

Office of the Integrity Commissioner

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CONFIDENTIAL

**INVESTIGATION REPORT REGARDING
COUNCIL CODE OF CONDUCT
COMPLAINT 2219**

**BY JAMIE PYTEL
INTEGRITY COMMISSIONER for
THE CITY OF EDMONTON**

Report Date: July 4, 2022
To: City Council for The City of Edmonton
Re: *Council Code of Conduct Bylaw 18483*
Complaint: 2219
Respondent: Councillor Michael Janz

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INTRODUCTION

1. The Respondent Councillor was elected to The City of Edmonton's City Council on October 18, 2021. The Complainant alleges that on May 29, 2022 the Respondent violated the *Council Code of Conduct, Bylaw 18483* (the "Code of Conduct" or "Code") when he reTweeted a post that contained the following content:

"So this week a co-worker got a \$409 ticket for failing to stop his bike at a stop sign. It was 7am in a residential area, the roads were empty, except for the pig hiding in the bushes.

The person who hit me with her car got a \$47 ticket for failing to signal. Seems fair."

[This post is referred to in this report as the "Social Media Post" or "reTweet"]

2. The Complaint complied with the requirements of the Code. The Complainant made the following allegations:

Complaint 2219

[This Complainant referred to Part B of the Code of Conduct] then states:

I formally file this complaint against Councillor Janz for violations of the above noted sections. Attached are supporting screenshots from twitter social media where Mr. Janz has relished & supported the comment calling our Police Members "Pigs". Mr. Janz has an open agenda of hate towards the Edmonton Police Service. This is clearly evident throughout his posts on twitter.

APPLICABLE SECTIONS OF THE CODE OF CONDUCT

PART B: Communications

1. Without limiting the ability of a Councillor to hold a position on an issue and respectfully express their opinions, Councillors will...

d) ensure that all communications issued by, or on behalf of, the Councillor, including social media, are respectful and do not discriminate, harass, or demonstrate disrespect toward any person; and

PART E: Respectful Interactions

1. Councillors will conduct themselves with decorum at all times, including while attending meetings, interacting with City Employees and Councillor's employees, and engaging with the public.
3. Councillors must not use any harassing, offensive, discriminatory, disrespectful, or unparliamentary language about Council, a Councillor, City employees, Councillor's employees, or the public.

PROCESS, SCOPE and JURISDICTION

1. Upon receipt and review of the Complaint, I advised the Respondent I had received the Complaint about his Social Media Post.
2. I reviewed the Complaint and my jurisdiction. I determined that the Complaint was within my jurisdiction for the following reasons:
 - (a) The Code permits Councillors to hold positions on topics, but to respectfully express their views and not demonstrate disrespect towards a person [which is interpreted to include a group]. The Code also requires Councillors to act with decorum at all times while engaging with the public. Councillors must not use language that is offensive or unparliamentary about the public.
 - (b) When considering the significance of the Complaints, I took into account that the Respondent is obliged in his official duties to interact with and about the Edmonton Police Services (EPS). I also took into account that while technically under the Code members of the EPS are not City Employees, they are seen by the general public as employed by the City of Edmonton. I accepted the Complaints not as allegations regarding conduct towards City employees, but taking into account the nexus between the City, City Councillors, and the EPS.
 - (c) The information in the original Tweet was mostly commentary about policing and is outside of my jurisdiction. It also contained the word "pig" which is commonly understood to be a negative slur about police officers. This is the aspect of the reTweet that I investigated as within my jurisdiction.

- (d) ReTweeting has the same effect as a republication of the original Tweet. It is reasonable to conclude that when someone reTweets without commentary, they are implicitly expressing their agreement with the content of the Tweet. The reTweet also results in broader dissemination of the content of the Tweet.
 - (e) In a prior written communication with the Respondent on February 23, 2022, I cautioned about reTweets as they can be found to be violations of the Code.
3. The Respondent had questions about process and sought clarification about complaints. I advised as follows:
- (a) Members of the public and other Council members are at liberty to make Code of Conduct complaints if they feel the Code has been breached. They can be politically motivated in doing this. This is, after all, is a political arena that you [the Councillor] and many others participate in. What it comes down to is whether the conduct complained about was a breach of the Code;
 - (b) Complainants can encourage others to make complaints, that does not mean the complaints are made in bad faith. The individual still has to submit their own complaint. Again, it comes down to the conduct and holding elected officials accountable for adherence to the Code;
 - (c) While the circumstances around a reTweet may be a mitigating factor in determining a relevant sanction in a matter, it does not exonerate the Councillor from the content of the reTweet. This is necessary as a Councillor could use reTweets as a way to subvert the requirements of the Code;
 - (d) I appreciate these were not your words, but when you do not provide commentary saying you disagree with the Tweet, it is implied that you agreed with it when you reTweeted it. I cautioned you about reTweeting in February of this year;
 - (e) How many people saw the reTweet does not detract from a finding of a Code breach. Having one person see this still means it can be deemed a breach. It is, however, a mitigating factor when considering sanction.
4. Having answered the Respondent's questions, he agreed with taking a restorative approach regarding the Complaint. I advised that if he took such an approach, I would recommend to Council that no further action be taken. **I cautioned however, that as this constituted a Code breach and it is Council's Code to enforce, Council was at liberty to reject my recommendation.**

5. The Respondent posted the following message on Twitter on June 28, 2022 [which mirrors his formal reply submission to the Complaint]:

“On May 29, 2022, I reTweeted a post that referred to an unidentified member of Calgary law enforcement using a derogatory term. I quickly deleted that post, but not before it was viewed by members of the public. I recognize that reTweeting a post containing a derogatory term is contrary to the expectations of the Council Code of Conduct. I apologize to anyone who was offended by the reTweeting of this post”

FINDING and RECOMMENDATIONS

6. There is no question that the existence of the derogatory word in the reTweet was a violation of the Code of Conduct, and it has been found to be as such.
7. I encourage Councillors to take immediate action and accountability if they find themselves in these types of situations. Things happen, and they can be mitigated. The Code is not meant to be a “gotcha” process, but is meant to provide accountability and transparency, recognizing that Edmontonians expect the highest standards of conduct from their elected officials.
8. In the circumstances and given the Respondent’s Tweet on June 28, 2022, I do not recommend sanction or further action with respect to the Complaint. In my view, this resolution is proportionate and appropriate.

Respectfully Submitted