



# The Life Sentence of Police Records

Many people who have interactions with the criminal justice system spend little or no time in prison, yet the police record they are left with can often feel like a life sentence. This resource outlines the impacts of police records on employment.

## WHAT ARE POLICE RECORDS?

Police records are created from interactions with a police service regarding matters that are criminal and non-criminal. They may also be created through informal contact with a police officer where an individual provided their name, called 9-1-1, was involved in a police investigation as a witness, suspect, or victim, or formal contact if an individual was arrested, found guilty or convicted of a criminal offence.

More information Ontario's  
three types of record  
checks can be found here:  
[CLICK TO OPEN LINK](#)



A police record check (also referred to as a criminal record check or a criminal background check) is a search of police records on an individual. The information released on a police record check depends on the type and purpose of the check. In Ontario, there are three types of police record checks; a criminal record check, a criminal record and judicial matters check, and a vulnerable sector record check. Police records checks release information like criminal convictions, absolute and conditional discharges, outstanding charges, warrants, and judicial orders. They will not release information about being questioned by the police, having police contact during a mental health crisis, or reporting a crime to the police.



# POLICE RECORDS AND EMPLOYMENT

Police record checks are commonly used as part of a screening process for employment or volunteering opportunities. In a study of Toronto-based employers, **51% of organizations that were surveyed said they require police records checks for their prospective employees.** The stigma and negative assumptions associated with police records often leads many employers to be hesitant or unwilling to hire anyone with past justice system involvement.



The reason provided by many employers when asked why they use police record checks is often related to reducing risk and protecting their organization. There is an assumption that excluding individuals with a police record reduces the risk of criminal acts happening in the future at their organization, yet research tells us that is not the case. **There is no compelling evidence to support the assumption that workplace violence is perpetuated more by persons with police records than those without one.** Indeed, it may even be the opposite:



➤ **The risks associated with excluding people with police records from the workforce are far more significant.**

➤ **Employment is one of the key protective factors against future justice system involvement.**

A positive result on a police record check represents a point in time in an individual's past but can not tell you much about what an individual will do in the future. Past criminal convictions are not correlated with an increased likelihood to commit a work-related offence in the future.<sup>1</sup>



With limited options for employment, many individuals with past justice involvement face a lifetime of poverty and marginalization. A 2021 study from the federal government found that 14 years after they had been released from a federal institution, only half of individuals had employment and the median income was \$0.<sup>2</sup> Of those that had an income, the average income was \$14 000. The impacts for Indigenous populations are even more pronounced. Indigenous individuals earned an average of \$10 000.<sup>3</sup>

<sup>1</sup> Keith Soothill, Les Humphreys and Brian Francis, "Middle-class offenders as employees – Assessing the risk: A 35-year follow-up," *Journal of Offender Rehabilitation*, 52, no. 6 (2013): 407.

<sup>2</sup> Babchishin, K. M., Keown, L & Mularczyk, K. P. (2021) *Economic Outcomes of Canadian Federal Offenders*. Public Safety Canada.

<sup>3</sup> Ibid.



# WHO IS IMPACTED BY POLICE RECORD CHECK POLICIES?

Police records are much more common than one may think. **As many as 1 in 9 Canadians have a criminal record of conviction, and many more have non-conviction records that may be revealed on police record checks.**

Black people and members of other racialized communities, Indigenous persons, those experiencing homelessness, mental health challenges, and addictions, along with others who are marginalized, are disproportionately policed and criminalized, and therefore, overrepresented among those with criminal records. Racialized populations also face compounded discrimination at the hiring stage.

A 2017 study in Toronto found that for identical job applications, a white applicant without a criminal record had a call back rate of 33%. This went down to 18% when a criminal record was introduced. **However, a Black applicant with the identical application and no criminal record, had a call back rate of only 10% and this went down to 1% for a Black applicant with a criminal record.**

ⓘ Non-conviction records are any entries in police databases that relate to an interaction with police that did not result in a conviction, such as being questioned by police, arrested, or having charges that were withdrawn, acquitted or discharged.

📄 Cruickshank, A. (2017, December 26) Black job seekers have harder time finding retail and service work than their white counterparts. Toronto Star. <https://www.thestar.com/news/gta/2017/12/26/black-job-seekers-have-harder-time-finding-retail-and-service-work-than-their-white-counterparts-study-suggests.html>

## JHSO'S POSITION



Millions of Canadians have a police record that results in significant barriers to employment. Police records have little predictive value in determining risk. Instead, police record check policies often lead to discrimination and exclusion. Employment is a key factor in preventing future criminal justice system involvement and improving overall community safety.

The John Howard Society of Ontario believes that police record check policies should be rights-based, used only when necessary and allow for a fair assessment of individuals with a police record. Carefully considering the use of police record checks would allow more Canadians to move on from their justice system involvement, benefiting themselves, their families and societies as a whole.