



## OBJECTIVE

### 1.

The objective of this policy is to provide direction and guidance to members of the SIU who may be required to deal with the media in relation to information regarding SIU operations.

## BACKGROUND

### 2.

Communicating with the public through the media is an important aspect of SIU operations. The accurate and timely release of information tends to promote the public's confidence in the work of the SIU.

### 3.

At the same time as the SIU aims to be as informative as possible with the public, it must necessarily limit the amount and type of information it discloses for a variety of *legal* and *policy* reasons.

### 4.

Sections 12 and 13 of Regulation 267/10, enacted under the *Police Services Act*, are the legal provisions that bear most directly on the permissible level of information disclosure by the police and the SIU during the course of SIU investigations. They provide as follows:

- 12.(1) The police force may disclose to any person the fact that the SIU director has been notified of an incident and is conducting an investigation into it.
- 12.(2) Except as permitted by the Regulation, the police force and members of the police force shall not, during the course of an investigation by the SIU, disclose to any person any information with respect to the incident or the investigation.
13. The SIU shall not, during the course of an investigation by the SIU, make any public statement about the investigation unless such statement is aimed at preserving the integrity of the investigation.

### 5.

SIU confidentiality policies, developed to assist the investigative process by garnering the trust of witnesses, also impact the information that can be shared with the media. These policies often operate to prevent the disclosure of specific information provided by identifiable witnesses.

6.

Investigative exigencies are a further key factor which, depending on the circumstances of a case, may justify the release of more or less information. For example, the release of information encouraging witnesses to come forward can be a powerful tool in the investigative arsenal. Conversely, the SIU must guard against the disclosure of information that could compromise subsequently obtained witness statements of events or otherwise harm the integrity of an investigation.

7.

All concerns and conflicts arising out of this policy should be reported as soon as practical to the Director or in the Director's absence, the Executive Officer, who will review the matter and resolve the concern or conflict in her/his discretion.

## PROCEDURES

### *PERSONNEL*

8.

Subject to the provisions of this policy, the Communications Coordinator is primarily responsible for all dealings with the media ("media relations responsibilities"), including such things as preparing and issuing *news releases*, media advisories, fielding and responding to media inquiries, organizing and conducting formal press conferences, acting as the spokesperson for all *public statements* made by the SIU, designing and implementing media campaigns and strategies, and maintaining and developing positive professional relationships with media contacts and liaisons.

9.

Subject to the approval of the Executive Officer, the Communications Coordinator may, from time to time, delegate one or more of her/his media relations responsibilities to another member of the SIU.

10.

Because of the dynamic and fluid nature of information management in the context of media relations, the Communications Coordinator or delegate may enlist other members of the SIU to assist in the discharge of media relations responsibilities by providing information necessary to prepare and issue a media communication. Where requested, such assistance should not be unreasonably withheld or delayed.

11.

Where the Communications Coordinator is on a leave of absence (illness, vacation, etc.), the Executive Officer will appoint another member of the SIU to act in the capacity of Acting Communications Coordinator. The person so appointed will assume all the Communications

Coordinator's media relations responsibilities, as may be described by the Director or, in her/his absence, the Executive Officer, in recognition of the temporary nature of the appointment and the member's other work responsibilities. All references in this policy to the "Communications Coordinator" include the "Acting Communications Coordinator" and the "delegate".

### ***MEDIA COMMUNICATIONS – GENERAL CONTENT***

#### **12.**

All communications with the media should convey material information in an accurate and timely fashion.

#### **13.**

The information contained in all media communications should comply with the limits imposed by *law* and *policy* (both SIU policy and broader government policy intended for application across the public service).

