

<b>Title</b> External Communications About IIO Investigations	<b>Number</b> 3030
<b>Section</b> Corporate	<b>Original Effective Date</b> January 26, 2015
<b>Responsibility</b> Chief Civilian Director	<b>Last Revised Effective Date</b> June 27, 2025

## PURPOSE

A critical aspect of the Independent Investigations Office's (IIO) work is to ensure the public is appropriately informed of matters under investigation. Section 38.121 of the *Police Act* sets out the authority for the Chief Civilian Director (CCD) to provide information to the public. The IIO employs the appropriate level of transparency considering the public and privacy interests associated with IIO investigations. The IIO commits to being as transparent as possible while taking into account the individual circumstances of each investigation.

## POLICY

### General

1. The IIO protects the privacy of individuals involved in investigations while fulfilling the need to maintain public confidence by reporting on issues of public concern.
2. The IIO treats all media outlets in a fair and equitable manner in the release of information.
3. The IIO makes it a priority to respond promptly to media requests.
4. IIO staff do not make comments or statements to the media or respond to media requests unless specifically delegated to do so. The CCD is the IIO's representative, and the Media & Communications Liaisons (MCL) may assist at the CCD's discretion.
5. The IIO reports to the public whenever the mandate to investigate is clearly met, including when deploying resources into communities, concluding investigations and disposition of matters before the courts. In cases where the mandate to investigate is not immediately evident, i.e., if a connection between the serious harm/death and police actions/inactions cannot immediately be determined, or if the extent of injuries sustained is unknown, the CCD will determine if and when it is appropriate to publish a media release to notify the public or seek witnesses.
6. The IIO reports to the public on a regular basis by providing information through the IIO website, including media releases and public reports. The email distribution list to media representatives and IIO Facebook account are used to provide notice of new information on the IIO's website. Releases and reports are augmented by comments to the media made by the CCD or delegate. The website also provides information related to the administration of the IIO, answers to frequently asked questions, and publications including the IIO's annual reports and strategic plan.
7. The IIO manages all public reporting through the MCLs who ensure that information on the website is reviewed and updated on a regular basis.

## Media Releases and Public Reports

8. The CCD determines if and when the IIO will provide information to the public.
9. A media release is often issued when an investigation is commenced, but usually only after both the connection to police actions and serious harm/death thresholds have been met. These will typically include information such as:
  - 9.1. the nature of the incident, including whether there were fatalities and/or serious harm/injury as defined by the *Police Act* s.76(1);
  - 9.2. the involved police service or services;
  - 9.3. the time and location of the incident;
  - 9.4. the date and approximate time of IIO notification and assertion of jurisdiction;
  - 9.5. the date and time IIO investigators were deployed, if applicable; and
  - 9.6. an appeal for witnesses to contact the IIO, if applicable.
10. A media release may not be issued regarding matters of particular sensitivity (e.g., suicides) or if other circumstances exist such that issuing a statement could be detrimental to the investigation, affected person/family, or other party.
11. In other cases, a media release may be issued when the connection and/or serious harm thresholds have not been confirmed if:
  - 11.1. the matter has become public knowledge;
  - 11.2. the incident occurred in a highly visible setting;
  - 11.3. the police service notifies the public that the IIO is involved;
  - 11.4. if there is an investigative need to identify witnesses;
  - 11.5. it is determined that the public interest outweighs the privacy considerations of the involved parties; or
  - 11.6. there are other circumstances where the CCD deems it appropriate.
12. The MCLs will discuss media release drafts with the Primary Investigator (PI) and Team Director (TD), cc'ing the Affected Persons Liaison (APL) if one is assigned, and obtain approval from the CCD and COI, Ops (or a delegate) before a release pertaining to an investigation is published.
13. The IIO discusses media releases with the involved police service's communications team to ensure neither the IIO nor any related police media releases unduly impact the other's investigation. The IIO provides the police service with reasonable advance notice of media releases whenever possible, pursuant to the Memorandum of Understanding Respecting Investigations (MOU) Section 6.2.
14. After 60 days, the MCLs will connect with the PI and TD to determine if there is information that can now be provided to the public in an updated media release or if a witness appeal may be beneficial. Consideration will be given to whether an updated release will negatively impact the Affected Person (AP), family, police, concurrent investigation, court proceedings related to the incident, or the IIO investigation. If there are no other compelling reasons that an update would be detrimental, an update will generally be issued. Information provided in these updates may include but is not limited to:
  - 14.1. identifying the weapon type, if any, that an AP had;
  - 14.2. providing an update, in general terms, on the status of the AP (e.g., remains in hospital, recovering at home, etc.);

