



Canadian Mental
Health Association
Ontario
Mental health for all

Association canadienne
pour la santé mentale
Ontario
La santé mentale pour tous

**Remarks by Camille Quenneville
To the Standing Committee on Justice Policy
About Bill 113 – Police Record Checks Reform Act**

Good afternoon. My name is Camille Quenneville, and I am the CEO of Canadian Mental Health Association, Ontario Division.

CMHA is the largest community-based mental health and addictions service provider in the country, supporting 120 communities across Canada.

In Ontario, there are 32 local Branches of CMHA that provide services to individuals across the province.

We commend Minister Naqvi and the Ministry of Community Safety and Correctional Services for proposing this legislation to suppress the disclosure of mental health police records and other non-conviction records.

While commending the government, we also wish to recognize both opposition parties for providing unanimous support for Bill 113 to date.

CMHA Ontario is pleased to have been consulted during the drafting of the bill, and applauds this proposed legislation as a positive step towards reducing the harmful effects of mental health police records.

Our organization has been working to address issues relating to mental health police records for nearly a decade.

We have done so on our own and in conjunction with several other important stakeholders.

For example, CMHA Ontario Division is currently the Co-Chair of the Police Records Check Coalition.

As some of you may be aware, this group was created in 2009 to specifically address the issue of the improper release of non-conviction information.

CMHA Ontario has also continuously worked in partnership with the Provincial Human Services and Justice Coordinating Committee.... which has also written about the negative issues arising from police record information.

With respect to Bill 113, we are particularly pleased that the proposed legislation is modeled after the guideline developed by the Ontario Association of Chiefs of Police.



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CMHA Ontario supported the development of the Law Enforcement and Records Network Guideline...also known as the LEARN Guideline...in 2011.

We provided further input to the O-A-C-P during the review of the guideline just last year.

This legislation is, quite simply, the right thing to do.

It's important to note that the vast majority of people with mental health and addictions issues never come into contact with police.

However, we know that it does occur.

Police are often the first responders in mental health crisis situations.

They often accompany the individual in crisis to the emergency department or other health care facility for medical assessment.

This is the moment when a mental health police record is created.

Mental health police records are helpful when the information is used *internally* by police to assist a person experiencing a mental health crisis.

But the disclosure of this information for other purposes can create barriers for people and increase mental health stigma.

In fact, mental health police records can prevent people with mental health conditions from securing professional opportunities, as well as accessing services, facilities and travel.

This legislation will ensure that mental health police record information will not appear on any level of police check.

We held an internal consultation with a group of our stakeholders to discuss the content of Bill 113 and we are providing for you a written summary of our discussion.

Above all, there was overwhelming consensus from our group that the legislation should specifically state that the following are prohibited:

Any references to interactions under the *Mental Health Act*...

Any references to incidents involving mental health contact...



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And any references to mental health-related information.

As language plays a key role in any legislation, it also impacts on the way that society frames the conversation around mental health.

Explicitly stating that mental health police record information and interactions under the *Mental Health Act* are prohibited from disclosure would ensure that the privacy and the rights of people with mental health and addictions issues are protected.

CMHA Ontario strongly recommends that this legislation provide clear definitions for each of the three levels of police checks, with references made to the LEARN Guideline.

The LEARN Guideline provides clear definitions of each level of police check and provides recommendations around what level of check is appropriate for what purpose.

Providing clear definitions will ensure that police services, employers and other service providers... and the individuals who are seeking information about their own police records checks... are educated on the utility and purpose of each level of check.

CMHA Ontario is delighted to see that written consent from the individual is required before conducting a police record check.

That said, we recommend that the legislation clarify that anyone is permitted make a request for access to their own prospective record check information, without needing a letter from an employer or volunteer organization.

This would be extremely helpful for our clients, some of whom are concerned about the possibility that they may have a police record.

We recommend that the proposed legislation state a standard fee for obtaining police record checks.

Furthermore, we recommend that the fee be set at \$10 and a provision around fee waivers be established for low-income individuals, students, seniors and volunteers so that Ontarians have equitable access to their police records.

Rather than charge a fee every time a police record check is required, we recommend that each check be valid for one full calendar year from the date it's issued.

This practice would mean less duplication and more time and money saved for Ontarians, as well as police services and third-party providers.



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Thank you for the opportunity to provide our feedback on the proposed legislation.

CMHA Ontario would be happy to provide further support to the Committee, Minister Naqvi's office and the Ministry of Community Safety and Correctional Services on further development of this legislation and its regulations.

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(Check against delivery)