



COMMUNITY SAFETY RELEASE OF INFORMATION ON HIGH RISK OFFENDERS PRP-CP-002

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Policy Statement

It is the policy of the Regional Municipality of Peel Police Services Board that Peel Regional Police shall ensure mandatory criteria as set out in the Police Services Act and O.Reg. 265/98 is met prior to disclosure of personal information concerning an individual and that the disclosure of personal information is for the purpose of reducing risk. The requirements set out in this document shall form part of the Board Policies and the Chief of Police is hereby directed to implement and comply with these requirements in his/her administration and operation of the Peel Regional Police.

1. Subject

The guiding conditions under which the Chief of Police may disclose personal information concerning individuals for the purpose of:

- a) Protection of the public;
- b) Protection of victims of crime;
- c) Keeping victims of crime informed of the law enforcement, judicial or correctional processes relevant to the crime that affected them;
- d) Law enforcement;
- e) Correctional purposes;
- f) Administration of justice;
- g) Enforcement of and compliance with any federal or provincial Act, regulation or government program; and
- h) Keeping the public informed of the law enforcement, judicial or correctional processes respecting any individual.

2. Specific Definitions

“charged with an offence”

Means arrested and released in accordance with Part XVI of the *Criminal Code* (Canada) or served with a summons under Part III of the *Provincial Offences Act* in relation to an offence for which an individual may be arrested, even if an information has not been laid at the time the summons is served;

“high risk offender”

An individual convicted of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act*, or any other federal or provincial Act whom the Chief of Police reasonably believes poses a significant risk of harm to other persons or property.

3. Policy Requirements

The Board directs that this policy be based on the following principles:

- a) That application of this policy is in complete compliance with legislative and constitutional requirements, and recognized legal principles;
- b) That members act with full respect for human dignity and according to professional standards of skill, integrity, and accountability;
- c) That application of this policy maintains both officer and public safety as a priority;
- d) That the release of personal information regarding a high risk offender shall only be authorized by the Chief of Police or the Deputy Chief of Police;
- e) That the Chief of Police or Deputy Chief of Police may only disclose personal information about an individual if the following three criteria are met:
 - i. If the individual has been convicted or found guilty of an offence under the *Criminal Code (Canada)*, the *Controlled Drugs and Substances Act (Canada)* or any other federal or provincial Act;
 - ii. If the Chief of Police or Deputy Chief of Police reasonably believes the individual poses a significant risk of harm to other persons or property; and
 - iii. If the Chief of Police or Deputy Chief of Police reasonably believes that the disclosure of personal information will reduce the risk posed by the individual;
- f) That in deciding whether or not to disclose personal information, the Chief of Police or Deputy Chief of Police shall consider:
 - i. The availability of resources and information;
 - ii. What is reasonable in the circumstances of the case;
 - iii. What is consistent with the law and the public interest; and
 - iv. What is necessary to ensure the resolution of criminal proceedings is not delayed;
- g) That the Chief of Police or Deputy Chief of Police shall notify the Police Services Board of the release of personal information regarding a high risk offender;
- h) That only information that is necessary and sufficient to reduce the risk to the community shall be released;
- i) That prior to the disclosure of any information, regard must be given to any judicial supervision of the individual. This is especially necessary when judicial supervision is ordered under section 810.1 or 810.2 of the *Criminal Code of Canada*;
- j) Prior to the disclosure of any information, the Chief of Police or Deputy Chief of Police shall review written notification that confirms the release of information does not violate a ban on publication which has been imposed by a court in relation to a particular matter, nor victimize a victim by publication of information which may identify him or her.

4. Measurement Methods

The Chief of Police shall conduct an ongoing statistical analysis, and qualitative and quantitative review of all requests to issue a community safety alert to ensure the integrity of the police service directives and/or procedures and to ensure compliance with Ontario Regulation 265/98.

5. Reporting

On an annual basis, the Chief of Police shall provide the Board with an In Camera report outlining decisions undertaken in accordance with this policy, including those situations where the decision was made not to disclose personal information to the public.

The report shall contain sufficient detail in the aggregate, and concerning individual situations, to ensure all decisions are in compliance with the *Act*, the *Regulation*, and the Policy.

The Chief of Police shall also report on those circumstances where the disclosure or non-disclosure of personal information to the public has resulted in an “exceptional” circumstance, or a circumstance which may be detrimental to the public’s safety, and/or results in significant issues of potential liability to the Board and the police service

6. Authority/Legislative Reference

Section 41, Police Services Act

Community Safety Act, 1997, S.O. 1997, c.17

Ontario Regulation 265/98

The Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56.

Board Minute #195/98

Board Minute #29/10

Board Minute #75/13

7. Linkage to Appropriate Police Service Procedure/Directive

I-A-604(F) Disclosure of Personal Information

I-A-602(O) Release of Information from Police Service Files

I-B-501(O) Access to Information Pursuant to the Municipal Freedom of Information and Protection Act

I-B-735(F) Police Response to High Risk Individuals