

Sharing Information with the Public

ASIRT's mandate is to effectively, independently, and objectively investigate incidents involving Alberta's police that have resulted in serious injury or death to any person, as well as serious or sensitive allegation of police misconduct. This is a somewhat broader mandate than some of the other independent investigative bodies across the country.

ASIRT INVESTIGATIONS

a) Incidents Resulting in Serious Injury or Death

Public confidence in policing is fostered by the effective, independent, and objective investigation of incidents where individuals are seriously injured or killed during an incident with police. These are often very public incidents that leave community members wondering what happened and why. As such, public confidence also requires some measure of communication with the public about these incidents. The degree of information shared, however, is balanced against other public, legal and compassionate interests. When communicating the results of these investigations to those immediately impacted, including the injured person or their families, the subject officer, and the relevant police services and/or police commissions, considerable detail is shared which can, in some cases, include the opportunity to hear or view related audio or video of the incident. The evidence is explained as it is important to ASIRT that those involved understand the nature of the evidence and the circumstances surrounding the incident that occurred with their loved one. The information shared with the involved parties may include information that might be very personal to the family. That is just one component of the communication ASIRT is involved in with respect to these investigations. ASIRT also strives to release sufficient information publicly so that the community is afforded a clear understanding of what occurred during the incidents investigated and the reasons for any decisions made. We are mindful that the release of some materials publicly, such as videos, can lead to the unanticipated use of these materials with no ability to prevent that nor the ability to protect that information once it is out there.

As ASIRT has developed over the years, the need for better communication with both involved parties and the public has led to changes resulting in the sharing of considerably more information, both with the parties and the public. As there is no statutory requirement or guidance regarding reporting, it has developed largely as a function of practice or policy.

It is ASIRT's policy to publically report on all serious injury and death incidents assigned by the Director of Law Enforcement at the beginning and the conclusion of each investigation detailing the events of the incident along with the Executive Director's decision. The initial news releases are often very general and will include only facts that ASIRT has independently confirmed and satisfied itself as to their veracity. At the conclusion of the investigation, if the matter does not result in a prosecution, ASIRT will provide a summary of the evidence to provide the public a clear understanding of what occurred. A much more detailed summary is provided to those involved. It will also provide the reasons for the decision made. If the matter proceeds to prosecution, ASIRT will report publicly once the subject officer has been charged, will outline the offences involved but will not provide a detailed summary of the investigation, the matter now being before the Courts.

We share considerable information in our releases, not all of which gets communicated by the media. As such, we also post our news releases on our website.

b) Allegations of a Serious or Sensitive Nature

With regard to the investigations of serious and sensitive allegations, it is ASIRT's policy not to confirm or report on these matters as reporting on them may, in fact, compromise investigational strategies and may have negative impact on the outcome. There are, indeed, times when a subject officer may not initially know that

he/she is even under investigation. Furthermore, these types of investigations can involve the collection of evidence that includes forms of protected information. If there are involved parties, however, they are provided a detailed description of the admissible evidence collected, aside from any protected source information, and the reasons for decision on whether criminal conduct has occurred and/or whether a subject officer will be charged.

It should be noted that although ASIRT strives to follow these set policies, there are always those unique situations where it may vary from them due to a unique set of circumstances, ensuring that the right to privacy of those individuals involved and the integrity of the investigation is ultimately maintained.

ASIRT REVIEWS

When ASIRT is directed to review the completed investigation of another agency, the evidence collected and the results of the investigation belong to the investigating agency. Additionally, the responsibility to determine whether there has been criminal conduct or whether a subject officer should be charged in any given case rests with that agency. As a result, any public communication of the results of the investigation should come from those who conducted it. It is for these reasons that ASIRT does not publicly reported on the investigations it reviews.

ASIRT'S overarching purpose in a review is to provide an objective, independent *critical* examination and assessment of an investigation to confirm that it was properly conducted using best practices and that all appropriate investigative steps were taken in the circumstances so that the public can have confidence in both the investigation and the consequences flowing from it.

An ASIRT review commences once a completed investigative file has been turned over to ASIRT. The file is reviewed for thoroughness, competency and overall accuracy. The goal of a review is to identify whether the investigating agency has completed the investigation in a manner consistent with the level of investigative excellence that follows ASIRT's objective to maintain public confidence in policing. As part of the review, the investigation is carefully scrutinized for evidence of investigative bias, tunnel vision and/or a lack of objectivity. The review process is robust and has an investigator, a team commander, the Director of Investigations, and lastly, the Executive Director going through the investigation. Once the review is complete, the file is returned to the home agency with any recommendations that ASIRT may have made. Those recommendations could relate to specific steps that could or should be pursued in the investigation or broader practice or policy recommendations.

The assessment of whether there are reasonable grounds to believe the subject officer has committed a criminal offence is not within the scope of an ASIRT review. ASIRT assesses the quality of the investigation not the incident itself. Responsibility rests with the home agency as to whether there are reasonable grounds to believe an offence has been committed and whether the investigation should be forwarded to the Alberta Crown Prosecution Service for an opinion. The actual investigative file is the property of the home agency and is classified as a third party record to ASIRT.