last revised by the International Conference assembled for that purpose and published by the World Health Organization – The Fatality Inquiries Act, Section 1(d)).

Contact gunshot wound to head, perforating.

Manner of Death:

("manner of death" means the mode or method of death whether natural, homicidal, suicidal, accidental, unclassifiable or undeterminable – The Fatality Inquiries Act, Section 1(h)).

Suicide. Shot self with handgun.

Circumstances Under Which Death Occurred

On April 1, 2016, Calgary Police Service (CPS) member Cst. Britni Joyal left her home after having a discussion with her domestic partner about ending their relationship. Cst. Joyal went to her District Office and retrieved her service pistol from her locker. She then drove to Drumheller with the firearm in the car. While outside of Calgary she sent several text messages indicating she was suicidal. CPS were notified of the situation and began deploying a number of resources. Cst. Joyal eventually returned to her home in Calgary where she was observed by the Tactical (TAC) Unit. She remained in her vehicle in the driveway of her home for approximately 40 minutes, while continuing to communicate via text. She then left her home and drove to the Coroner's Office located at 4020 Bowness Road N.W. Cst. Joyal remained in her vehicle outside of the Coroner's office for approximately two hours. When CPS thought that Cst. Joyal was about to take her life, the TAC Unit moved in and boxed her vehicle in with two armoured vehicles, while at the same time firing a Distraction Device nearby and a Pepper Ball into her vehicle. As this was all taking place, Cst. Joyal placed her service pistol to her right temple and discharged it, taking her own life. The time was 2:26 a.m. on April 2, 2016. The autopsy conducted by the Coroner found no indication of drugs or alcohol.

The Procedure Related to Fatality Inquiries

The Fatality Inquiry is a public inquiry under Part 4 of the *Fatality Inquiries Act* of the Province of Alberta to hear evidence so as to make certain findings in respect of the death of Cst. Joyal. The Attorney General did not direct that a jury be summoned. Accordingly, I held the Inquiry as a Provincial Court Judge sitting alone with all the powers of a Commissioner appointed under the *Public Inquiries Act*. It was not a trial. It was a factual Inquiry. At the conclusion of the Inquiry, I am required to submit this written report to the Attorney General.

The Report must contain my findings as to the following: the identity of the deceased; the date, time and place of death; the circumstances under which the death occurred; the cause of death; and the manner of death.

My report may also contain recommendations as to the prevention of similar deaths. However, I am not permitted to, nor will I, make any findings of legal responsibility (see Section 53(3)) or draw any conclusions of law (see Section 48(1)). What follows is a review of the Inquiry including the circumstances of the death of Cst. Joyal, and my final decision on recommendations.

It is my understanding that Government of Alberta in receiving this report may do one of the following:

1. Accept recommendations made and implement them; or
2. Accept recommendations made, but not implement them; or
3. Not accept any recommendations.

The Scope of The Fatality Inquiry

It is important to note that the focus of this Inquiry is extremely limited. To address matters outside the scope of the Inquiry would be improper. The focus of this Inquiry is to make recommendations that will prevent similar deaths from occurring in the future.

The Course of The Fatality Inquiry

The Fatality Inquiry heard evidence over the course of four days from November 25, 2019 to November 28, 2019.

Ms. Cynthia Hykaway and Ms. Jade Duong appeared on behalf of the Minister of Justice and the Attorney General of Alberta. Mr. Michael Theroux and Mr. Tyler McDonough appeared on behalf of the CPS. Finally, Cst. Joyal's father, Mr. Dan Joyal, appeared as a representative of the family. He asked questions via Counsel for the Minister of Justice and the Attorney General, and on the last day of evidence made a brief statement to the Court.

At the Pre-Inquiry Meeting on October 1, 2019, Ms. Hykaway identified a number of key issues to be addressed during the Inquiry. They included:

1. The ability of Cst. Joyal to access her service weapon while off duty;
2. The negotiation strategies, tactical strategies and manoeuvres undertaken by the CPS;
3. The mental health supports available to CPS members;
4. The requirement for CPS members to have mental health clearances after being involved in stressful and/or traumatic events; and
5. The existence of any policies regarding romantic relationships between CPS members in the same Unit or District.

At the start of the Inquiry a binder of documents was filed, by agreement, as Exhibit number one.

Ten witnesses were called including the primary investigator, Cst. Joyal's Supervisor, the officers in charge of directing the operation, the head of the TAC Unit, the head of the Crisis Negotiation Unit (CNU), the Sgt. of the CPS Firearms Training Team and two members of the CPS Psychological Services Program. At the conclusion of the Inquiry, all parties involved were permitted time to make representations as to what, if any, recommendations should be made.

The Evidence at The Fatality Inquiry

Since a copy of the transcript of the Inquiry will not be attached to this decision, I intend to review the relevant evidence before addressing any possible recommendations. I find that it is necessary to review this evidence so as to provide an indication of the various CPS resources that existed at the time and the manner in which the decision-making process occurred.

I should note at the outset that many of the individuals involved were CPS members and throughout my Report I refer to each of them by their current police designation such as Sgt., Cst. or Chief out of respect for the position they hold. Some individuals changed their title since the events of April 1, 2016. Throughout my Report I note their original designation and there after refer to the person by their current designation.

My review of the witnesses appears in the order that they were called at the Inquiry.

The Witnesses

Detective Mike Cavilla

Det. Cavilla was the first witness. He was a 24-year member of the CPS and a 17-year detective as of the date of the Inquiry. He had worked on the Homicide Unit for the last ten years. He was assigned to be the primary investigator on the death of Cst. Joyal.

His role was to investigate the facts and determine what happened by establishing a time line. It

was not his role to review the tactical options that were arrived at or the ultimate tactical response. He did acknowledge in his evidence that determining the reason for Cst. Joyal's suicide "formed part of the investigation." He went on to say that, "When investigating any death, we always try our best to identify motive, why – why did this happen." When questioned by CPS Counsel, Det. Cavilla stated that, "the Homicide Unit is mandated to investigate any perceived, suspected suicide that's conducted with a handgun, just because of the fact that it's easily to – to set up a scenario where it may look like a suicide, but really it's a homicide, so – all I'm saying is that we just – so we will go in there with our – our eyes wide open, not assuming it's a suicide until we can 100 per cent (sic) prove that." He then confirmed that once they had gathered enough information to satisfy themselves that it was a suicide, they could conclude their investigation. The Executive Summary of his investigation was found at Tab 9 in Exhibit 1.

Det. Cavilla became involved in the early hours of April 2, 2016. He was contacted by his Team Commander, Staff Sergeant Doug Andrus, at 3:00 a.m. and advised that he, rather than ASIRT, would be conducting the investigation. He was also provided with a brief summary of the events of that night.

Det Cavilla learned that Cst. Joyal had been a CPS officer for a little over a year, not including six months of recruit training. She was assigned to District Four and worked under Sgt. Tracy Johnson. He also came to understand that Cst. Joyal was in a same-sex, common-law relationship with Cst. Jen MacDougal.

Det. Cavilla confirmed that he did not interview Cst. MacDougal as part of the investigation. He determined that her detailed one-page statement, written on the night of the incident, was sufficient for the purpose of his investigation. It was also determined that Cst. MacDougal should not be interviewed for compassionate reasons. Det. Cavilla stated that Cst. MacDougal was not interested in being interviewed in any event.

Det. Cavilla confirmed that it was Cst. MacDougal who attended at District Four and went to Cst. Joyal's locker and determined her service pistol was missing. Based on swipe card information, it was determined that Cst. Joyal had entered District Four at 5:34 p.m. on April 1st. Although no time was given for Cst. MacDougal's discovery of the missing service pistol, it was estimated to be between 6:00 and 8:00 p.m. After the discovery was made, Cst. MacDougal called Acting Sergeant Griffin, who notified CPS of the potential risk to Cst. Joyal by calling the Real Time Operation Centre (RTOC).