#### **14.**

The limitations imposed by law on the release of information to the media include restrictions related to the following:

- Section 13 of Regulation 267/10;
- The *Freedom of Information and Protection of Privacy Act* (e.g., FIPPA generally prohibits the release of *personal information* collected during the course of SIU investigations. FIPPA defines *personal information* to mean "recorded information about an identifiable individual");
- The *Youth Criminal Justice Act* (e.g., YCJA generally prohibits the publication of the names of *young persons*, or any other information related to *young persons*, if it would identify them as *young persons* dealt with under the YCJA. A *young person* includes a person who is 12 to 17 years old);
- Publication bans or other court orders that may be in effect;
- Statutory and common law privileges (e.g., information compiled by the SIU may be subject to various forms of legal privilege, such as solicitor-client privilege, public interest privilege, confidential informer privilege, etc.);
- The law of defamation; and
- Third party information.

#### **15.**

The limitations imposed by policy on the release of information to the media include restrictions related to the following:

- SIU confidentiality policies, including the regime of confidentiality assurances (e.g., in the absence of witness authorization, these policies generally prohibit the release of information provided by a witness who has been assured of confidentiality);
- The integrity of SIU investigations or related proceedings (e.g., with rare exception, and then only with the approval of the SIU Director, information should not be released where such release could jeopardize the integrity of an SIU investigation or related proceeding);
- The integrity of non-SIU investigations or related proceedings (e.g., with rare exception, and then only with the approval of the SIU Director, information should not be released where such release could jeopardize the integrity of a non-SIU investigation or related proceeding);
- The names of complainants. More specifically, the identity of a complainant should generally not be revealed or confirmed prior to consent from the complainant. In death cases, the name should generally not be revealed or confirmed prior to next-of-kin notification and consent. However, details such as age and city of residence can be shared. Consideration to release or confirm the identity may be given if:
  - the name is in public documents (e.g., court papers/charged);
  - the complainant or family have proactively spoken to the media;
  - release of the name is necessary for the investigation; and
  - there are other compelling circumstances.
- In addition to the legal prohibitions that may arise regarding the release of complainant names, the Unit will generally not release the name of a complainant who is a young person (under eighteen years old) or alleges sexual misconduct;
- The names of police witnesses (e.g., in addition to the legal prohibitions that may arise regarding the release of witness names, the name of a witness or subject officer should generally not be released in the absence of consent on the part of the witness);
- The names of non-police witnesses (e.g., in addition to the legal prohibitions that may arise regarding the release of witness names, the name of a non-police witness should generally not be released in the absence of consent on the part of the witness); and
- Public security and safety (e.g., information should not be released where there are reasonable grounds to suspect its release could jeopardize the safety of a member of the public or assist in the commission of an offence).

## 16.

The SIU Director or Legal Counsel will be consulted where there is any doubt whether the release of particular information in a media communication would transgress limitations imposed by law or policy, and the information in question will not be released in the absence of the approval of the SIU Director or Legal Counsel.

17.

It is sometimes necessary or desirable to work with the police with respect to media communications, particularly news releases, relating to a case. This may occur, for example, where the SIU and the involved police service are conducting parallel investigations. On these occasions, all consultations with the police service in question should generally be conducted by the Communications Coordinator. From time to time, circumstances will arise requiring the involvement of the Director, Executive Officer, Supervisor(s) and/or Legal Counsel in these consultations.

## ***MEDIA COMMUNICATIONS – SOME SPECIFIC TOOLS***

### NEWS RELEASES

#### General Content

18.

For purposes of this policy, a news release is a formally prepared written statement that is distributed to various media outlets with the intention of fairly disseminating information about SIU operations.

19.

A news release will generally be limited to factual information about an event or issue that impacts the organization. A news release may also contain an explanation as to why the event or issue is important.

20.

Within the limits imposed by law and policy, the objective of a news release is to publicly convey through the media as much material information as possible, including the “who”, “what”, “where”, “when”, “why” and “how” of an event or issue.

21.

