

Supporting Shifts in Mental Health Policy and Practice: Police Information Checks

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OVERVIEW

Mental Health Information & Police Checks

- Context of police interactions with people experiencing mental health crises (note about substance use)
- Concerns related to the inclusion of personal mental health information in police checks
- Summary of recommendations from the Office of the Information and Privacy Commissioner
- Current state of implementation of recommendations



OBJECTIVES

Webinar Learning Objectives

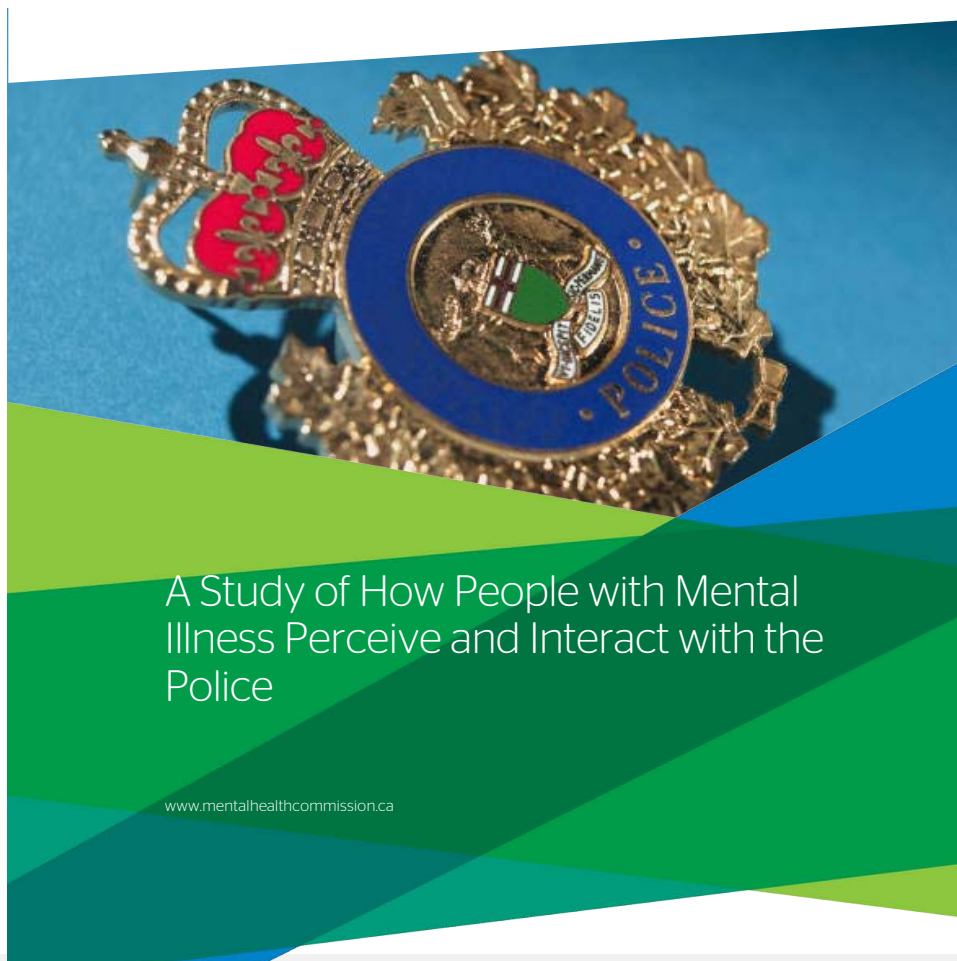
- To explain the ways in which details about mental health related contacts were included in police information checks
- To provide highlights of recommendations for change by the Office of the Information and Privacy Commissioner
- To explain the current state of implementation of policy changes related to the inclusion of this kind of information





Mental Health
Commission
of Canada

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la santé mentale
du Canada



A Study of How People with Mental Illness Perceive and Interact with the Police

www.mentalhealthcommission.ca



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CONTEXT

Understanding the Context of Concern

- 3 in 10 people with MI have had police involved in their care pathway
- 1 in 7 referrals to emergency psychiatric inpatient services involve the police
- 1 in 20 police dispatches or encounters involve people with mental health problems
- 2 in 5 encounters between police and people with MI involve situations unrelated to criminal behaviour
- The majority of interactions between police and people with MI are initiated by the police (25%), the person (15%) or their family (20%)



CONTEXT

Understanding the Context of Concern

- People with MI are over-represented in police shootings, the use of conducted energy weapons, and fatalities
- 50% of police encounters that involve people with MI result in transport or referral to services



What are the key issues?

- Increasing role of police in responding to people with MI often precipitated by a health emergency
- Police involved in transportation of people with MI to emergency psychiatric services
- Historically, these kinds of police contact have been documented and reported in police information checks
- After the emergency contact, people with MI would encounter life-limiting barriers when seeking employment, school and volunteer opportunities, and cross-border travel



EXPERIENCE

Josie

- 27-year-old female
- Sought help from a crisis line during a mental health emergency
- Police responded in a very supportive way
- Transported to hospital, received involuntary treatment, and released
- Applied for a volunteer position, Section 28 apprehension appeared in police information check
- Had to respond to challenging questions and was asked to confirm she would not self-harm at her placement



EXPERIENCE

“The bottom line is that I was not arrested ... nor did I commit a crime or do anything wrong. I was in severe crisis and sought help through the ambulance and police services. I should not be penalized for seeking help during a stressful time in my life.”