The RTOC was described as a "command centre" that operated 24 hours a day and dealt with major incidents. The RTOC became involved just before 9:00 p.m. with Chief LaGrange in charge. The RTOC pinged Cst. Joyal's cell phone at 9:30 p.m. and determined that she had driven to Drumheller. Shortly after that, she started driving back to Calgary. Det. Cavilla confirmed that the RTOC would have been involved whether it was a CPS member or a civilian, because a firearm was involved. The RTOC requested air and ground surveillance (The District Operations Team or DOT Team) and the TAC Unit, who are always requested when there is a firearm involved. The Strike Force Unit was also requested, but they were unavailable. At 11:00 p.m. Sgt. Darren Moss, a crisis negotiator, was called in. Sgt. Johnson, Cst. Joyal's Supervisor, was designated as the direct communicator when negotiating with Cst. Joyal.

At 11:15 p.m. Cst. Joyal was back in the city of Calgary and had pulled into the driveway of her residence. At 11:19 p.m. Cst. Joyal sent a text to Cst. MacDougal confirming that she had spotted the DOT Team surveillance vehicle. Knowing that a surveillance vehicle had been spotted, Cst. Vandenbrink, the leader of the TAC Unit, asked his team members if they were comfortable conducting a traffic stop on Cst. Joyal's vehicle. The TAC Unit chose not to conduct a traffic stop and Cst. Joyal remained in her car in the driveway for about 40 minutes. She left the residence at 11:57 p.m. At that point, there was a suspicion that Cst. Joyal may be going to the

Medical Examiner's Office. Det. Cavilla assumed this information came from texts from Cst. Joyal to Cst. MacDougal.

At 12:22 a.m. Cst. Joyal arrived at the Medical Examiner's Office in northwest Calgary and placed her vehicle in park. At 1:10 a.m. the Surveillance Team observed Cst. Joyal place a plastic bag over the steering wheel of her car and turn off the vehicle's interior lights. At approximately 2:00 a.m. Dr. Celser, the CPS Psychologist, who was now at the RTOC, rendered her expert opinion that Cst. Joyal presented as a high risk of suicide and, without tactical intervention, suicide was imminent. As a result, an Immediate Action Plan was initiated at the direction of Chief LaGrange and carried out by Cst. Vandenbrink of the TAC Unit. According to Det. Cavilla, the plan was to contact Cst. Joyal's vehicle with the two armoured TAC vehicles, front and back, while a large-round Flash Bang Distraction Device was fired into the vehicle, through the rear window, to stun or distract Cst. Joyal. As the operational plan was being carried out, Cst. Joyal shot herself in the head with her firearm. Det. Cavilla described the time of death as 2:22 a.m. I note that in the medical documents, provided by the Coroner and found in Exhibit 1, the time of death was noted as 2:26 a.m. I find that to be the official time of death.

After Cst. Joyal's death, there was a forensic examination done of her phone and a suicide note was found. It was written to her mother. The note was written much earlier in the day at 7:43 p.m. and later modified at 7:54 p.m. Cst. Joyal would have been in Drumheller at the time she wrote the note. This was prior to any of the events that occurred upon Cst. Joyal's return to the city of Calgary and prior to Cst. MacDougal reporting her concerns of potential suicide to CPS.

Following the events of Cst. Joyal's death, Det. Garagan, who is Cst. MacDougal's mother, was interviewed by Cst. Malsam-Dudar at Det. Cavilla's direction. Det. Garagan provided some information about Cst. Joyal's personal history, that was never corroborated and deemed to be irrelevant. Det. Garagan was only interviewed because Cst. MacDougal refused to be interviewed.

Det. Cavilla was asked whether he determined the motive for Cst. Joyal's suicide. He felt there were a number of factors, including the breakdown of the relationship between Cst. MacDougal and Cst. Joyal, but he felt that trying to determine an actual cause would require him to speculate, which he felt was inappropriate. He stated, "No, we always will try to delve into the reasons for the suicide in order to, say, corroborate information obtained during the investigation to support the fact that it was a suicide and, say, not a homicide, that type of thing." He was able to confirm it was a suicide.

Once Det. Cavilla completed his report it was turned over to ASIRT for review. ASIRT prepared their own report dated July of 2016. ASIRT made seven recommendations. They were as follows:

1. The original statement of Cst. Jen MacDougall (sic) appears to be self-written. Consider re-interviewing Cst. MacDougall (sic) with the view of either confirming or refuting some of the above observations.
2. Determine from Cst. MacDougall (sic) if Cst. Joyal kept a diary or journal and if so examine its contents.
3. Consider interviewing Dr. Jennifer Gardener, Registered Psychologist, to determine if Cst. Joyal was obtaining therapy and if so, what she was being treated for.
4. Consider interviewing Sarah (LNU), the paramedic Cst. Joyal was dating while in recruit class. Obtain the details pertaining to the suicide note and if there was a suicide attempt and their relationship together.

5. Consider if there is any record of her attempting suicide while with the Military Police.
6. Consider determining if she was on any type of medication during this incident. It is noted that toxicology results came back negative but she may have been on some type of prescription medication that doesn't show up in the screening.
7. Consider interviewing Cst. Joyal's CPS patrol partner Cst. K. Collins and her friends Allie Daverne and Jess Garrat to whom she sent the last text message to.

The ASIRT Report, as written by the Primary Investigator Kevin Simmill, concluded that the CPS team of investigators "did what was necessary in an attempt to rescue and save the life of Cst. Joyal. Unfortunately, the outcome was inevitable because throughout all communications she was assessed as being 'high risk' and 'closure motivated'. Cst. Joyal remained in this category during all attempts to negotiate a safe resolution with her." The Report went on to say that Det. Cavilla conducted an "independent, objective and transparent investigation into the circumstances surrounding the death of Cst. Joyal." The ASIRT review was sent to the Director of Investigations and then the Executive Director "for whatever actions she deems appropriate."

Det. Cavilla was asked if he followed up on any of the recommendations.

He confirmed that he did not re-interview Cst. MacDougal because she was not receptive to being interviewed. He further admitted, when questioned by the Court, that there could be more relevant information than was contained in Cst. MacDougal's one-page written statement and that he should have interviewed the parents of Cst. Joyal to address the information provided by Det. Garagan, but he simply didn't think to do so.

He confirmed he was unaware of any diary or journal, because he did not interview Cst. MacDougal.

He did not interview Registered Psychologist, Dr. Jennifer Gardener. He explained this was an oversight.

He did not interview Sarah (LNU) Last Name Unknown.

He did not investigate if there was any record of suicide attempts while Cst. Joyal was in the military police. Instead, he assumed that the military police would have provided that information when their records were obtained by the CPS. Those records were eventually obtained, but not reviewed by Det. Cavilla.

He did not determine if Cst. Joyal was on any prescription medications that she may not have been taking as prescribed at the time of her death. Under questioning from the Court, Det. Cavilla admitted that it would have been important to find out if Cst. Joyal was not taking a prescribed medication such as an anti-psychotic.

He did not interview Cst. Collins, admitting that was an oversight on his behalf and that it should have been done.

He did not interview Allie Daverne or Jess Garrat.

In the end result, Det. Cavilla did not follow up on any of the ASIRT recommendations. He explained his inaction by stating that the CPS investigation was closed by the time the recommendations came out. And he felt that the recommendations were directed at how to better conduct future investigations. He also felt that it would have been more appropriate for ASIRT to

follow up those recommendations themselves. Under examination by CPS counsel, Det. Cavilla also confirmed that he was never directed to do any follow up investigation. In addition, he was pointed to the July 27, 2016 letter from Susan Hughson, Q.C., the Executive Director of ASIRT, to the CPS Chief of Police, Roger Chaffin. In that letter, the Executive Director stated that the recommendations were “with respect to further investigational avenues that CPS may consider appropriate.” Det. Cavilla stated that he had never seen the letter. He again confirmed that he never received any direction from his supervisors to do any follow-up investigation. Under questioning from the Court, Det. Cavilla admitted that there were gaps in the investigation, but he felt that he and his ten-person team did the best job they could under the circumstances.

When asked what recommendations he would make to the Court to prevent similar deaths, Det. Cavilla expressed concern that ASIRT did not take the investigation from the beginning. He felt that it would have been within ASIRT’s mandate to undertake the investigation rather than him because it was an officer involved shooting. When questioned by the Court, Det. Cavilla stated that it was, “Both a conflict of interest, and this was our member. For compassionate reasons, why take a CPS investigative team through this, for lack of a better term, nightmare for each of us, as one of our own. ASIRT should have taken this.”

