

CLASP

Mental Health Police Records Check Coalition

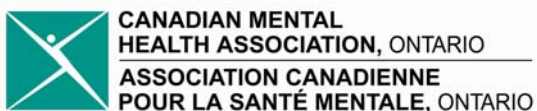
PETITION INSTRUCTIONS

*Please read these instructions **carefully**.*

- Please circulate this petition among any individuals or organizations who would be interested in supporting this issue.
- Print/photocopy as many copies of this petition as you need.
 - You can download copies of the petition at www.ppao.gov.on.ca/sys-pol.html
- Do not change the text or format of this petition. Only the attached version of the petition may be signed.
- All petitioners must sign a hard copy of this petition (it cannot be signed electronically).
- All petitioners must include their name, address and signature.
- All petitioners must be residents of Ontario.
- Petitioners do not have to be 18 to sign this petition – people of *ANY* age can sign this petition.
- Signed petitions must be returned to CLASP by:
 - September 1, 2008
 - November 1, 2008
 - January 15, 2009
- Mail or drop off original hard copies of the signed petition to:

CLASP
Attention: Jane Letton
Osgoode Hall Law School
Room 118
York University
4700 Keele Street
Toronto, Ontario M3J 1P3

- If you have any questions, please contact Jane Letton at 416-736-5029.



Ontario Association
of Patient Councils

CLASP

Mental Health Police Records Check Coalition

Dear

Thank you for your interest in this very important issue. With your support, the Mental Health Police Records Check Coalition is seeking legislation to end the discriminatory police practice of retaining and releasing records of accompaniment to the hospital for mental health assessment.

Individuals who have been accompanied by the police to the hospital for mental health assessment may face significant barriers to participation in employment, volunteer, and educational opportunities.

The Mental Health Police Records Check Coalition is a diverse group of community agencies, service providers and concerned individuals, seeking the enactment of legislation to prohibit all Ontario police services from disclosing non-criminal mental health records. These records are created in the following ways:

- 911 call for help due to a mental health crisis
- Concerned family member intervenes and calls 911 or contacts a Justice of the Peace
- A police officer believes a person is having a serious mental health crisis and transports the person to the hospital for assessment
- A doctor requires a person to be taken to the hospital for assessment or treatment

It is important to note that these are all medical interventions and are not *criminal contacts*.

All police services retain records of accompaniment to the hospital for mental health assessment. Many employers, volunteer agencies and educational facilities request a police records check prior to hiring an applicant or allowing them to volunteer if they will be working with children, seniors, or persons with disabilities. As such, the person must disclose the nature of the record to the potential employer or forego the position out of fear of further discrimination and the desire to keep health information confidential.

Since its inception in June 2006, over thirty-nine organizations and individuals have joined the Coalition to support its cause and help achieve its goals. The Coalition is co-chaired by the Ontario Association of Patient Councils (OAPC), the Psychiatric Patient Advocate Office (PPAO), the Canadian Mental Health Association (CMHA), Ontario, and Community and Legal Aid Services Programme (CLASP).

For more information, resources and to see a current list of all Coalition members, please visit our website:

www.ppaio.gov.on.ca/sys-pol.html.

Thank you for your support.

FREQUENTLY ASKED QUESTIONS (page 1)

How to explain who gets a mental health police record:

A young woman studying social work is experiencing mental health difficulties such as severe depression. She recognizes that she needs help so she calls her sister. Her sister drives her to the hospital where she receives treatment and is released. She returns to her everyday life. She applies to a job at a children's centre and has to do a vulnerable sector check. She does not have a police record and she gets the job.

Another young woman who is also studying social work is experiencing mental health difficulties such as severe depression. She recognizes that she needs help so she calls 911. The ambulance and police arrive. The police drive her to the hospital where she received treatment and is released. She returns to her everyday life. She applies to a job at a children's centre and has to do a vulnerable sector check. She has a police record because the police drove her to the hospital. In order to continue her application, she must disclose the record and the circumstances surrounding it to her potential employer. She does not get the job.

Q: How do I know if I have a police record?

A: You may have a police record and not even know it! If you've been transported to the hospital by the police because of a psychiatric incident then the police may include this information on your record.

Q: How are these records created?

A: Here are some of the ways a mental health police record is created:

- 911 call for help due to a mental health crisis
- Concerned family member intervenes and calls 911 or contacts a Justice of the Peace
- A police officer believes a person is having a serious mental health crisis and transports the person to the hospital for assessment
- A doctor requires a person to be taken to the hospital for assessment or treatment

Q: Is this the same thing as a criminal record?

A: These records are created as a result of medical intervention, *not criminal contact*. It is not a criminal record.

Q: How long do police keep these records?

A: Each police service is different. In Toronto, the police can retain this information on your record for 5 years plus the year of the incident. However, some people have found that this information remained on their record past the 5 year plus year of incident.

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Mental Health Police Records Check Coalition

FREQUENTLY ASKED QUESTIONS (page 2)

Q: What if the police bring me to the hospital because of a psychiatric incident more than once?

A: Mental illness is often cyclical and so police contact can occur repeatedly where the 5 year plus year of the incident clock starts running each time a new contact occurs.

Q: If I have to do a vulnerable sector check, what information will my employer/volunteer agency receive?

A: The letters provided to an employer or volunteer agency indicating the result of a record check are different depending on the findings. If the record is clean then the employer/volunteer agency receives a letter indicating that the record is clean. If there is a record of police contact the employer/volunteer agency receives a letter indicating the existence of a record and that the results have been sent to the applicant. Therefore, even if you do not want to disclose your record the employer/volunteer agency is aware that some type of police record exists.

Q: How can I get rid of this record?

A: Currently there is no procedure in place to purge one's record of this information. With many types of criminal convictions those convicted can take steps to receive a pardon and have their record purged along with their fingerprints and photographs destroyed. Persons with a record under the *Mental Health Act* do not have this option.

Q: Why would the police transport me to the hospital?

A: Police officers have the authority to transport individuals to the hospital if

- a) they are responding to a 911 call and they reasonably believe that the person is likely to harm themselves or others, or
- b) they observe an individual and reasonably believe, based on their observations, that the person is likely to harm themselves or others, or
- c) a doctor or justice of the peace have signed requests for the person to go to the hospital for assessment and the police are required to transport them to the hospital.

Although police officers are able to take a person to the hospital if they reasonably believe the person is a danger to self or others the actual assessment occurs at the hospital by a trained psychiatrist. Police officers may reasonably believe that a person may harm themselves or others but this does not mean they are qualified to assess whether a person is likely to be a danger in the future.

Q: Who do the police usually transport to the hospital?

A: Individuals with limited financial and/or family support are more likely to have police contact as they are less likely to have access to resources to address their mental health issues before their illness progresses to a point where police contact is likely to occur.