



TORONTO POLICE SERVICES BOARD POLICY AND DIRECTIONS

Destruction of Adult Fingerprints, Photographs and Records of Disposition

It is the policy of the Toronto Police Services Board that, upon written request, the Toronto Police Service will:

- 1) Destroy adult fingerprints, photographs and records of dispositions associated with non-conviction disposition(s)¹ after the expiration of all applicable appeal processes, or, in the case of a stay of proceedings, after a period of one year unless:
 - (a) the individual's records on file contain an alleged offence(s) listed as a primary designated offence or secondary designated offence as defined in section 487.04 of the *Criminal Code*, R.S.C., 1985, c. C-46, as amended; or
 - (b) there are compelling reasons in the public interest to refuse destruction.
- 2) In applying criteria 1a) and 1b) as listed above, give consideration to mitigating factors.
- 3) Establish a process of review for those cases in which destruction has been refused by the Service; and
- 4) Where destruction has been approved by the Service, make a recommendation to the RCMP for the destruction of records in its possession associated with the individual's non-conviction disposition(s), where the criteria established by the RCMP have been met.

¹ Non-conviction dispositions are defined as:

- Charges withdrawn (peace bond, acquitted, dismissed, quashed, discharged, stayed)
- A finding of *not guilty* by a court
- A stay of proceedings
- A finding of *not criminally responsible* by a court

Submit request to criminalrecords@torontopolice.on.ca or
40 College St., Toronto, Ontario, M5G 2J3, Attn: Criminal Records or
Fax 416-808-8202



Application can be made for the destruction of fingerprints and photographs taken by the Toronto Police Service for an arrest which did not result in conviction. There is a five month waiting period from the date of the last court appearance before an application will be accepted. This is to ensure that all pertinent documents are accessible for recall. The following conditions must also apply before the request is granted.

1. The applicant must be an adult (18 years of age or older at date of arrest).
2. The applicant cannot have any criminal convictions.
3. The applicant cannot have outstanding charges before the courts.
4. The alleged offence(s) cannot be listed as a primary designated offence or secondary designated offence as defined in section 487.04 of the Criminal Code, R.S.C. 1985, c. C-46 to view copy, go to laws.justice.gc.ca (Toronto Police Services Board Minute P297/2007).
5. Any Peace Bond must have expired before applying for destruction.
6. Disposition of all charges must fall into one of the following categories: withdrawn, acquitted, dismissed, quashed, discharged or stayed (Judicial Stay - 5 month waiting period, Crown Attorney Stay - 1 year waiting period).
7. Absolute Discharge – 1 year expiry must have passed prior to application.
8. Conditional Discharge – 3 year expiry must have passed prior to application.

It should be noted that this process only allows for the destruction of fingerprints, photographs and records of disposition held by the Toronto Police Service. Any associated Toronto Police Service reports maintained on in-service databases are subject to retention in accordance with the Toronto Police Service Record Retention Schedule (*City of Toronto Municipal Code Chapter 219, Article 1* – to view copy, go to www.toronto.ca/legdocs/bylaws/2000/law0689.pdf .

Destruction of fingerprints and photographs does not guarantee the applicant access to the United States – this is solely at the discretion of U.S. authorities. To obtain information on travel waivers and cross border travel, log onto the Department of Homeland Security at www.DHS.gov or contact the Consulate General of the United States of America located at 360 University Avenue, Toronto, Ontario M5G 1S4 or contact the R.C.M.P. at www.rcmp-grc.gc.ca .

NOTE – This new policy came into effect on September 20, 2007. If you have been denied a fingerprint destruction under the previous policy but meet the current eligibility requirements, you should reapply.

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APPEAL PROCESS

Eligibility for destruction of fingerprints, photographs and records of disposition is governed by policy and procedure.

An applicant will be notified in writing should their request for destruction be denied and supplied with the reason for refusal.

The applicant then has the right to request a review of this decision by submitting a written appeal, within sixty days of the date of refusal, to the Manager, Records Management Services at the below-noted address. Further information to support an appeal requiring the Toronto Police Service to give consideration to mitigating factors must be supplied, along with any court transcripts considered appropriate to substantiate the position.

Mitigating factors may include, but are not limited to:

- the seriousness or triviality of the alleged offence
- mitigating or aggravating circumstances
- the age, intelligence, physical or mental health or infirmity of the applicant.

Consideration will be given to each appeal request and a decision will be rendered within sixty days of receipt of all documents required to complete the appeal process. The applicant will be notified of the outcome in writing. Should the appeal be denied, an individual may seek redress through the Courts.



Please refer to the *Destruction of Fingerprints and Photographs Procedure* for information about this process.

PERSONAL INFORMATION					
Surname		First Name		Middle Name	
Surname (at time of arrest)		First Name (at time of arrest)		Middle Name (at time of arrest)	
Contact Telephone Number			Date of Birth (mandatory)	YYYY	MM DD
Address	Number/Unit	Street	City	Prov.	Postal Code
AGENT / LAWYER INFORMATION (if applicable)					
Surname		First Name		Contact Telephone Number	
Name of Firm					
Address	Number/Unit	Street	City	Prov.	Postal Code
CHARGES					
Final Court Date	Court Location		Charge	Disposition	
CONSENT TO DESTROY FINGERPRINTS, PHOTOGRAPHS AND CRIMINAL HISTORY					
<p>I hereby request the Toronto Police Service to consider destroying my fingerprints and photographs for the charges listed above. I acknowledge that I will be notified in writing, to the address provided above, when a decision has been made and when the process has been completed. NOTE: Other records pertaining to your arrest(s) may exist, e.g. Toronto Police Service Record of Arrest report. These documents will not be destroyed pursuant to your application for destruction of fingerprints and photographs. Rather, they are subject to retention under the City of Toronto Municipal Code Chapter 219, Article 1.</p>					
Date _____, 20____			Signature _____		
MMM/DD					
FOR POLICE USE ONLY					
Action	Action Processed By:			Date (YY/MM/DD)	
<input type="checkbox"/> Acknowledgement Letter Sent					
<input type="checkbox"/> Request Approved					
<input type="checkbox"/> Request Submitted to FIS					
<input type="checkbox"/> Fingerprints Received from FIS					
<input type="checkbox"/> Request Submitted to RCMP					
<input type="checkbox"/> Fingerprints Received from RCMP					
<input type="checkbox"/> Destruction Completed					
<input type="checkbox"/> Destruction Confirmation Sent					
<input type="checkbox"/> Request Denied					
<input type="checkbox"/> Decision Letter Sent					
<input type="checkbox"/> Appeal Received					
<input type="checkbox"/> Appeal Completed					
<input type="checkbox"/> Appeal Decision Letter Sent					

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