Finally, Det. Cavilla was also asked if there would be any career consequences for a CPS officer involved in a situation such as this where suicide was threatened, but the individual did not follow through. In other words, could an officer go back to work with the CPS without repercussions or associated stigma. He acknowledged that Cst. Joyal expressed concern about this very issue in her text messages and that stigma could be a concern, but it was his opinion that that the CPS and their support services were able to assist their members in similar times of crisis.

Constable Jessica Griffin (Acting Sergeant Cst. Griffin as she then was)

At the time of this incident, Cst. Griffin was the Acting Sergeant with Public Safety and Communication Section, which is now called Calgary 9-1-1. It was her responsibility to determine which calls would be referred to the RTOC. This could include situations involving firearms, active shootings, robberies and suicide risks in certain circumstances.

On April 1, 2016, Acting Sgt. Griffin received a text message from her friend and colleague, Cst. MacDougal, at approximately 8:46 p.m. to inquire if Cst. Griffin was working. This was followed up by a phone call from Cst. MacDougal where she advised that Cst. Joyal had been making some suicidal comments earlier in the day and had later sent some text messages in the same vein. Cst. MacDougal also stated that she had been to the District Four office and checked Cst. Joyal’s locker and discovered that her service pistol was missing. Cst. Griffin was unaware of the time that Cst. MacDougal checked the locker for the pistol.

Acting Sgt. Griffin advised Cst. MacDougal that it was necessary to make this a “call for service” (a matter of official police business) because it involved a member who was suicidal and was in possession of a firearm. Acting Sgt. Griffin contacted the RTOC and Duty Staff Sergeant Bobrowich. She relayed all the information she had received from Cst. MacDougal. She then obtained further information from the police database including what kind of car Cst. Joyal was driving. She then concluded her shift at approximately 9:30 or 10:00 p.m. and proceeded to the RTOC as an off-duty member to support Cst. MacDougal. Cst. Griffin then went with Cst. MacDougal to Cst. MacDougal’s home where Cst. Joyal’s mother arrived following the conclusion of the incident. Acting Sgt. Griffin delivered the death notification to Cst. Joyal’s mother. At that point, the Duty Inspector was contacted and a Victim’s Assistant Support Team (VAST) was dispatched to assist Karla Joyal.

Acting Sgt. Griffin confirmed that it was common for officers to keep their service firearms in their locker. If they did not have a locker, a different location was provided or officers would sometimes

take their firearms home and store them pursuant to the provisions of the *Criminal Code*.

Acting Sgt. Griffin was asked if she believed there would have been any stigma had Cst. Joyal survived the incident and returned to work. She believed there would not have been any stigma because the CPS were doing a good job of acknowledging that members do suffer from mental health issues. Cst. Griffin also noted there was access to psychological services and treatment was kept private. In addition, she was aware of a Peer Support Program that connected members. She also mentioned a training program that she attended where officers were trained to recognize fellow officers in crisis. Acting Sgt. Griffin was unaware of any red flags or warning signs in relation to Cst. Joyal's behaviour prior to that evening.

Cst. Griffin was not able to make any recommendations to the Court.

Sergeant Tracey Johnson

At the time of Cst. Joyal's death, Sgt. Johnson was stationed at District Four as Sergeant of "Team H." She was Cst. Joyal's direct supervisor. Cst. Joyal joined Team H shortly after graduating from her recruit training in March of 2015. In total, Sgt. Johnson was Cst. Joyal's supervisor for ten months.

Sgt. Johnson described Cst. Joyal as "outstanding," and "a great officer." She was always happy to be at work and was easy to get along with. Her team loved her and Cst. Joyal produced great work. She was meticulous and held herself to a very high standard.

Cst. Joyal only had one personal issue during her time at work. On one occasion she asked to be allowed to go home because she was having some relationship issues, which were upsetting her and she felt she should not be at work. She was allowed to go home and was told to take as much time as she needed. Sgt. Johnson confirmed that Cst. Joyal was in a relationship with another member of District Four, but not on the same Team H. The relationship did not cause Sgt. Johnson any concern.

Sgt. Johnson did not see any prior warning signs or red flags in Cst. Joyal's behaviour. Sgt. Johnson was unaware of any other concerns about Cst. Joyal. Her partner, Cst. Collins, never mentioned anything about changes in her behaviour.

Sgt. Johnson confirmed that she took a mandatory one-time program with the CPS called, "Road to Mental Readiness." She described the program as training the members to recognize changes in their own behaviour or the behaviour of other members caused by the stressors of the job.

Cst. Johnson's first involvement on the day of the incident was around 10:30 p.m. She had been sleeping because she was on the early day shift the following day. She awoke and noticed several messages from Cst. MacDougal. She called her back and came to understand that there was some concern for Cst. Joyal's well-being. As a result, she went into the District Four office and then the Westwinds office, arriving around 11:00 or 11:30 p.m.

Prior to arriving at Westwinds she spoke by phone to a friend on the CNU, Sgt. Kostyniuk, who indicated that the team had been engaged. Cst. Johnson indicated that she felt that she would have a better chance of getting through to Cst. Joyal than anyone else as she was more likely to respond to someone she knew.

When she arrived at Westwinds, Sgt. Johnson spoke to Sgt. Kostyniuk, Sgt. Moss and Sgt. McCann about being the one to speak to Cst. Joyal. The team then discussed this amongst themselves. A decision was made to have Sgt. Johnson contact Cst. Joyal on behalf of the CNU, even though Sgt. Johnson had no prior experience in crisis negotiation.

Sometime after midnight communication was established between Sgt. Johnson and Cst. Joyal and messages were passed between the two. They had two telephone conversations and there were texts and emails exchanged. Sgt. Johnson was supported by Sgt.'s Kostyniuk and McCann at all times. They were making suggestions about what to say. Communication went back and forth for about an hour and a half.

Over the course of the two phone conversations, Sgt. Johnson told Cst. Joyal that she was there because she cared about her and she was there to help her fix whatever was bothering her. Cst. Joyal said she was sorry and that it was not because of a breakup; that there was a whole bunch of things going on that they didn't know about. She said to say goodbye to the team. Sgt. Johnson felt she never made any headway with Cst. Joyal.

Sgt. Johnson also mentioned that Cst. Joyal expressed concern about returning to the job. She said that once CPS knew that she was struggling with a mental disorder, she could not see getting past that. "She didn't want to be the girl that nobody wanted to ride with because she was crazy." She didn't want to lose the respect of her co-workers and come to work and have everybody look at her funny. Sgt. Johnson tried to explain that even though it felt insurmountable to her at the moment, it was absolutely something that everyone could help her get past. Cst. Joyal did not respond to that line of conversation.

Sgt. Johnson stated that she was in fact aware of other similar situations where members had been able to come back to work after crisis situations and she felt that Cst. Joyal could have indeed done the same and not been worried about any stigma arising from her team. However, she did admit, when questioned by the Court, that other members of the CPS may have issues with Cst. Joyal.

Sgt. Johnson confirmed that a more discrete response by the CPS was not possible because of the involvement of a firearm.

When questioned by the Court about Cst. Joyal's ease of access to her service pistol, Sgt. Johnson confirmed that CPS handguns were typically kept in the individual officer's locker in their respective District Office. Handguns did not need to be checked out, but long guns were locked up with a Commissionaire and had to be checked out. Sgt. Johnson felt that it would be inappropriate to regulate an officer's access to their service pistol off duty because officers need to access their handguns off duty to attend to Court or "Paid Duties" activities, which can include sporting events such as Calgary Stampeder football games or Calgary Flames hockey games.

Sgt. Johnson also confirmed that although she had no say in the tactical intervention, she agreed with what was done as she felt that intervention was the only option remaining at that point.

Sgt. Johnson was unable to make any recommendations to the Court.

Camrose Police Chief Dean LaGrange (Duty Inspector LaGrange as he then was)

Chief LaGrange was the Duty Inspector of the RTOC on the night of April 1, 2016.