- 14.3. the AP's gender identity and general age description (e.g., youth, adult, etc. where there is a risk of a more detailed age being identifiable (using the categories defined by Statistics Canada<sup>1</sup>), or 30s, 40s, etc. where that is not a factor) if not previously identified;
- 14.4. which use of force options are confirmed to have been used by police during the incident, if not initially reported;
- 14.5. descriptions of involved vehicles where applicable;
- 14.6. the number of involved officers;
- 14.7. information designed to correct misinformation that is public where failure to do so could negatively impact the public's faith in the IIO's investigation; or
- 14.8. general update on the investigative steps undertaken to date; i.e., obtained video evidence, canvassed for witnesses, conducted interviews, forensic analysis, etc.

The information provided in an updated media release is subject to privacy and other considerations, including whether witness interviews have been completed, and whether the CCD determines that there is sufficient public interest to release the information. When providing an update to the MCLs as part of this process, the PI and TD are asked to share their comments regarding what information, if shared, might adversely impact the IIO investigation, and why. This information will be provided to the CCD, along with the MCL's recommendation, to aid in their decision-making.

Subsequent follow ups to consider additional update media releases will take place every 60 days thereafter.

- 15. The IIO issues a public report upon the conclusion of an investigation when the CCD concludes that the file will not be referred to Crown Counsel for consideration of charges, and if it is in the public interest to do so. Public reports outline the evidence, narrative of the incident, legal considerations, and rationale for the decision.
- 16. If the CCD determines it is not in the public interest to issue a public report, they may instead determine to conclude a matter by issuing a media release, or close without further public reporting based on the balance of privacy and public interests.
- 17. If the CCD concludes that a matter will be referred to Crown Counsel for consideration of charges, the CCD will consider several factors in determining whether a media release will be published, including but not limited to:
  - 17.1. whether it is in the public interest to do so;
  - 17.2. if a media release is necessary to maintain the public's trust in the IIO, civilian oversight of police, and appropriate police accountability;
  - 17.3. whether the involved officer(s) were on- or off-duty when the incident occurred;
  - 17.4. weighing the potential scrutiny a member of the public might receive under similar circumstances;
  - 17.5. if there are elevated privacy interests that may be adversely impacted by issuance of a referral media release;
  - 17.6. if there is any potential that a referral media release could have an adverse effect on related court proceedings;
  - 17.7. the significance of the charges that may be approved by Crown Counsel, should they choose to approve charges; and

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<sup>1</sup> <https://www.statcan.gc.ca/en/concepts/definitions/age2>

- 17.8. any other factor the CCD considers important in the circumstances.
18. A courtesy copy of all IIO media releases and public reports will be circulated to government stakeholders prior to publication.

### **Limits on the release of information**

#### **19. Restrictions on IIO release of information by law:**

- 19.1. personal information about an identifiable person collected during an IIO investigation, except to the extent that disclosure is necessary to prosecute a violation of law or to continue the investigation as per the *Freedom of Information and Protection of Privacy Act* (FOIPPA), or if the CCD determines that the public interest in disclosure outweighs the privacy interests of the person per *Police Act* s.38.121(4)(b);
- 19.2. the name or any other information related to a young person, if it would identify them as a young person dealt with under the *Youth Criminal Justice Act*;
- 19.3. information restricted by publication bans or other court orders that may be in effect;
- 19.4. information subject to legal privilege, including solicitor-client, public interest and confidential informant privilege;
- 19.5. defamatory statements;
- 19.6. third party personal information; and
- 19.7. information that would reveal the identity of a victim of sexual misconduct.

The IIO does not release information that would reveal the identity of a confidential source of information.

### **Annual Report**

20. Pursuant to section 38.12 of the *Police Act*, the IIO will produce an annual report and provide a copy to the Attorney General or their delegate by May 31 of each year. The annual report will include statistical information related to investigations and other administrative and operational matters, as specified within section 38.12.
21. The IIO may produce other public reports including an aggregate analysis of a specific type of investigation.

### **Responding to Media Inquiries**

22. In speaking with media personnel, IIO investigation staff members remain professional and courteous and:
  - 22.1. state that they are not in a position to answer media requests (excluding the MCLs if they are undertaking spokesperson duties on behalf of the CCD);
  - 22.2. request contact information and explain that an IIO spokesperson will respond as quickly as possible;
  - 22.3. direct media to the dedicated media phone line (778 988 1041) or email address ([info@iioabc.ca](mailto:info@iioabc.ca)), advising that requests are answered as soon as possible; and
  - 22.4. assume that anything said is “on the record.”

