

Joint Statement from Canadian Civilian Oversight Agencies on Release of Names (2015)

When someone is seriously injured or dies during an interaction with police, our agencies are mandated to investigate those incidents. By having agencies such as ours in place, the public can maintain confidence in police services by assuring citizens that police actions resulting in serious injury or death are subjected to rigorous and independent investigations.

As anyone can imagine, most of the cases we deal with are incredibly traumatic experiences for the affected person and/or their family. To minimize the pain they may already be going through, we do not release names without consent, unless there is an investigative necessity.

Each of our agencies made this decision separately, and a great deal of thought and research went into our decisions before they were implemented. As part of our research, we explored the policies of the other civilian oversight agencies and police services across the country to get a better understanding of if and when they released names of individuals, and their reasoning. We also made inquiries of a number of mental health professionals and reviewed what experts had proactively shared with us in past cases. We spoke with our investigators to get a sense of what families wanted and needed. We considered the needs of media and consulted with members of the public. In some jurisdictions, privacy laws also mandate that this information remain confidential.

Some in the media say there is a serious public interest in knowing what occurred in the cases we investigate. We agree wholeheartedly. That is why our news releases are transparent and detailed. We release all the relevant information to allow the public to understand what happened. Knowing the injured or deceased person by name, instead of as 'the affected party' or 'complainant', adds nothing of additional relevance. It does, however, add greatly to the public exposure that will be imposed on the injured person or the family of a deceased. We would argue that the right to privacy of the individuals concerned far outweighs what the public will gain by knowing the name.

What about the young man who attempted to commit suicide by jumping off a building while police were present? Why should that incident follow him through the rest of his life? When he applies for a job and a potential employer searches his name on the internet, what impact could that have? How might neighbours and friends look at him? Mental health professionals say the negative outcomes associated with releasing the name of this individual could act as a further stressor.

How about a family whose loved one was fatally struck by a police cruiser? They are going through a devastating time as is, only to be compounded by the media frenzy that awaits them at every corner – on the phone, at their home, at the funeral, etc.

What about the person fatally shot by police? Some media complain we're being secretive and lack transparency by not releasing his name. The people who need to know – family, friends, employers - know. If they choose to share their grief with others, they have that choice.

If you are struck by a car being driven by a civilian and sustain serious injuries, many police services will not release your name. However, if you are hit by a car being driven by a police officer, why should your name be released in that case? Why is your right to privacy determined by who hit you?

Further and most importantly, we know that automatically releasing the name of injured or deceased parties can negatively impact an ongoing investigation. Injured individuals and their family members, who have crucial information, are often much less inclined to cooperate with our agencies if they feel that their names will be released to the media no matter what. In addition, some individuals might be reluctant to come forward to our agencies with complaints about police conduct if they know it is inevitable that their identities will be made public.

Society is entitled to be fully informed when someone is killed by police, which is why we will continue to provide the media and public with a detailed account of our investigations. At the same time, we will continue to err on the side of compassion and human decency by empowering complainants and their families with the decision to release or not to release, while at the same time ensuring we are able to conduct effective investigations. We feel this is a reasonable compromise.

Signed by:

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