He described the RTOC as the nerve centre of the CPS. As Duty Inspector he was in charge of city-wide resources and operations throughout his 12-hour shift from 6:00 p.m. to 6:00 a.m. He would typically have had three to four civilian analysts, sworn members, detectives and constables who could mind various databases and provide information to allow him to make operational decisions as needed. He oversaw eight Districts in the city, in-air support, tactical resources, surveillance resources and any police officer that was on duty. Chief LaGrange was considered a Level 1 Commander. A Level 2 Commander would become involved when a

specific type of serious situation became protracted. This would allow the Level 1 Commander to maintain oversight of the city, while the Level 2 Commander would monitor the single large-scale situation.

At approximately 9:15 p.m., Chief LaGrange was alerted to a situation by Staff Sergeant Bobrowich. He was told that there was information received from Sgt. Griffin that an off-duty member (Cst. Joyal) was in distress, sending concerning text messages to another off-duty member (Cst. MacDougal). He then contacted Sgt. Griffin and determined that the text messages were suicidal in nature and that Cst. MacDougal had gone to District Four and confirmed that the Cst. Joyal's service pistol was gone along with two rounds of ammunition.

Once the incident was confirmed, Chief LaGrange began to make inquiries of his team. This included getting the phone number for Cst. Joyal's cell phone and locating her vehicle by triangulating, or pinging, cell phone towers. Her phone was pinged to the Drumheller area. Chief LaGrange contacted Drumheller RCMP and apprised them of the situation advising that Cst. Joyal may have her service pistol and she should be apprehended on a Form 10 Mental Health Warrant to get her the help she needed.

Chief LaGrange then sent Staff Sgt. Gagne to the home of Cst. MacDougal, who was receiving the text messages, so that real time information could be received as to the content of the texts. Staff Sgt. Gagne reported back that Cst. Joyal had sent a text indicating she was on her way home with an ETA of 45 minutes to an hour. The RCMP were immediately stood down. Any thought of a traffic stop was dismissed due to the danger posed to the public and the officers involved. It was felt it would be safer and more controlled to try to intervene when Cst. Joyal returned to her residence. Staff Sgt. Gagne was told to remove Cst. MacDougal from the home and take her to the RTOC for that reason.

The HAWC 1 helicopter was then contacted by telephone to avoid a city-wide broadcast of the sensitive nature of the situation. HAWC was directed to pick off Cst. Joyal on Highway 9 and monitor her vehicle.

Sgt. Vandenbrink, of the TAC Unit, was then contacted and he was advised that Cst. Joyal had to be taken into custody safely before she hurt herself or anyone else. A plan was created by Chief LaGrange and Sgt. Vandenbrink to set up covertly at Cst. Joyal's residence. The residence was now empty because Cst. MacDougal had been removed. TAC was directed to try and get close to the location and try to take Cst. Joyal into custody if she exited her vehicle.

At that time, Chief LaGrange got eyes on Cst. Joyal's vehicle via HAWC. She was just outside of Chestermere and it was believed she was headed to her residence as expected.

Chief LaGrange then had his teams notify various chains of command as to what was going on. This included attempts to contact Superintendent Robitaille and CPS Psychologists Dr. Celser and Dr. Baillie.

As Cst. Joyal approached the residence she took a hard look at one of the TAC vehicles. TAC reported that they felt they had been burned. Chief LaGrange acknowledged that this was a risk that existed when an officer was involved who would be familiar with police tactics, but it was a risk that had to be taken.

Cst. Joyal pulled over to the curb and sent a text to Cst. MacDougal and asked why she had involved the police. Chief LaGrange admitted knowledge of the TAC presence would change their tactics.

Chief LaGrange then called Staff Sgt. Davidson of the Domestic Conflict Unit to determine if there

was any history between the two parties that might help him resolve the issue. He was advised there was no history.

Cst. Joyal then began to drive around the neighbourhood. This indicated to Chief LaGrange that a Level 2 Commander should be brought in to deal with the matter. The TAC Unit also notified their chain of command, Staff Sgt. Wallace, and advised that a negotiator should be called in.

HAWC was running out of gas, so they were sent to refuel. However, a Surveillance Team became available in southwest Calgary and they were directed to the scene to keep eyes on while HAWC was absent.

Cst. Joyal then parked her vehicle in the driveway of her house. Just as HAWC was leaving the scene, Chief LaGrange noticed a party going on next door on the neighbour's balcony. As a result, he told TAC not to intervene should she leave the vehicle, so as to avoid a possible gun battle with civilians nearby. Negotiations could then begin, if she entered the house.

HAWC left the scene and Cst. Joyal remained in the driveway for approximately 40 minutes. During that time, she was texting Cst. MacDougal's phone. The messages were suicidal in nature and she confirmed she was in possession of her service pistol.

The Surveillance Team arrived on scene and the TAC Unit loosened their perimeter.

Meanwhile, negotiators had arrived at the RTOC and began to build a history and a background by looking at the various text messages and by speaking to Cst. MacDougal.

Cst. Joyal then sent a text stating she was going to drive to the Medical Examiner's Office. The Surveillance Team continued to surveil her as she left her residence and HAWC returned to the scene to provide real-time video. A mobile traffic stop was not a consideration as it was considered a high-risk manoeuvre. If a pursuit was started, it could lead to Cst. Joyal's vehicle going through a red light and creating a risk to the public.

Cst. Joyal parked in the middle of an open parking lot across from the Medical Examiner's Office. Chief LaGrange speculated that she parked in that location so as to avoid being surprised by CPS approaching her vehicle.

At that point, Chief LaGrange was on the phone with Staff Sgt. Wallace of the TAC Unit trying to come up with an Immediate Action Plan (IAP) should the opportunity arise. Staff Sgt. Wallace asked for authorization to utilize the armoured vehicle and that was granted. Authorization was also granted to bring a second armoured vehicle from Airdrie so as to possibly do a front and back pinch of Cst. Joyal's vehicle to prevent her from fleeing, while at the same time firing a Pepper Ball or CS Gas into the vehicle to try and incapacitate her before she could hurt herself.

Negotiators were now in control of Cst. MacDougal's phone and negotiating directly with Cst. Joyal.

Chief LaGrange contacted Dr. Celsner (Dr. Baillie was out of town and unavailable) of the CPS Psychological Services and advised her of the circumstances. A police car was sent to pick her up and get her across the city to the RTOC in a matter of minutes.

The Level 2 Commander, Staff Sgt. Scott, arrived and was briefed by Chief LaGrange. Command was handed over to him and Chief LaGrange returned to controlling the rest of the city.

In the meantime, the text messages from Cst. Joyal were getting increasingly concerning as there was discussion about funeral arrangements.

The second armoured TAC vehicle arrived and was positioned with the first vehicle about a block away, out of sight. Tactical EMS was embedded with the TAC Unit.

Dr. Celser arrived at the RTOC and advised that the threat to life was imminent.

Staff Sgt. Scott and Chief LaGrange contacted TAC and asked how long they had from the time their armoured vehicles came around the corner and intervention occurred. They were advised it would be six to eight second. A decision had to be made as to whether or not to continue negotiations or conduct an intervention that would have a low percentage chance of succeeding. Staff Sgt. Scott told Chief LaGrange that they should attempt the intervention and try and save Cst. Joyal's life. Chief LaGrange supported that suggestion one hundred percent. As Commander 2, Staff Sgt. Scott authorized the intervention.

As the armoured vehicles rolled out, the words, "Shots fired," came over the air. It was not known whether the shots came from TAC or Cst. Joyal's vehicle. It was then confirmed that it was Cst. Joyal and TAC asked for permission to approach. Permission was granted by Staff Sgt. Scott. It was confirmed that Cst. Joyal had shot herself in the head. A "Flash Bang" or "Distraction Device" had been fired near Cst. Joyal's vehicle first, but Chief LaGrange was unaware of this.

Chief LaGrange then went down the hallway of the RTOC and gave the next of kin notification of Cst. Joyal's death to Cst. MacDougal. Chief LaGrange left Cst. MacDougal with her support network and returned to work. He called Ident to attend the scene and confirm identification. He also had to make a section 46.1 *Police Act* notification to the Director of Law Enforcement, which had to be done when there was a serious injury or death of any person that may have resulted from the actions of a police officer. He notified the Deputy Chief, Homicide and ASIRT and attempted to get a hold of Cst. Joyal's mother. Various duties such as these were undertaken until Chief LaGrange finished his shift at 6:00 a.m. After he briefed the incoming Duty Inspector, Chief LaGrange went home at 7:00 a.m.

