

**Ministry of Community Safety
and Correctional Services**

Office of the Minister

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**Ministère de la Sécurité communautaire
et des Services correctionnels**

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Mr. David Simpson
Acting Director
Psychiatric Patient Advocate Office
208-55 St. Clair Avenue West
Box 28
Toronto ON M4V 2Y7

Ms. Karen McGrath
Chief Executive Officer
Canadian Mental Health Association, Ontario
2301-180 Dundas Street West
Toronto ON M5G 1Z8

Dear Mr. Simpson and Ms. McGrath:

Thank you for your letter of October 12, 2006, regarding the disclosure of personal information through police records checks. I am pleased to respond. I would also like to acknowledge receipt of the Annual Report of the Psychiatric Patient Advocate Office for 2005, *Realizing Rights*.

Criminal record or background checks for screening employees and/or volunteers are not mandatory in Ontario. However, an increasing number of agencies, particularly those dealing with children or vulnerable adults, seek the assistance of police services to provide a level of security clearance. The responses provided by the police may vary. Some will provide a basic criminal search identifying only criminal convictions, while others provide a detailed search, including any police contacts along with the criminal conviction history. Often, the variance is dependent on the needs or mandate of the agency for which the applicant is working or volunteering.

While background checks are one element in protecting the public, employers and volunteer organizations are urged to use other measures for screening and ongoing monitoring, such as personal interviews, reference checks, staff training, supervision and probationary appointments.

Mr. David Simpson
Ms. Karen McGrath
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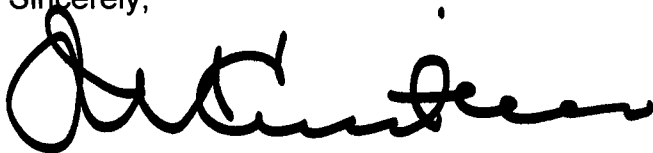
My responsibilities, as Minister of Community Safety and Correctional Services, include general authority over the delivery of police services in Ontario. Ministry staff members monitor the activities of all police services in Ontario and, where appropriate, recommend improvements to relevant legislation, policies and procedures. This ministry does not set provincewide policies in relation to background checks. These policies are set by individual agencies in conjunction with the policies and procedures of the police service within their jurisdiction. As Minister, I must not become directly involved in operational policing matters.

Through the Law Enforcement and Records Managers' Network (LEARN), the Ontario Association of Chiefs of Police (OACP) has developed and published the *Guidelines for the Establishment of a Policy/Procedure for the Release of Information from Police Agency Files*, dated April 1999, as a reference for police services.

These guidelines contain recommendations about the release of information. Chiefs of police have the responsibility for establishing policy regarding the use and dissemination of information contained within their records management systems. In general, police agencies will release information relating to mental illness only if the information is relevant to the type of clearance request that is being sought. As such, you may wish to express your concerns to LEARN via Ms. Christine Robson, Chairperson, OACP Information and Technology Sub-committee, c/o Durham Regional Police Service, 605 Rossland Road East, PO Box 911, Whitby, Ontario, L1N 0B8.

I trust this is of assistance. Again, thank you for writing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Monte Kwinter', written in a cursive style.

Monte Kwinter
Minister

c: The Honourable George Smitherman
Minister of Health and Long-Term Care

Ms. Christine Robson