

Should all police officers involved in fatal shootings be identified?

Star Campaign for Transparency: The question of whether to release names of officers in cases probed by the Special Investigations Unit — regardless of whether a charge was laid — is expected to be dealt with “in depth” by a review of police oversight in Ontario, to be released this week.



Officers with Toronto police's Emergency Task Force are seen in 2013. (RICK MADONIK FILE PHOTO / TORONTO STAR) | ORDER THIS PHOTO

By [WENDY GILLIS](#) News reporter
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It has been the Las Vegas Metropolitan Police Department's policy for decades.

Within 48 hours of a fatal incident involving police, the department releases the name, age, tenure and division of all officers involved in the use of deadly force. A press conference follows after the 72-hour mark, where any relevant footage from body cameras is released.

"It's all regimented. It's all given on the same timeline to everybody," Las Vegas public information officer Larry Hadfield told the Star.

There is "no pushback" from front-line officers because they don't know any other option, he said.

"We've always named the officers involved in shootings because the use of deadly force is the most scrutinized thing that a police officer does in the line of duty."

The view is far from widely shared among police services. Even in the United States — often perceived north of the border as vastly more transparent — name-release practices differ from state to state and are being debated and reformed following high-profile police shootings.

In Canada, it is rare for police involved in fatal incidents to be officially identified unless a criminal charge is laid, in large part because governments and civilian watchdogs, including Ontario's Special Investigations Unit (SIU), cite privacy legislation.

Ontario's privacy commissioner, however, has stated explicitly that officers' names may be disclosed in "circumstances of significant public interest," despite government claims they are protected under freedom of information and privacy legislation.

"Going forward, I believe the rules need to be revised immediately so that families and the public have all the information they need, including personal information, to assess SIU investigations and findings," Brian Beamish told the Star last year.

Ontario could forge a new path on the question of officer naming if a much-anticipated [review of police oversight](#) concludes officers should be identified in cases where use of force was found to be legally justified.

Last spring, when he was handed the task of reviewing police oversight in the province, Ontario Court of Appeal Justice Michael Tulloch was told to make officer naming a “priority issue,” alongside the question of whether the [SIU director’s reports](#) should be made public.

Tulloch’s report, which will be unveiled Thursday, tackles the issue “in depth,” according to a source with knowledge of the review.

Julian Falconer, a Toronto lawyer who has represented several families of people killed by police, says he has never understood how officers could believe they have a right to anonymity.

“They are public officials doing public work,” he said at a panel discussion last fall at Ryerson University that explored questions of police conduct and the public’s right to know.

“In any other area, this stuff just would have been released a long time ago. I can tell you this is all about us being afraid of our own shadow.”

Tulloch’s review was commissioned after a growing chorus of [demands for greater transparency](#) around fatal police incidents, including the names of officers involved. Countering those demands are concerns, often voiced by police unions, about officers’ privacy rights and safety — including fears of retaliatory harassment or street justice — particularly during heightened tensions between police and the community.

The dichotomy played out [in front of Toronto police headquarters](#) last March, when protesters from Black Lives Matter Toronto camped out for 15 days, [demanding the name](#) of the Toronto officer who shot and killed Andrew Loku, a mentally ill black man, then was cleared by the SIU.



Black Lives Matter demonstrators keep warm at Toronto police headquarters last March, following an all-night camp-out at city hall to demand the name of the officer who shot and killed Andrew Loku, a mentally ill black man. (CHRISTOPHER REYNOLDS)

Toronto police Chief Mark Saunders later said he understood the call for more information, but would not abide having the officer [called a “murderer”](#) by protesters when the cop was cleared of wrongdoing.

The Toronto Police Association, meanwhile, expressed concerns about the officer’s well-being if the name were released. “Could that generate a safety issue? One hundred per cent,” Mike McCormack, the association president, said at the time.

Somewhere in the middle is the view that if an independent police watchdog deems the use of force justified, the information most vital to the public is a detailed account of what transpired.

“It is my view the balance is best met with detailed summaries of our findings, without naming the officers,” said Ron MacDonald, director of Nova Scotia’s Serious Incident Response Team (SIRT), that province’s equivalent of Ontario’s SIU.