While the content of a news release will depend on the circumstances of a case and the *type* of news release in question (see below), the following non-exhaustive list sets out the kinds of information that can generally be addressed in a news release relating to an incident investigated by the SIU:

- A general description of the nature of the incident (e.g., pursuit, shooting, arrest, barricaded person);
- When and where incident occurred;
- When and by whom SIU notified;
- The investigative actions of the SIU (e.g., number and types of investigators deployed; how many and types of witnesses interviewed; identification work performed; etc.);

- The name and age of the complainant/injured person or deceased person where consent has been given by the complainant or next-of-kin;
- The medical condition of the complainant/injured person;
- In a death case, the cause of death of the deceased person where the cause is obvious;
- The factual findings of the investigation relating to the circumstances surrounding the incident; and
- The SIU Director's ultimate decision, and a brief summary of her/his reasons for decision, 1) relating to whether there are reasonable grounds to believe a criminal offence has been committed, or 2) that the investigation should otherwise be terminated.

## 22.

For purposes of this policy, there are three *types* of news releases relating to incidents investigated by the SIU:

- 1) *Initial* news releases issued at the outset of investigations (intended to report the fact that the SIU has commenced an investigation);
- 2) *Intermediary* news releases issued during investigations (intended to update the status of an investigation); and
- 3) *Final* news releases issued at the conclusion of investigations (intended to report a summary of the completed investigation).

## 23.

*Initial* and *intermediary* news releases will by their nature be briefer than *final* news releases and should generally be limited to information sufficient to meet their specific objectives (see Appendix A for further guidance).

## 24.

In addition to their specific objectives, *initial* and *intermediary* news releases may serve as vehicles for *appeals to witnesses*. *Initial* and *intermediary* news releases containing *appeals to witnesses* should contain sufficient information to enable prospective witnesses to identify the incident in question. It is the responsibility of the supervisors to request an appeal for witnesses in a specific case. Thereafter, the Communications Coordinator will add the appeal to the release.

## 25.

It is the responsibility of the Communications Coordinator to send lead investigators a copy of each news release issued in relation to their cases. It is the responsibility of lead investigators to take all reasonable steps to ensure that they are familiar with the information contained in news releases issued in relation to their cases.

## Charge Cases

### 26.

In those cases where the SIU has laid a charge against a person, news releases will generally contain information relating to the person's name, the offence charged and when charged, the date and place of the person's first or next court appearance and, where applicable, the conditions of the person's pre-trial release.

### 27.

In those cases where the SIU has laid a charge against a person, news releases should not contain any information that could jeopardize the fair trial interests of the person and the public.

## When and How Issued

### 28.

A news release should generally be issued as soon as practical upon determination that the event or issue in question has generated or is likely to generate a *significant level of public interest*.

### 29.

In determining whether the event or issue in question has generated or is likely to generate a *significant level of public interest*, all the relevant circumstances surrounding the event or issue in question should be considered, including:

- Whether the event or issue has or is likely to generate a significant amount of media coverage;
- Whether the event or issue relates to an important or contentious matter of public policy;
- Whether information relating to the event or issue has been released in a prior news release issued by the SIU; and
- Whether the release of information relating to the event or issue is necessary to preserve the integrity of an SIU investigation or related proceeding.

### 30.

With respect to an incident investigated by the SIU, the Communications Coordinator will enlist the assistance of the appropriate Supervisor and/or lead investigator to provide information necessary to draft a news release. When requested, such assistance will be provided in a timely fashion.

### 31.

In order to ensure that *initial* news releases are drafted and issued in a timely fashion, it is the responsibility of the lead investigator to provide the appropriate Supervisor with information obtained in the investigation as soon as practical following dispatch on a case and, in any event, no later than two hours following arrival at a scene. Where possible, the information provided by the

lead investigator should address the “who”, “what”, “where”, “when”, “why” and “how” of the incident.

**32.**

With respect to a news release relating to an incident investigated by the SIU, the Communications Coordinator should review the news release with the appropriate Supervisor and/or lead investigator for accuracy and general feedback (e.g., possible impact on integrity of SIU investigation) prior to its issuance.

**33.**

As far as practical, the Communications Coordinator should secure the approval of the Director, the Executive Officer and Legal Counsel, with respect to the issuance of a news release.

**34.**

The Communications Coordinator is responsible for ensuring the timely and effective posting of news releases to the SIU website.

