

# Nasty surprises in police records

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It seemed sensible, in 1999, when the Ontario government demanded that new teachers undergo police checks. No parent wanted to expose his or her child to a pedophile or an individual with a string of criminal convictions.

It seemed reasonable, albeit heavy-handed, in 2001, when the province extended the requirement to all teachers and other school employees – even those who had been working in the system for decades – and forced them to pay the tab, ranging from \$15 to \$60, depending on the police force.

It seemed reassuring, in the subsequent years, when voluntary agencies, sports teams and recreation clubs, facilities for the elderly and hundreds of other organizations with vulnerable clients began insisting on police checks.

But by 2002, David Simpson, who heads Ontario's Psychiatric Patient Advocate Office, knew that something was wrong.

He was getting dozens of calls from people who had discovered they had police records, although they had never committed a crime, never been charged with an offence, never even been a suspect.

Their only contact with the police had been a call for help during a mental health crisis. A family member might have phoned 911 during a suicide attempt or an adverse drug reaction. They might have needed to get to the hospital urgently.

They had no idea that the paper trail left by these interventions would jeopardize their job prospects, their career plans and their opportunities to volunteer in the community.

"It can stop people dead in their tracks," Simpson said. "For those who are on the road to recovery, it can be a devastating setback."

He got in touch with Keith Norton, who was then Ontario's human rights commissioner. Norton readily acknowledged the problem and took it up with Robert Runciman, the public safety minister of the day. But Runciman said there was nothing he could do. The Ontario Association of Police Chiefs was responsible for the use and disclosure of information collected by its members.

For three years, little happened, except that a handful of police forces developed more sophisticated procedures for deciding what information to release. The London Police Service, prompted by a human rights complaint, took the lead.

Meanwhile, the volume of calls to the Psychiatric Patient Advocate Office, a 90-person government agency that protects the rights of individuals with mental illness, kept rising.

Simpson and his colleagues were hearing from students who were afraid of failing because they couldn't get voluntary placements, professionals who dared not accept promotions because of what might turn up in their police record and consumer/survivors who couldn't use what they'd learned to help others.

"There is such a stigma attached to mental health," Simpson said. "We don't ask people to disclose other parts of their medical history."

When Barbara Hall took over as human rights commissioner in 2005, Simpson started all over again. She took a more proactive approach. She wrote to every police chief in the province, pointing out the "potentially discriminatory impact" of releasing information about a person's mental health. She urged law enforcement officials to undertake an individualized risk assessment before deciding whether to convey concern.

To move the process along, Simpson assembled a coalition of 65 groups from the mental health community, legal aid field and various law enforcement agencies. Its objective is to come up with a consistent set of standards for police record searches that does not penalize individuals with mental illness. It will also try to educate Ontarians about the damage public authorities do when they reinforce the assumed link between mental illness and criminality.

By June, if all goes well, the coalition will put forward a set of specific recommendations.

Simpson understands the need to protect vulnerable clients from those who might pose a threat to their safety or exploit their trust. He is not suggesting that Ontario stop screening teachers, child-care workers, health-care providers or nursing home employees. Nor does he think community groups, sports clubs, charities and other voluntary organizations should ignore criminal convictions (as some unfortunately still do.)

But it breaks his heart to see people who have experienced mental illness punished again and again. It troubles him to see police record-keepers, who know little about mental illness, red-flagging individuals who were once escorted to a hospital or doctor's office. It angers him to see the clients he serves being deprived of opportunities to contribute to their community, losing jobs for which they're qualified and being denied promotions they've earned.

"Sorry," said Simpson, fearing he might have gotten carried away. "I'm passionate about this."

Ontario needs his passion – echoed in every corner of the province.