



October 28, 2002

Chief Commissioner Keith Norton  
Ontario Human Rights Commission  
180 Dundas Street W. 8th Floor  
Toronto ON M7A 2R9

Dear Mr. Norton

***Re: Criminalization of Persons with Mental Illness through Police Records***

I am writing to you today to bring to your attention an issue that is of great concern to our office and our clients. . A number of clients have brought this issue to us over the past several months. The Psychiatric Patient Advocate Office ("PPAO") is a quasi-independent program of the Ministry of Health and Long-Term Care. Part of our mandate is to advance the legal and civil rights of persons with serious mental illness. It is in this light that I am contacting you to ask that you investigate how police conduct a request for a "police record search" by potential employers, what information is included in a "police record search" and what information is then provided to the person who was the subject of the record search. These searches are routinely requested by potential employers, volunteer groups, sports clubs and other organizations that provide services to children or vulnerable persons. Our clients have brought to our attention that the information searched and reported by police forces across Ontario includes non-criminal contact with the police for mental health reasons. We believe that this practice discriminates against persons with mental illness and prevents their successful re-integration into the community and their pursuit of life or career aspirations as responsible citizens.

Many employers and others as noted above, request the conduct of police record searches prior to hiring an applicant or allowing them to volunteer in providing services to vulnerable persons. The search assists agencies in ensuring that the individual does not have a criminal history that could put the agencies' clientele at undue risk. The search is done on the consent of the applicant; however, often consideration for the position is dependent on a satisfactory search.

Although the process varies slightly across the province, in general, a police department receives a search request from an agency at which time a report is generated listing not just convictions but prior arrests and "incidents". An "incident" may involve any interaction with the police that generates a report. When a police search indicates some type of

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history/contact with the system, the agency requesting the search is notified that prior contact has occurred with the police. The person is then placed in the unenviable position of describing the incident to the potential employer or to forgo the position.

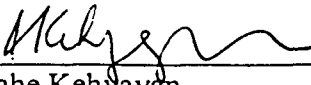
Persons with mental illness may come into contact with the police for a variety of reasons, many of which are not criminal in nature. For example, the police may transport a person to hospital whose condition is "deteriorating" or a physician may require the police to have a person returned to him or her if the doctor believes that the terms of a Community Treatment Order are not being met. Police contacts with persons with mental illness are increasing yearly; the London Police recently recognized that mental illness "has been inappropriately downloaded to the police service" ("Mentally Ill 'turned into criminals'", *London Free Press*, September 25, 2002).

While we can appreciate the need for police forces to maintain accurate records of all interactions, whatever the cause, we are greatly concerned that information maintained by the police force that is not of a "criminal" nature is searched and reported for the purposes of obtaining a job, volunteer position, etc. An organization is made aware of a "police history" before job offers are made. As such, a person with a history of mental illness who has had contact with the police force may be forced to disclose this disability to the potential employer before a decision is made. This may lead to discriminatory action on the part of the employer or may cause the individual with mental illness to abandon the opportunity for fear of discrimination. Not only does this open the door to abuse, but the practice is demeaning and insulting to persons who are, or were at one time, mentally ill.

It would be possible for police forces to filter information relevant to mental health contacts out of material that makes up a police records search for the purposes of employment or volunteer positions. While employers would continue to receive information that a person has no "criminal" contacts with the police, information regarding the person's health would remain private. We are concerned that the practice may reinforce the stereotype that persons with mental illness are "dangerous" and a prior mental health history with the police should be reported in the same way that a criminal background would be. Thus, current police practices may impede these individuals' quest for wellness, recovery and re-integration into the community. As well, the current practices do not reflect that individuals with mental illness can be contributing members of society.

We are asking that you, as Chief Commissioner to the Ontario Human Rights Commission, review this practice, develop recommendations that do not offend human rights and provide education to employers and police forces around this issue. We would appreciate your assistance in reviewing this matter. I am available to discuss this issue with you further.

Sincerely,

  
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Vahe Kehjayan  
Director

c: Lora Patton, Legal Counsel