Chief LaGrange admitted that as the situation developed, many things went through his mind and he wondered if he could have thought of other approaches. However, he stated that he re-played the events in his mind a thousand times and he struggled to think of anything else tactically that could have safely been done. The authorization of the intervention was a last resort.

Chief LaGrange felt that it would be difficult, but possible to monitor officer's access to their service pistols when off duty. He stressed the need to be flexible as officers access their service pistols when doing certain off-duty tasks such as going to Court.

He also stated that he felt that an officer could come back to work after an incident such as this without any stigma as there were a lot of support networks available to officers including peer to peer help and CPS psychologists. He believed that people understand there are various levels of distress and once individuals get the support they required and were deemed to be in good health, then no stigma would attach. Chief LaGrange said he would not have had a problem attending a call with Cst. Joyal.

When questioned by the Court, Chief LaGrange said it would have been an option to have evacuated the neighbours at the Joyal-McDougal residence to reduce risk to civilians and increase the likelihood of success of an intervention, but that was not considered until Cst. Joyal had already arrived at the residence.

Under further questioning from the Court, Chief LaGrange stated that he was unaware of Cst. Joyal's motivation, but it was his understanding that Cst. Joyal and Cst. MacDougal were going through a difficult breakup. He added that it would have benefitted the whole operation to know

what was motivating Cst. Joyal's actions.

Chief LaGrange also confirmed he would have preferred ASIRT to have investigated the incident to show transparency and professionalism from an arm's length or independent point of view.

Chief LaGrange stated that, in hindsight, he would not have done anything different. He acknowledged the failure to get Cst. Joyal safely into custody and said it was tough to live with.

Sergeant Darren Moss (Detective Moss as he then was)

At the time of the incident, Sgt. Moss was with the CNU. There were 14 trained on-call crisis negotiators in the CNU. Sgt. Moss stated that, prior to this incident, he had attended 12 to 15 crisis situations, some of which involved suicide risks. On April 1, 2016 he was the Team Lead and responsible for handling any incoming calls. There were three other CPS members assisting him including: Det. Allen, Sgt. McCann and Sgt. Kostyniuk. Sgt. Tracy Johnson also assisted, but she was not a trained negotiator.

Sgt. Moss received the call regarding the incident from Staff Sgt. Wallace of the TAC Unit at 10:59 p.m. He was asked to ready, but not deploy his team. He was advised that there was a potential suicidal member of the CPS who was mobile at the time. At 11:24 p.m. a second call came in from Staff Sgt Wallace asking the team be engaged. Sgt. Moss contacted the members of his team and made his way to the RTOC. He was able to confirm none of the members of his team knew Cst. Joyal, so there was no conflict. As he was driving to the RTOC, Sgt. Kostyniuk of his team called and advised that Sgt. Johnson was Cst. Joyal's immediate supervisor and they had a good rapport. Sgt. Moss made the decision to include Sgt. Johnson and possibly use her in the primary role of establishing communication with Cst. Joyal.

When Sgt. Moss arrived at the RTOC boardroom he encountered Det. Allen who was speaking with Cst. MacDougal, who was quite distraught. Sgt. Moss set up in the Network Operations Centre (NOC) and had Det. Allen speak to Cst. MacDougal in another room. The hope was it could be determined if Cst. MacDougal was a "hook" or a "trigger." A hook being someone who could positively influence change on Cst. Joyal's behaviour, while a trigger was someone who would elevate the state of crisis.

Sgt. Moss seized Cst. MacDougal's phone at 12:10 a.m. and began to review the text messages between Cst. MacDougal and Cst. Joyal. He determined that Cst. MacDougal was likely to be a trigger. As a result, she was no longer allowed to have control of her phone and was removed from the room.

At 12:14 a.m. there was a roundtable discussion with most of the members of the group and it was determined that Sgt. Johnson would be the primary intermediary because she was respected by Cst. Joyal as her Sergeant and as a mentor. She was a hook who could talk to Cst. Joyal about her concerns about the potential consequences for her career without the necessity of building a rapport that someone unknown to Cst. Joyal would have to do. Sgt. Moss acknowledged that it was a concern that Sgt. Johnson was not a trained negotiator, but she would be supported by Sgt. Kostyniuk who was a very experienced senior negotiator who would vet all of her comments.

Throughout the incident, Sgt. Moss found Cst. Joyal to be very high risk in general, closure motivated and, specifically, a high risk for suicide. He did not feel that any effective communication had been established during the incident even though there were two phone calls and a handful of text messages. At 12:47 a.m. Sgt. Moss attended the Incident Commander rooms and updated Staff Sgt. Scott of his concerns and his belief that suicide was imminent. He provided Staff Sgt. Scott with options that included continuing to try to communicate with Cst.

Joyal as they were or attempt a distraction technique by sending text messages via Cst. MacDougal's phone to benefit any tactical decision on approaching the vehicle.

Sgt. Moss stated that it was his understanding that the incident was precipitated by relationship issues between Cst. Joyal and Cst. MacDougal, but he felt there were other factors that were mentioned in the text messages. However, Cst. Joyal did not elaborate on those issues. He felt that it was important to know any individual's motivations so as to properly establish what their hooks and triggers were and deal with them accordingly.

Sgt. Moss stated that he would not have changed his decision to employ Cst. Johnson as the primary negotiator even though she did get emotional when talking to Cst. Joyal. He felt the emotion she exhibited during the last phone call with Cst. Joyal was appropriate because it was a desperate moment where it was important to communicate a message of love and hope.

He did feel that it was important for the CPS to stay covert for as long as possible when dealing with a member in crisis.

In the end, Sgt. Moss felt that the CNU were set up with all the tools that they needed to make contact with Cst. Joyal. The problem was that Cst. Joyal was resistant to allowing contact to be made. He felt that he would not have done anything differently.

Staff Sergeant Sheldon Scott

Staff Sgt. Scott was the Level 2 Incident Commander at the RTOC on the night of the incident. According to his evidence Staff Sgt. Scott was called in by Chief LaGrange at 11:50 p.m. It is not clear from the evidence of Staff Sgt. Scott or Chief LaGrange as to what time he arrived at the RTOC. However, Chief LaGrange stated that Staff Sgt. Scott arrived only 40 minutes after he was called. It would appear from Staff Sgt. Scott's handwritten notes at page 153 of Exhibit number one that he arrived at the RTOC at 12:30 a.m.

Staff Sgt. Scott was trained in Critical Incident Command and that is why he took over from Chief LaGrange. When he arrived at the RTOC, Cst. Joyal was already parked at the Medical Examiner's office. He consulted with TAC, the CNU and the CPS Psychologist, Dr. Celser, about assessing risk. He also directed Sgt. Moss of TAC to prepare three different types of Tactical Action Plans.

It was Staff Sgt. Scott's understanding that a domestic breakup was a contributing factor to Cst. Joyal's suicidal ideation, but that was not conclusive. He felt it was important to know what factors were contributing to her actions. He did not believe that her concern over any possible stigma related to her actions was a big contributing factor as she had determined, from a point early in the evening, that suicide was the course of action that she was taking.

Staff Sgt. Scott expressed concern when he observed Sgt. Johnson at the RTOC because she appeared to be emotional when she was texting Cst. Joyal. Sgt. Moss advised that Sgt. Johnson was Cst. Joyal's supervisor. Staff Sgt. Scott asked that Sgt. Johnson be removed from the room because he was concerned about the feelings of guilt she may have if Cst. Joyal died. However, once Sgt Moss clarified Sgt. Johnson's involvement, Staff Sgt. Scott was more comfortable with the decision and allowed Sgt. Johnson to remain.

One of the three operational plans, The Rescue Plan, was employed when TAC, CNU and Dr. Celser were all in consensus that death was imminent. The plan was also activated because Cst. Joyal's vehicle "flashed up" or turned the lights on indicating it might be moving. The plan was to have two armoured vehicles block Cst. Joyal in and prevent her from going mobile. In addition, there was discussion of chemical options including introducing either OC (Pepper Spray) or CS

(Chemical Gas) agents into the vehicle. These agents could be fired through a car window to distract and disrupt the individual and create time for a rescue to occur. Staff Sgt. Scott believed that neither of the agents were ever used, when in fact the Pepper Ball was discharged into the vehicle. He further believed that a Flash Bang device would also have to be introduced through an open window. A Flash Bang was actually used, but it was thrown near the vehicle, but only as a distraction technique at the time of the vehicle pinch.

