



# Psychiatric Patient Advocate Office

Bureau de l'intervention en faveur des patients des établissements psychiatriques

## SPEAKING NOTES

Deputation to the Toronto Police Services Board re File #2005-EXT-0510

July 10, 2006

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Good afternoon, Chair, Chief Blair and members of the Toronto Police Services Board. My name is David Simpson and I am the Acting Director of the Psychiatric Patient Advocate Office. Lisa Romano, Legal Counsel to our office, is with me today. Also in the audience is Theresa Claxton, Chair of the Ontario Association of Patient Councils and staff from ARCH Disability Law Centre, both groups are in support of our position. Thank you for the opportunity to appear before you today to address a very important issue – the Toronto Police Services' Police Reference Check Program.

The Psychiatric Patient Advocate Office, as a rights protection agency, is concerned with the discriminatory practice of releasing non-criminal information, specifically those incidents that have identified a person as having been “arrested” for non-criminal activities. The release of such information can, and often does, have a profoundly negative impact on their ability to seek employment, volunteer opportunities and student placements. For many consumers of mental health services, this practice undermines their ability to be re-integrated into the community and to pursue life and career goals as responsible citizens.

In 2002, we wrote to the Ontario Human Rights Commission, a copy of which is attached to this package, in hopes of changing the current practice. The Commissioner at the time agreed with our concerns. A copy of Keith Norton's letter is also included for your reference.

The PPAO questions why it is important to release the non-criminal health information of someone when conducting a police records search. This practice infers that mental health consumers represent a danger to others and is contrary to both the *Human Rights Code* and the *Charter of Rights and Freedoms*.

The PPAO is also troubled by the language used by Toronto Police Services with respect to non-criminal “arrests”. Individuals are not “arrested” but detained under the *Mental Health Act*. The use of this harsh language creates an impression that the individual did something wrong and even suggests criminal activity, further stigmatizing the individual.

Many families will call the police for assistance when their loved one is at the low point of their illness, not realizing that such a call will result in a notation on a police record that is maintained for several years. The intent of these families was not to further stigmatize their loved one by creating a police record.

Although it is argued by Toronto Police Services that these searches are only conducted with the consent of the individual and it is the individual's choice to release the results to others, the impact of the program is not lessened. The PPAO argues that the effect of the Police Reference Check Program is discriminatory and contrary to both the *Human Rights Code* and the equality provision in the *Charter of Rights and Freedoms* as it creates barriers for individuals with mental illness and they often feel that they must abandon career and volunteer opportunities.

The release of non-criminal information also has an impact on travel both inside and outside of Canada. Individuals are perceived as a "risk" and "posing a danger" to the travelling public because mental illness is misunderstood and negative attitudes and stereotypes are reinforced through a process that is not respectful of the individuals' rights.

Today, we urge the Toronto Police Services Board to take immediate action to end this discriminatory practice, to the benefit of every individual with a mental illness. We also urge Toronto Police Services to work with other police departments, advocacy groups, consumer-survivor organizations, mental health and human service providers and the provincial government to standardize practices and ensure that the *Human Rights Code* is not violated. We must strive to protect the human rights of all citizens in Ontario.

We would ask that you not wait until additional complaints are filed with the Human Rights Commission before you take action but that you do the right thing and begin to work with us on a solution.

Thank you.

A handwritten signature in black ink that reads "David Simpson". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Simpson  
Acting Director  
Psychiatric Patient Advocate Office