

Police reference checks may reveal more than you think

PROVINCIAL NEWS

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a COALITION OF Ontario advocacy groups is fighting to change what gets reported when an organization requests a police reference check on a potential employee. Currently any encounters where police are called — including suicide attempts — are included.

David Simpson, acting director of the province's Psychiatric Patient Advocacy Office (PPAO), says queers could be especially vulnerable under the policy, since the suicide rate among queer people, especially youth, is significantly higher than in the general population.

"There are people who, when young, struggle with identity issues," says Simpson, adding that these struggles aren't the business of a potential employer.

Although individuals can request that noncriminal encounters be expunged from their record after six years, Simpson is skeptical. "We don't know if that actually happens."

The coalition — led by PPAO, an independent provincial agency that acts as an advocate for psychiatric patients, and the Canadian Mental Health Association — was formed last summer to protect the privacy of people who've had encounters with the police related to mental illness.

Many organizations working with vulnerable populations, such as children or the disabled, ask police for what's known as a "vulnerable person screening check" when considering a new employee. Most police policies in Ontario, including Toronto's, dictates that any encounter where police are called, even noncriminal and nonviolent ones are passed along to the organization.

Simpson says the policy is a violation of privacy. "That's disclosing mental health information that's really no one's business. Anything to do with your contact with the medical profession, that should be nobody's business. There's a perception that someone with a mental illness is violent and

dangerous. Really, you're far more likely to be a victim."

The coalition would like the policy around police reference checks changed so that only mental health encounters that result in Criminal Code violations, such as assault, be considered relevant. Simpson says the coalition is looking for police services to follow the model established last spring in London, Ontario.

London's police force revised its policy after a 2004 human rights complaint. According to London's Family Consultant And Victim Services Unit supervisor Lisa Heslop, now when the London police receive a request for a background check on a potential employee, trained civilian personnel review the record. If they decide that something in the record is relevant to the organization requesting the check, they indicate it in a report. Other details of the record are not revealed, and the report is only given to the organization with the permission of the job applicant.

"People were being put in the position of having to expose non-criminal dealings with police," says Heslop. "Agencies can constructively discriminate, but only if it's truly relevant."

Last year Simpson made a presentation to the Toronto Police Services Board, the civilian body that oversees the police force.

"The board decided they weren't going to do anything until the privacy commissioner and the Ontario Human Rights Commission (OHRC) issues a ruling."

There are currently complaints before the OHRC related to police reference check policies.

According to Toronto Police Services Board member Alok Mukherjee, staff are investigating the issue. Mukherjee says they'll be looking at the implications of changing the policy. Although he doesn't know when the issue might be officially voted on, Mukherjee says the board is aware of the problems with the current policy.

"We have had a few cases where the board has been quite perturbed and felt that we should have been able to do something differently."

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