Staff Sgt. Scott stated that he was aware of the concern over possible stigma for Cst. Joyal should she return to the CPS. He said that he was aware of similar situations over his career where fellow members were in crisis and were successfully able to return to the job.

Staff Sgt. Scott stated that there was nothing his team could have done differently. He believed they had all of the necessary training and equipment to deal with the situation. He did, however, indicate the importance of the availability of mental health treatment for all officers in order to identify indicators of stress or possible suicide to prevent this type of situation from occurring in the first place.

Dr. Adriana Celsler (CPS Psychologist)

Dr. Celsler was the Chief Psychologist of the CPS for 21 years. She retired in April of 2019.

Dr. Celsler became involved in the incident on April 1, 2016, when she received a phone call from Chief LaGrange at 9:30 p.m. advising that Cst. Joyal was driving to Drumheller and sending texts that indicated she was suicidal. Dr. Celsler was put on notice to be available for a follow-up phone call. She assessed the situation as being very serious because it involved an officer, a firearm, a moving vehicle and suicidal ideation.

Dr. Celsler received a second phone call from Chief LaGrange indicating that Cst. Joyal was returning to Calgary. Not knowing that Cst. Joyal was not contained at the time, Dr. Celsler advised that she be taken to the hospital for an assessment.

Sometime after the phone call, a police car was sent to pick up Dr. Celsler and take her to the RTOC. When she arrived, she spoke with Chief LaGrange and Staff Sgt. Scott. She was asked by Staff Sgt. Scott if there was an immediate threat to life. To make that determination she communicated with the negotiators who were texting Cst. Joyal. She was advised by the negotiators that the situation was not going well as there was no positive communication.

By around 2:00 a.m. the team decided that there were too many “closing statements” and “goodbye statements,” which indicated Cst. Joyal was determined to take her life. As a result, further action was required.

Dr. Celsler confirmed that she did not determine if Cst. Joyal was seeing a therapist. She felt she did not need to because the situation was already at such a critical stage. When asked if she knew that Cst. Joyal had been seeing therapist Jennifer Gardner, Dr. Celsler confirmed she was unaware of that until after the death. She also stated that any information related to her therapist about her motivation for her actions would not likely have been of any assistance to her during her involvement in the crisis as Cst. Joyal was not communicating. Rather she was disengaging and she was closure motivated. The only motivation Dr. Celsler was made aware of was the breakdown in Cst. Joyal’s relationship with another police officer.

Dr. Celsler felt that Sgt. Johnson was an appropriate choice to reach out to Cst. Joyal because Sgt. Johnson was someone that Cst. Joyal trusted and was a Supervisor. Dr. Celsler felt that Sgt. Johnson probably extended Cst. Joyal’s life by a few hours by engaging her along with the CNU.

When questioned by the Court, Dr. Celser confirmed that she had dealt with a number of officers who had come to see her about self-harm. She stated that they were always concerned that other officers may think of them as weak. That's why it was important to treat their concerns discreetly. She felt the concern was a realistic one. That's why it was important to educate supervisors and the CPS members to allow for a successful re-integration of the officer back into the work setting. In the end, Dr. Celser agreed that some officers would be accepted back by some members, but not others. She felt that Cst. Joyal could have been successfully re-integrated back into the CPS, if she had survived.

When asked if she had any recommendations for the Inquiry, Dr. Celser said it was important to maintain the mental health services for the CPS. Officers today were taking their mental health seriously and they were reaching out for help when necessary. It was important that the officers be able to access the CPS based mental health services or have the option of being referred out to other private mental health practitioners to protect their privacy.

Stacey Ferland (CPS Manager of Psychological Services)

Ms. Ferland, a Psychotherapist, started as the CPS Manager of Psychological Services in January of 2018. She inherited the role from Dr. Celser. Ms. Ferland was not personally involved in the incident involving Cst. Joyal, but she attended the Inquiry to provide evidence about the current functioning of the mental health services for the CPS.

She stated she supervised the internal staff, which was comprised of three clinicians and two contractors who were psychologists. There was also an external team of 190 service providers, including psychiatrists, to whom CPS members could be referred to on a private basis. CPS members could simply call the Psychological Services department and ask for an external referral. Once the officer had been triaged, it was determined what level of need the person would require.

There were also a number of programs that were available to CPS members including: The Resiliency Program, Prevention Awareness Skills Training Program, High Conflict Divorce, Managing Depression and Anxiety, Posttraumatic Growth, and Loss and Grief. The Safeguard Program was originally for officers who were in high stress specialty areas such as Homicide. Officers in those areas were mandated to attend once a year to ensure that they were mentally well enough to manage their jobs. The program was now offered once a year to any CPS member. There was also a Peer Support Program, which was a more informal approach, but could act as a bridge to the various mental health professionals. It was supported by 70 vetted and trained peer support CPS members who provided informal counselling and support services. The Reintegration Program (set to start in January 2020), was to be mandatory for any officer who had been on leave or absence. This would allow supports to be put in place that would facilitate a gradual return to the job. There were also Critical Incident Debriefs done on a group or individual basis where there were discussions about the mental health signs and symptoms (sleep, anger, alcohol) officers needed to be aware of after a critical incident in which they may have been traumatized. Officers were also advised how to access psychological services, peer support and community services.

Ms. Ferland stated that the demand for mental health services had been increasing over the last number of years. Between 2013 and 2018, there was a 195% increase in the number of officers accessing psychological services offered by the CPS. She attributed this, in part, to the Road to Mental Readiness Program, which was introduced in 2013 for new recruits to improve mental health literacy. She also felt that mental health services were now more embedded into the culture and the CPS family, creating a greater degree of familiarity. This had normalized and validated officer's experiences with mental health. Help was available in a number of ways and could be immediate based on the officer's need.

Ms. Ferland stated that her department was in need of more resources. This included a full-time nurse and two more psychologists or therapists.

When speaking about stigma, Ms. Ferland felt that the stigma about officers being weak for accessing mental health supports was diminishing. With respect to Cst. Joyal specifically, Ms. Ferland felt that officers would be more accepting of someone like Cst. Joyal returning to the job after having experienced mental health difficulties, but Ms. Ferland agreed that a stigma would still exist within some members of the CPS.

Finally, Ms. Ferland felt that the Calgary CPS Program was much further advanced than many programs she had seen in Canada and abroad.

Sergeant Kelly Fraser

Sgt. Fraser had worked with the Firearms Training Team from 2009 to 2017 and again from 2018 to the date of the Inquiry. The eight-member team was responsible for all the in-service and group training in terms of firearms as well as repairs to firearms and inventory of firearms. He was currently the Sergeant of the Firearm Training Team and all members reported to him.

Sgt. Fraser was not involved in the incident involving Cst. Joyal, but he attended the Inquiry to give evidence about the CPS firearms policy regarding storage and access.

Sgt. Fraser confirmed that it was CPS policy that members store their firearms in their lockers as Cst. Joyal had on April 1, 2016. Firearms were unloaded and then placed in the locker, typically on a shelf with a magazine. He also confirmed that an officer was legally authorized to carry and transport a service firearm only during the course of their duties or for purposes of their employment such as "Paid Duties," which would include concerts and sporting events.

Shotguns and C8 Rifles were long guns, which were stored in a separate area and had to be signed out, along with radios and car keys, from a Commissionaire or via a key card system.

When asked if he could envision a system where off-duty access to handguns was impossible, Sgt. Fraser frankly stated that it would not work for the CPS as it would impair their ability to operate the way they do. This was true for a number of reasons. Some of these included the following: officers would need to access their handguns off-duty so as to go to the shooting range and qualify twice a year; officers accessed their firearms when they were off-duty to attend Court; they also needed to access their firearms when going to Paid Duties; and when they were on call and expected to respond immediately.

In discussing the issue of firearm storage as it related to Cst. Joyal, Sgt. Fraser opined that it was not necessarily about the storage of the firearm, but the failure to provide the help that Cst. Joyal needed. He pointed out that he was aware of police suicides where officers purchased and registered their own personal handguns to take their lives rather than use their own service pistols, so when they were intent upon taking their lives, they would find a way.