MacDonald adds that a major difference between Canada and the U.S. when it comes to naming practices is that south of the border, there is little faith in the investigative process because it is police investigating police.

“In Canada, the existence of civilian oversight allows for a greater degree of faith in these matters, although that is not to say those processes are not without their challenges,” MacDonald said.

Like the SIU, SIRT, as well as police watchdogs in British Columbia, Alberta, Manitoba and Quebec, does not publish the names of officers unless there is a criminal charge.

In Ontario, the policy is rooted in the Freedom of Information and Protection of Privacy Act (FIPPA), although Beamish has said there is “a significant public interest” in the disclosure of some personal information in certain cases, including the names of subject officers.

Beamish’s predecessor, Ann Cavoukian, has also come out in favour of releasing the names of the officers because they are acting “in a formal public capacity.”

Meanwhile, Ontario’s Police Services Act states police cannot “disclose to any person any information with respect to the incident or the investigation” in cases where the SIU has been called in to investigate, for the duration of the probe. Similar practices exist in all other jurisdictions where civilian watchdogs exist (in provinces where they do not, another police service usually probes officer-involved incidents and there is often a common practice not to publish the names).

Critics say the lack of transparency creates an unacceptable situation in which the identity of officers involved in fatal incidents can go unknown for months, years or potentially indefinitely, if no coroner’s inquest is called in the death.

All the while, families and friends of victims may have difficulty finding closure.



Beau Baker was shot and killed by police in Waterloo. The SIU determined no charges would be laid.

“How am I supposed to grieve and get past this without knowing who? I don’t have a name or a face or anything,” Jackie Baker told the Star last year, after her son Beau was shot and killed by police in Waterloo and the SIU determined no charges would be laid.

Sometimes, it’s less about the name and more about the officer’s history: Are there prior incidents involving the officer that could be relevant? Is there an important pattern that would emerge if the public knew the names of officers involved in use-of-force incidents?

In the case of Evan Jones, an 18-year-old fatally shot by a Brantford police officer in 2010, the family did not learn the identity of the officer until the coroner’s inquest. When the family went home and googled the name of the officer, Const. Adam Hill, they learned he had been involved in a fatal police shooting in 2006.

Then, late last year, the family found out that Hill had been involved in another on-duty fatal incident, a drowning death, one year before Jones’ fatal shooting, making his death the third in which Hill was

involved. Hill was cleared by the SIU in all three deaths, though he has never been identified by the watchdog.

Pascale Diverlus, a co-founder of Black Lives Matter Toronto, says it is “imperative” that the public be able to know the history of officers involved in use-of-force incidents.

“Right now, we have no way of knowing does this person have a history of excessive violence, does this person have a history of targeting black people?” she said.

She adds that following fatal shootings, often the full history of the victim’s life gets a public airing in the media, including whether they were charged or convicted of any crimes.

Tom Stamatakis, president of the Canadian Police Association, a national police union that opposes disclosing names, says an officer’s history may be irrelevant because he or she could be stationed in a unit or area where they may be required to use force more frequently than other officers.

If Ontario begins releasing the names of officers, Stamatakis said, it will prompt a backlash from the Canadian policing community. He said U.S. police departments that have started publishing names are caving to public pressure “without being thoughtful about how they are doing that.”



Evan Jones was fatally shot by a Brantford police officer in 2010.

At a national conference in Chicago, just one month after the high-profile shooting of 18-year-old black man Michael Brown in Ferguson, Mo., in 2014, police chiefs from around the U.S. discussed at length their considerations on the issue of naming officers, admitting difficult decisions needed to be made.

Some departments, including Boston, won't release the names if they are concerned about officers' safety. New York City, too, works on a case-by-case basis, though the name is not necessarily withheld if there is a safety concern.

"If we need to provide resources to protect an officer, we will definitely do that," James O'Neill, then chief of patrol for the New York Police Department, said at the 2014 conference.

In Austin, Texas, where the names of officers are usually released within 12 hours of a critical incident, Chief Art Acevedo stressed the

importance of openness, particularly when an incident has racial dimensions.

“When you are dealing with communities of colour, our officers are being judged not just through the prism of the present, but the prism of the past, the prism of history. So I think that transparency is very important,” he said.