



AACP

Alberta Association of Chiefs of Police

**AACP Decision Framework
on
Naming Homicide Victims**



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The Alberta Association of Chiefs of Police endorses the Decision Framework on Naming Homicide Victims as its official position paper on this matter.

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Mandate

In response to a request from the Minister of Justice, the AACP has adopted this framework to be used by all AACP member police services in deciding whether to name the victim(s) in homicide cases. The AACP acknowledges that it is preferable for all AACP member police services to approach the issue in a consistent and structured manner.



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Discussion

The member agencies agree that:

1. The fact that an individual has died as the result of a homicide is “personal information” as defined in the Freedom of Information and Protection of Privacy Act (FOIP).
2. Section 40(1)(b) of FOIP allows public bodies to disclose personal information where this disclosure would not be an unreasonable invasion of a third party’s personal privacy. This disclosure must be reasonable and necessary, pursuant to section 40(4).
3. Section 17(4) of FOIP makes it clear that the disclosure of a homicide victim’s name is presumed to be an unreasonable invasion of his or her personal privacy. Therefore, in order to release the name, the circumstances supporting release must be sufficient to rebut that presumption. This must be determined on a case-by-case basis, having regard to all relevant circumstances including the purposes of FOIP.
4. Investigative necessity is a category of its own. Section 40(1)(c) allows a public body to disclose personal information for the purpose for which it was collected or a use consistent with that purpose. Where it is reasonable and necessary as part of a homicide investigation to release the name of the victim, then the name can be released.
5. The mere fact that the individual has been a victim of homicide is not sufficient to meet the test for disclosure under section 32. Section 32 requires that a matter must be “clearly in the public interest” as opposed to a matter that may be of interest to the public. Because it is an override provision, the section is to be interpreted narrowly and there is a high threshold to trigger it. However, in those cases where it is clearly in the public interest to release the victim’s name, that release is required under section 32.
6. Releasing a victim’s name once an information has been sworn against an accused in which the victim is named under section 40(1)(bb) (that the information is already available to the public) is not considered to be the best rationale for release. The release of the name, when combined with the other information that has been released (at the time the homicide occurred), amounts to the disclosure of a significant amount of the deceased’s personal information. It links the name to the where, why, and how of what happened. The better route to the decision is to consider the fact that the name is already in the public domain as part of the overall assessment under section 40(1)(b).
7. When there is no other provision allowing for the release of a homicide victim’s name, then under section 40(1)(b), the decision must be made on a case by case basis, considering the specific circumstances of each case. There can be no blanket policy to release the name or not release the name. It should be recognized that while a murder victim retains his or her privacy interests for 25 years after death, that privacy interest is reduced relative to that of living persons. Section 40(1)(b) requires that all relevant considerations be taken into account. The relevant considerations in these cases may include:



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- a) Whether it is in the “public good” to release the name. Public good considerations (not to be confused with the section 32 public interest criterion) include things such as:
 - Transparency of the police service as a public body,
 - Increased public confidence in the police and the police investigation,
 - The public has a heightened interest/concern because of the seriousness of the offence committed,
 - Naming the victim(s) may personalize the crime and help bring the community together in response,
 - Naming the victim(s) may allow community members to recognize the victim and allow them to come forward to pay their respects, and
 - Naming the victims(s) as opposed to categorizing him or her may provide additional dignity and respect to him or her.
- b) That families of the victim(s) should be considered as additional victims. As such, their wishes should be considered. Some families will ask that the name never be released. Others will ask that they be given some time to grieve privately prior to the name being released. Others still will ask that the name be released in order to save them from the emotional trauma of having to notify other family members and friends.
- c) Whether, how much, and what kind of other information in relation to the homicide has already been released. When there is an abundance of other information already in the public domain, releasing a victim’s name links the victim to that other information and results in a greater invasion of personal privacy.
- d) Whether releasing the name of a victim will serve to also disclose the identity or personal information of others.
- e) Whether the release of a victim’s name is necessary to ensure that information already in the public domain is accurate, in other words, to correct false information.
- f) Whether the information will be available to the public from other official sources in short order; this does not include media or other speculation.
- g) The nature of the homicide. For example, there may be a greater relevance to public safety in knowing the details of a stranger homicide as opposed to a homicide between known associates.
- h) The timing of the release. It may be appropriate to delay the timing of a release to allow for religious events or for families to notify relatives.



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Once all considerations have been assessed under section 40(1)(b), the decision to release the victim(s) name or not can be made. The decision should be appropriately documented, including setting out the specific circumstances that were considered.

If the decision to release is made, it is advisable to work with staff from Victim Services to assist the family of the victim(s) prepare for media attention. They can assist victims' families navigate what to expect, how to handle media calls and coverage that high profile crimes can generate, and how to safeguard their own privacy.

The RCMP, a federal institution, adopts the Decision Framework in principle in Alberta, adapted as required to comply with the Privacy Act of Canada, the governing federal legislation.