Sgt. Fraser noted that the policies of the CPS on firearms were consistent with other police forces and the RCMP. Some jurisdictions in the United States even had mandatory off-duty carry requirements.

Sergeant Roy Vandenbrink

On April 1, 2016, Sgt. Vandenbrink was the Sergeant in charge of one of the TAC Units that was present at the Medical Examiner's Office where Cst. Joyal ended her life.

Sgt. Vandenbrink first heard about the situation at 10:32 p.m. that night. He was contacted by phone by Chief LaGrange who advised him that a female off-duty officer was expressing suicidal thoughts and her service-issue firearm was missing along with some ammunition. He responded by asking for additional assistance including a Surveillance Unit and Air Services to assist in locating the officer who was believed to be in the Drumheller area at the time. He also advised his teammates of the circumstances and told them to make their way into the area of Cst. Joyal's house and remain out of sight.

Chief LaGrange did not advise of any specific plan at that time, but the two officers did discuss what some of the options might be. This ranged from hoping for her to surrender, to remaining covert and waiting for an opportunity to apprehend Cst. Joyal if she exited her vehicle, to a high-risk vehicle stop. It was Sgt. Vandenbrink's suggestion, at that point, to remain covert and assess whether she could be approached and apprehended when her vehicle was parked. In the alternative, if she entered into her residence, he suggested they could approach and contain the location so she could not leave and then enter into negotiations with her.

When Cst. Joyal arrived at the residence, Sgt. Vandenbrink was advised by Chief LaGrange that she was aware of the police presence. Prior to being contacted, Sgt. Vandenbrink was also made aware by one of his team members that Cst. Joyal had driven by and had clearly observed one of the covert police vehicles, so they believed their cover was blown. This eliminated any plan that would involve the element of surprise. However, that did not change the plan altogether, as Sgt. Vandenbrink simply moved to the next step to see if Cst. Joyal was going to be co-operative and surrender herself. Sgt. Vandenbrink was advised by Chief LaGrange that it was unlikely that she would do that.

At 11:37 p.m. the TAC Unit observed that there was a party on a balcony at the house next to Cst. Joyal's residence. This concerned Sgt. Vandenbrink as he did not want to force a confrontation with Cst. Joyal and put the party goers at risk.

At 11:51 p.m., Cst. Joyal left the residence and started driving out of the neighbourhood. Sgt. Vandenbrink instructed his team and the recently arrived Surveillance Team to stay together and follow Cst. Joyal's vehicle, but not push up so close as to be seen and escalate the situation. As Cst. Joyal's vehicle proceeded, Chief LaGrange indicated she was headed for the Medical Examiner's office. Sgt. Vandenbrink began to formulate possible tactics for an intervention, but knew that this would depend on where Cst. Joyal's vehicle stopped and how it was positioned and whether or not she left the vehicle.

The TAC Unit arrived at the Medical Examiner's office shortly after Cst. Joyal and remained out of sight a couple of blocks away. Further discussions took place regarding intervention and Sgt. Vandenbrink felt that the options at 12:34 a.m. were to either have a canine or a TAC member apprehend Cst. Joyal, if she left her vehicle, or manoeuvre one of his team members close enough to her vehicle to disrupt with her with a chemical agent such as a Pepper Ball. To use the Pepper Ball, a TAC member would have to get close enough to fire it into the vehicle by defeating the glass on the vehicle. However, that created a problem because Cst. Joyal's vehicle would have to be pinned in to prevent it from leaving and the TAC Unit did not have armoured vehicles on site, so there would be no ballistic protection for the officers.

Sgt. Vandenbrink then had a conversation with Staff Sgt. Wallace at RTOC and it was agreed that an armoured CPS TAC vehicle would be brought to the scene and a second one would be requested from the Airdrie RCMP. This would allow Cst. Joyal's vehicle to be blocked in front and back and the Pepper Ball to be deployed from behind the safety of the armour. If that was successful, then it was expected that Cst. Joyal would leave her vehicle and she could be taken into custody using a combination of an Arwen gun, which fires a baton, and a canine.

As the armoured vehicles approached to pinch Cst. Joyal's vehicle, a TAC member on foot deployed a Flash Bang away from the vehicle so as to distract Cst. Joyal with noise and a bright flash. The armoured vehicles blocked in her vehicle and CS Gas was delivered into the vehicle through the windshield using a 37 mm Launcher. The whole intervention took 6 to 8 seconds.

Sgt. Vandenbrink then heard a transmission that Cst. Joyal had shot herself. The TAC members observed from their armoured vehicles and saw no movement in Cst. Joyal's vehicle even though it was full of the deployed chemical. This indicated there was no sign of life. Sgt. Vandenbrink directed his members to approach the vehicle with shields to confirm Cst. Joyal's medical condition. Once it was determined to be safe, a paramedic was brought in to do a further assessment and confirmed Cst. Joyal was deceased.

When asked whether he would have wanted any other resources with him that night, be it people or equipment, Sgt. Vandenbrink stated that he would have liked to have a second armoured vehicle and the officers to drive it. And he would have preferred to have a total of 12 members rather than the 9 they had. That would have included two members in each armoured vehicle. Sgt. Vandenbrink stated that it was helpful to have the helicopter there for visual assistance, but the video link was not always helpful or reliable, so a drone would have been of much greater assistance.

Commentary

Introduction

This was a very sad and tragic situation in which the CPS lost a hardworking and dedicated officer, a family lost a wonderful daughter and so many lost a friend. Unfortunately, there is nothing this Inquiry can do to change that, but it is my hope that when other CPS officers are made aware of the circumstances of Cst. Joyal's death they will be better informed about the mental health resources that they can seek out in times of crisis and better deal with their own mental health.

Once again, the role of this Inquiry is to examine the circumstances of the death of Cst. Joyal and determine if any recommendations can be made to prevent similar deaths. I would like to begin by making some comments that would not have the power that a recommendation would carry, but are important in any event.

Who Should Investigate: ASIRT or CPS?

One of my main concerns arising from this Inquiry was the fact that CPS, rather than ASIRT, was tasked with the investigating the death of Cst. Joyal. The investigation into this death was guided by s. 46.1 of the *Police Act*. I was advised by Counsel that under the *Act*, The Minister of Justice and the Attorney General of Alberta must delegate the authority to investigate to the Director of Law Enforcement; this is the Assistant Deputy Minister or ADM. The ADM has three choices as to how to proceed. The first option was to have the investigation done by ASIRT. The second option was for the investigation to be done by CPS with ASIRT reviewing that investigation. The final option was for the CPS to do the investigation on their own without any review by ASIRT. The decision, in this case, was to have the investigation conducted by CPS with ASIRT to review.

As a result, Det. Cavilla became the primary investigator. However, it was submitted by

CPS Counsel that in his role as a Homicide Investigator, Det. Cavilla's mandate was simply to establish a timeline and determine if a homicide had occurred and once that was done the investigation was concluded. It was not within his mandate to determine the reasons as to why the death occurred or, more specifically, why Cst. Joyal chose to take her own life. Counsel submitted that Det. Cavilla did as he was tasked and provided a report that was favourably reviewed by ASIRT and ASIRT then, as required, reviewed the report and made some recommendations. That may have in fact been the case, but Det. Cavilla also stated that part of the investigation was to determine motive and that was not done.

Det. Cavilla made it very clear in his evidence that he felt he should not have been the one investigating this matter, but rather it should have been assigned to ASIRT. I can only imagine how difficult it was for Det. Cavilla to investigate the suicide of a fellow CPS officer. I firmly believe that he was placed in a clear position of conflict. It was unfair and inappropriate to put him in that position and I commend him on his efforts in a difficult situation.

Det. Cavilla went so far as to state his concern about a conflict in a briefing that he had with Staff Sgt. Andrus and ASIRT Team Commander Creasser after the review came in from ASIRT. To his credit, Det. Cavilla told both of them that ASIRT should have handled the matter from the start. They agreed and Commander Creasser apologized to Det. Cavilla for this. I note Chief LaGrange also expressed concern over the fact that ASIRT did not conduct the investigation.