## PROCEDURES

### Responsibility

23. The CCD is the primary individual to make public statements. The MCLs may make public statements about recent or ongoing incidents during the initial phase of an IIO investigation, in consultation with the CCD.
24. IIO media relations are carried out by the MCLs.
25. The MCLs take the lead on media requests and are primarily responsible for preparing and releasing information bulletins, responding to routine inquiries, administration of the IIO website, and scheduling interviews for the CCD with external stakeholders (e.g.,) the media, in consultation with the Executive Coordinator.
26. Staff are to direct all media requests to the MCLs.
27. The MCLs ensure that all media requests are addressed as soon as practical. MCLs respond to media requests via email and the dedicated telephone line.
28. The MCLs are responsible for:
  - 28.1. ensuring timely and effective posting of information bulletins to the IIO website, via an email distribution list and social media;
  - 28.2. ensuring that all police services receive copies of all IIO information bulletins issued relating to their service;
  - 28.3. ensuring that all appropriate government services receive copies of all IIO information bulletins issued; and
  - 28.4. arranging appropriate contact with media outlets.
29. The MCLs liaise with police service communications representatives to ensure neither an IIO nor a police media release unduly impacts the other agency's investigation. The CCD, COI, Ops, and TD are sent a copy of the police service's draft media release to provide feedback prior to responding to the police service to ensure all potential conflicts are captured.

### Public Reports

31. The CCD will designate the IIO's General Counsel or Legal Counsel, or other staff member of the IIO, to prepare a public report in cases where it is determined to be necessary and the CCD has found no reasonable grounds to believe any officer has committed an offence under any Act, or if the CCD chooses to exercise their discretion not to refer a matter to Crown Counsel for consideration of charges.
32. IIO public reports outline the findings arising from the investigation, as well as the CCD's rationale for their decision. They will take into consideration individual privacy rights in determining what information is appropriate for public release. A draft copy is submitted for review by the Office of the Information and Privacy Commissioner (OIPC) for comment. The MCLs facilitate this process by

requesting review of every draft once the CCD has approved the final version. Upon receipt of any comments or recommendations from the OIPC, consideration is given to such recommendations, and the draft report may be revised at the CCD's direction.

33. The timing for release of a public report can vary depending on the circumstances. If there are concurrent court proceedings or a police investigation is underway, these could be factors in determining whether information is released through a public report and/or the amount of information released. However, those factors are balanced with the importance of maintaining public confidence in the oversight of police by ensuring the public is fully informed about a matter where police action or inaction has led to serious harm or death.

In general, police service command, the Liaison Officer (LO)/Subject Officer (SO), and AP/family will be notified and provided an embargoed copy of the report 48 hours before a public report is to be published. Police service communications, other oversight communications (the Office of the Police Complaints Commissioner (OPCC) or the Civilian Review and Complaints Commission for the RCMP (CRCC)), and government stakeholders will be notified and provided a copy 24 hours in advance.

Where there is a possibility of concurrent or related court proceedings, the MCLs will consult with Crown Counsel communications prior to releasing information publicly to receive their comments regarding whether a concurrent or anticipated prosecution may be impacted by the release of a public report.

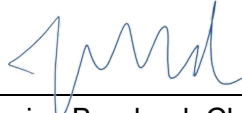
34. Public reports are released in accordance with established communications protocols, including the distribution of embargoed copies, posting to the IIO website and an announcement via social media as outlined in [SOP 2018-003](#).

#### **Referrals to Crown Counsel or Training/Policy Issues**

35. The CCD may refer a file to Crown Counsel for charge assessment when there are reasonable grounds to believe that a police officer may have committed an offence under any enactment.
36. In those circumstances where the CCD identifies issues related to training, policy or standards, information may be provided to the OPCC and the CRCC, as well as the Director of Police Services and the involved police service. The CCD may report on training/policy/standards issues in a public report if such reporting is necessary in order to ensure public confidence in police accountability. This will include situations where those issues are relevant to a conclusion about criminal liability, and where it is important to assure the public that questions surrounding such matters were appropriately considered in the decision-making process. When doing so, the report will avoid stating conclusions about those issues unless necessary to the decisions about criminal liability. In addition, the report will clarify that the OPCC and CRCC make decisions that utilize different processes and standards of proof where appropriate.

**POLICY**

Approved by:



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Jessica Berglund, Chief Civilian Director

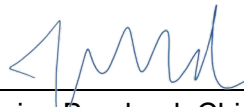
Date Approved:

June 27, 2025

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**PROCEDURES**

Approved by:



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Jessica Berglund, Chief Civilian Director

June 27, 2025

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