**35.**

All media outlets should be treated in a fair and equitable manner with respect to the release of information contained in a news release. As far as practical, news releases should generally be distributed to all intended media recipients at the same time.

**36.**

The Communications Coordinator should ensure that all police services receive copies of any news releases issued relating to their service.

## PUBLIC STATEMENTS

**37.**

For purposes of this policy, a public statement is a formally prepared statement that is made verbally to representatives of the media with the intention of disseminating information about SIU operations.

**38.**

A public statement will generally be limited to factual information about an event or issue that impacts the organization. A public statement may also contain an explanation as to why the event or issue is important.

39.

Within the limits imposed by law and policy, the objective of a public statement is to publicly convey through the media as much material information as possible, including the “who”, “what”, “where”, “when”, “why” and “how” of an event or issue.

40.

The Communications Coordinator is primarily responsible for preparing and making public statements.

#### FIELDING AND RESPONDING TO MEDIA INQUIRIES

41.

Subject to the provisions of this policy, the Communications Coordinator should ensure that all media inquiries are appropriately addressed as soon as practical.

42.

Subject to the provisions of this policy, members of the SIU should as soon as practical refer all media inquiries that come to their attention to the Communications Coordinator.

#### ***MEDIA COMMUNICATIONS DURING NON-BUSINESS HOURS (INCLUDING WEEKENDS & STATUTORY HOLIDAYS)***

43.

Consistent with the provisions of this policy as reasonably modified to suit the fact that the Director, Executive Officer, Legal Counsel and the Communications Coordinator will generally be unavailable during these times, on call Supervisors and lead investigators will jointly be responsible for all media communications during non-business hours. Where the demands of the investigation prevent a lead investigator from fulfilling one or more duties under this policy, the lead may, in consultation with the on call Supervisor, assign those duties to be discharged by another investigator.

44.

“Non-business hours” means weekends, statutory holidays and, with respect to business days, those parts of the day that fall outside of the Communications Coordinator’s regularly scheduled work hours. The Communications Coordinator should ensure that her or his regularly scheduled work hours, and any changes thereto, are made known to the investigative staff.

45.

Media communications during non-business hours should only be made where resources permit and the communication in question would not interfere with the investigation.

46.

Media communications during non-business hours should generally be limited to preparing and issuing news releases, the making of public statements and/or responding to media inquiries, such as may be necessary in respect of particular investigations.

47.

In all firearm and death cases, as well as other incidents that have or are likely to attract media attention, reported during non-business hours, the lead investigator should as soon as practical contact the on call Supervisor to discuss the appropriate media response. This may include involving the Communications Coordinator in a) providing advice, b) issuing a news release, and c) attending the scene to speak with media. If this is necessary, the on call Supervisor should as soon as practical notify the Communications Coordinator of the incident.

#### PUBLIC STATEMENTS

48.

The appropriate media response may include the making of a public statement by the lead investigator at the scene where representatives of the media are present and one or more of the following conditions exist:

- The incident involves 1) a death or 2) a firearm/vehicle injury;
- The incident occurred in a very public area;
- The media present at the scene are pressuring the SIU for a public statement; and
- The media can be spoken to on one occasion and in one location.

49.

A public statement made at the scene should be brief and generally confined to the type of information that would be contained in an *initial* news release (see Appendix A).

50.

After issuing the public statement, the lead investigator should be prepared to field and respond to inquiries from the media gathered at the scene. The lead investigator should limit these inquiries to a minimum.

51.

A public statement during non-business hours should usually be made within two hours following the arrival at the scene by the lead investigator.

## NEWS RELEASES

52.

The appropriate media response will generally also include an *initial* news release. The release should be disseminated in a timely manner to accommodate the media.

53.

The on call Supervisor, with the assistance of the lead investigator, is responsible for ensuring that the *initial* news release is prepared and distributed as soon as practical.

54.

The making of a public statement and the issuance of a news release during non-business hours is intended to bridge the media relations gap from the time an incident occurs until the Communications Coordinator returns to duty during business hours.

*Original signed by*

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