Of course, it was not for Commander Creasser to apologize as it was not, to my understanding, his responsibility to assign the task of investigating this matter to Det. Cavilla. By operation of law it was the ADM who made the determination as to how the investigation was to proceed. I find that having CPS investigate a suicide of one of their own members was an obvious conflict that could have easily been avoided. If ASIRT did the investigation, I would hope they would have had a much wider mandate and would have conducted a much more fulsome investigation as was confirmed by Det. Cavilla when questioned by the Court. As Det. Cavilla stated, ASIRT would have looked into the motivation of Cst. Joyal's actions by interviewing Cst. MacDougal and Cst. Joyal's parents. A number of witnesses at the Inquiry stated that it would have been of assistance to know exactly what was motivating Cst. Joyal. It would certainly have assisted the CNU in determining what, or who, would have been a hook or a trigger during their negotiations with Cst. Joyal. It would have also been of assistance to the Inquiry to have had more information about Cst. Joyal's motivation. If the problem she faced had involved drugs, alcohol or gambling for example, specific recommendations could have possibly been made in relation to those issues. Sadly, no one had that information. As a result, the evidence as to Cst. Joyal's motivation for her actions was purely speculative. Was it the break-up of her relationship as so many witnesses believed or was it much more than that as per Cst. Joyal's own comments that night?

I do not believe I can make a recommendation regarding the assignment of the investigation in a police officer suicide death, because it would not technically help "prevent similar deaths." However, I strongly encourage any appointed ADM, or any other party who may have input into the decision, to assign the investigation of any police force suicide deaths in Alberta to ASIRT, rather than the affected local police force. This

would create the perception of an arm's length investigation and avoid any potential conflict.

Commending the CPS

I note that these Inquiries have the benefit of time and hindsight to review decisions that were often made quickly and under great stress. In this situation, CPS officers made what they thought were the best choices at any given moment. Often, they were faced with two choices, both of which had limited chances of success.

I commend the work of a number of individuals who were involved in the CPS response to Cst. Joyal's crisis. Cst. MacDougal was wise enough to alert Cst. Griffin, who in turn fulfilled her duty to pass the information on to her supervisor, notwithstanding her friendship with Cst. MacDougal. At that point, all the resources available to the CPS were put into action to try and save Cst. Joyal. When contacted about one of her own officers being in trouble, Sgt. Johnson did not hesitate to offer up her assistance. She became the intermediary the CNU relied on when negotiating with Cst. Joyal. She performed bravely, even heroically, in trying to stop Cst. Joyal from carrying out her plan to take her own life.

Chief LaGrange was the Level 1 Commander at the RTOC on the night of April 1, 2016. He utilized and managed every single resource available to him in an attempt to save Cst. Joyal's life. He did so with great skill and expertise under incredibly stressful circumstances. When Staff Sgt. Scott took over as the Level 2 Commander, he was properly briefed pursuant to the chain of command and carried on seamlessly, with Chief LaGrange by his side to assist. It was Staff Sgt. Scott who made the very difficult call to go ahead with the physical intervention where Cst. Joyal's car was pinned in and a distraction device and a chemical device were fired. One can only imagine the level of stress Staff Sgt. Scott was under at that moment. He knew he was faced with two bad options, both of which had little chance of success. Yet he performed his duty and made the only call he could have made at that time and Chief LaGrange was there to support that decision.

Sgt. Moss was leading the CNU that night and gathered his team to do everything they could to engage Cst. Joyal including bringing in Dr. Celser, from Psychological Services. He made the crucial decision to have Sgt. Johnson be the primary negotiator, with the constant support of his team, and to remove Cst. MacDougal from the situation. The entire CNU performed with great professionalism under extreme pressure.

Finally, Sgt. Vandenbrink, the commander of the TAC Unit, was the boots on the ground in the operation. His team and the Surveillance Team were charged with executing the operational plans devised in consultation with the RTOC. Knowing the life of one of their own was on the line, Sgt. Vandenbrink and his team did everything in their power to save Cst. Joyal's life. The Unit put their training and expertise to work and did their jobs in the face of overwhelming odds. Sgt. Vandenbrink performed admirably. As required, he was continuously taking into account the safety of Cst. Joyal, his TAC Unit and the members of the public.

In the end, the CPS as a whole should be commended for the professional and rigorous

manner in which they acted in attempting to save the life of Cst. Joyal. Although there was a tendency for officers who gave evidence to wonder what they could have done differently, I firmly believe that Cst. Joyal was bound and determined to take her life that night and would not be stopped. That night the officers who needed to be in place, were in place. The chain of command performed as it should. Information was shared as it should have been. Plans were created and executed. Resources that were available were accessed. Everything that could have been done was done. Great skill, effort, bravery and heart were exhibited by each and every person involved on the night of April 1, 2016. There was no need for any officer to second guess their actions on that night.

Based on the highly skilled performance of the CPS that night, I strongly encourage the CPS, who I understand is funded by the City of Calgary, to continue to adequately fund the various teams involved in the effort to save Cst. Joyal. These included the CNU, the TAC Unit, the Surveillance Team, CPS Psychological Services and the RTOC.

Recommendations

Limiting CPS Access to Service Pistols When Off-Duty

There was a great deal of discussion throughout the Inquiry as to how Cst. Joyal was able to access her service pistol off-duty and whether officers should be limited from having such access in the future. Having heard the evidence of Sgt. Fraser of the CPS Firearms Training Team, I am satisfied that it would be in the best interests of all officers and the safety of the public that CPS members continue to have access to their service pistols when off duty. As a result, I make no recommendation in that regard.

CPS Access to Mental Health Services

In the end, the message that came out of the Inquiry was that early mental health intervention was necessary for CPS members in crisis. That is the only way to stop similar deaths from occurring. And to allow for early intervention to occur, there has to be timely access to mental health services. The Manager of the CPS Psychological Services, Ms. Stacey Ferland provided a great deal of insight into this issue in her evidence. Ms. Ferland, who was the successor to Dr. Celser, told the Inquiry about the nature and quality of resources available both internally and from outside service providers. She also noted the various programs that were available to the members to assist them with their mental health issues. It was encouraging to hear that there had been a 195% increase in the number of members accessing psychological services between 2013 and 2018. It is crucial that this trend continues and that the message gets out to CPS members that when they are in crisis, they have a place to go to get help. And that help can be obtained privately, confidentially and immediately.

Based on the evidence I have heard; it is clear to me that the vast majority of CPS members are not inclined to stigmatize their fellow members who have been in crisis. However, it is to be expected that some members will have concerns about other members who have returned from mental health absences. All the more reason CPS members should have access to timely, high quality, discreet mental health care so as to reduce, or eliminate, any such stigma and return them to the force in full health. Police officers need to take their mental health seriously and take advantage of the services and

programs that are available to them.

Ms. Ferland specifically noted that CPS Psychological Services would benefit from the addition of two full-time psychologists and a full-time nurse practitioner. I do not feel that it is within my mandate to make specific personnel recommendations such as this, but I do recommend that the CPS review their current staffing resources in the Psychological Services Department and seriously consider taking steps to provide these additional resources should they be deemed necessary.

Should the TAC Unit Have Had a Drone?

Sgt. Vandenbrink advised the inquiry that when his TAC Unit was on scene at the Medical Examiner's Office, they had difficulty establishing visual contact via the overhead HAWC helicopter. This was normally done on the ground via an iPad, but Sgt. Vandenbrink said that coverage was not satisfactory and this created problems for him in determining the layout of the scene and the location of Cst. Joyal's vehicle in relation to his officers. He felt that having a drone available to observe the area would have provided a tactical advantage. I must admit that I was stunned to hear that such a highly trained, well-equipped team did not have something as fundamental and commonplace as a drone to observe the scene. I agree with Sgt. Vandenbrink that such a device would provide a benefit and may assist in preventing future deaths in similar situations. I expect it would also benefit the CPS in criminal investigations as well.

It is my understanding that the Provincial Government does not control who can receive a drone, nor does it provide funding for drones. As a result, I would kindly ask that the Associate Deputy Minister of Justice and the Solicitor General send a letter to all Police Services in Alberta requesting them to consider my recommendation that a drone be provided to existing TAC Units. And should a drone be provided, that it be funded by the respective budget of each Police Service.

DATED July 13, 2020,

at Calgary, Alberta.

Original signed

A Judge of the Provincial Court of Alberta