CONCERNS

What are the key concerns?

- Example of structural stigma with far-reaching effects
- Often police are responding to mental health emergencies – not criminal offences
- Health information should not be included in police documentation that a person then needs to share with a potential employer
- Issues related to criminalization
- Potential impact upon people's willingness to call police for help in the first place





OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
for British Columbia

Protecting privacy. Promoting transparency.

INVESTIGATION REPORT F14-01

USE OF POLICE INFORMATION CHECKS IN BRITISH COLUMBIA

Elizabeth Denham
Information and Privacy Commissioner

April 15, 2014

Quicklaw Cite: [2014] B.C.I.P.C.D. No. 14
CanLII Cite: 2014 BCIPC No. 14



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REVIEW

Office of the Information & Privacy Commissioner

- Conducted a comprehensive and broad review of issues related to police information checks
- Respondents repeatedly identified the issue of the inclusion of mental health information and the effects
- Issued a summary report including recommendations calling upon government and police services to no longer disclose mental health details in police information checks



ACTIONS

Recommendations

- Recommendation #1 – Government and municipal police boards should immediately mandate that police apprehensions collected under the authority of s.28 of the Mental Health Act should never be included in a police information check.
- Recommendation #2 – Government should legislatively mandate that non-conviction information cannot be used in record checks outside of the vulnerable sector.
- Recommendation #5 – Government and municipal police boards should direct municipal police departments to immediately stop releasing non-conviction information checks not involving the vulnerable sector



ACTIONS

Implementation

- Province-wide policy for employment-related record checks that includes an end to the disclosure of mental health information by the police
- Provincial government designed policy in consultation with the BC Association of Chiefs of Police and the BC Association of Municipal Chiefs of Police
- Endorsed by all municipal police departments and BC RCMP



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BC PROVINCIAL POLICING MODEL POLICY GUIDELINES

Topic: Police Information Checks	Page 1 of 2
Definitions	Effective: October 7, 2014 Revised: January 7, 2015

"Adverse Contact" - Incidents where an individual has been a suspect in an offence (whether or not charged), subject to provincial PRIME retention periods specific to the offence type.

"Canadian Police Information Centre – CPIC" - The Canadian Police Information Centre (CPIC) is a computerized national repository of information that facilitates the sharing of information among authorized agencies.

"JUSTIN" - JUSTIN is BC's province wide courts information system; a single integrated database comprising almost every aspect of a criminal case.

"Police Information Portal – PIP" - Provides access to local police records across Canada.

"Police Records Information Management Environment – PRIME" - PRIME connects every law enforcement agency with one provincial records management system. PRIME is shared by 14 municipal police agencies and 135 RCMP detachments across BC.

"Vulnerable Person" - A person who, because of their age, a disability or other circumstances, whether temporary or permanent are (a) in a position of dependence on others or (b) are otherwise at a greater risk than the general population of being harmed by a person in a position of authority or trust relative to them, as defined by the Criminal Records Act.

"Vulnerable Sector Checks" - A level of screening that is designed to protect vulnerable persons from dangerous offenders by uncovering the existence of a criminal record, adverse police contact, and/or pardoned (or record suspension) sexual offence conviction. This level of screening is restricted to applicants seeking employment and/or volunteering with vulnerable persons.



Model Policy Guidelines

This Policy Guideline is intended to ensure that policies and practices align among police agencies in British Columbia so that citizens, employers and volunteer organizations receive consistent Criminal and Police Information Checks. This Guideline balances public safety interests with the privacy and human rights of citizens.

The board, chief constable, chief officer, or commissioner should ensure that:

Vulnerable Sector Checks

- (1) Job applicants who work with the vulnerable sector will, at the request of their employer, receive a check that:
- (a) includes a search of, at a minimum, CPIC, PIP, JUSTIN, and PRIME records.
 - (b) discloses to the applicant all warrants, outstanding charges, convictions and adverse contact.
 - (c) does not include the disclosure of apprehensions under s. 28 of the *Mental Health Act*.
 - (d) does include adverse contact involving the threat or actual use of violence directed at other individuals, regardless of, but without disclosing, mental health status.
 - (e) does not include youth offences unless provided for under the *Youth Criminal Justice Act*.
 - (f) does include information on a sexual offence conviction where a pardon or record suspension has been granted.

Non-Vulnerable Sector Checks

- (2) Applicants who are **not** working with the vulnerable sector will, at the request of their employer, receive a check that:
- (a) includes a search of, at a minimum, CPIC, PIP, JUSTIN, and PRIME records.
 - (b) discloses to the applicant all warrants, outstanding charges, and convictions.
 - (c) does not disclose adverse contact.
 - (d) does not include the disclosure of apprehensions under s. 28 of the *Mental Health Act*.
 - (e) does not include youth offences unless provided for under the *Youth Criminal Justice Act*.

NB: In cases where non-disclosable information indicates a significant threat to public safety, police agencies may either refuse to complete the check or take action under their duty to warn responsibilities noted below.

Other Legal Powers not Affected

Nothing in this guideline prevents a Police Agency from disclosing information under either a statutory or common law duty to provide warnings where the health, safety or wellbeing of an individual or individuals is at risk of significant harm.



ACTIONS

For people you serve

- People who have had mental health related police contact may not be aware that this information used to be disclosed
- People who request a record check now should not see reports of mental health related contact on their record as per the model policy guidelines
- People who have checks that include this information can seek a re-issue of their police information check



QUESTIONS



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