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New law on police record checks tackles inconsistent use and guards against potential human rights violations

Toronto, Ontario: Good news for Ontario workers, volunteers, students, nonprofits and businesses that will now see more consistent information released in police record checks. If passed, a new provincial law will establish standard practice for the kinds of information released by police services in background checks, providing better protection of Ontarians' rights and personal information. It will also relieve the burden for businesses, schools and other organizations to handle sensitive information they should not be receiving.

Currently, information disclosed in police record checks is not limited to records of conviction. Inappropriate information is sometimes included – particularly non-conviction records such as mental health interventions, unproven allegations that never resulted in charges, and criminal charges that were withdrawn or resulted in an acquittal.

Four leading national and provincial organizations have been advocating for a provincial law to better support Ontario businesses, nonprofits and charities, human rights, and police services in communities. The Canadian Civil Liberties Association (CCLA), the John Howard Society of Ontario (JHSO), the Ontario Association of Chiefs of Police (OACP), and the Ontario Nonprofit Network are united in their support of proposed provincial legislation.

“The disclosure of non-conviction information is not a harmless practice. It strikes at the heart of our cherished legal presumption of innocence. It has also destroyed the hopes of countless people for jobs, housing, volunteering and education,” said Jacqueline Tasca, Policy Analyst at the John Howard Society of Ontario.

Organizations that screen out prospective employees, volunteers, or placement students on the basis of non-conviction records may also be violating provincial human rights law or the Canadian Charter of Rights and Freedoms. “CCLA research has shown just how deep-seated this problem is across Canada,” said Sukanya Pillay, Executive Director and General Counsel of the CCLA. “The time has come for legislation on record checks that upholds privacy rights, equality rights and the presumption of innocence – values that are integral to our justice system.”

The potential risk for up to four million Ontarians with non-conviction records and at least 1.35 million with criminal records has been documented in two recent reports by the [Canadian Civil Liberties Association](#) and the [John Howard Society of Ontario](#).

The proposed legislation is based on a voluntary guideline for police services developed by the Ontario Association of Chiefs of Police (OACP). The OACP developed the [Law Enforcement and Records Managers Network \(LEARN\) Record Check Guideline](#) to support the consistent application of record checks across the province. The guideline was updated in 2014 to remove police interactions, including mental health apprehensions, from all record checks, and the vast majority of police services have implemented it.

According to Paul Cormier, Records Manager for the Waterloo Regional Police Service and chair of the subcommittee that developed the LEARN Guideline, “The Ontario Association of Chiefs of Police supports the legislation introduced today. While this legislation is important for Ontarians, the key message we want to deliver is organizations need to do more than simply rely on a record check as part of their screening process.”

For the Ontario nonprofit sector’s 55,000 organizations, 5.2 million volunteers and 1 million paid staff, this means fewer barriers to employment and volunteerism. “Organizations and employers need to understand the content of what they will see in a police record check and this legislation provides the clarity they need,” said Cathy Taylor, Executive Director of the Ontario Nonprofit Network. “Police record checks serve a role in protecting our community’s most vulnerable – but we can all do better to ensure checks are used appropriately, as one part of an effective screening process. The new law will help nonprofits get back to their missions and the communities they serve.”

The bill is expected to take about a year to pass through the legislature before taking effect. All four coalition partners will be working together to educate their diverse sectors on the bill and the appropriate use of police record checks with resources and tools for best practices.

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