

Where can I call for more information?

The Toronto Police Criminal Records Division has helpful information available on a recorded message at 416-808-8268 or you may speak to someone in the unit.

Sources:

Kostman & Pyzer, Barristers, Toronto.

<http://blog.torontodefencelawyers.com/2009/08/having-photographs-and-fingerprints-destroyed/>

Duty Counsel Metro North Court, "How to Get Fingerprints and Photographs Destroyed". Toronto Police, "Finger Print and Photograph Destruction Application".

This information provided by The Salvation Army is a simple outline of legal information and process. It is not intended to give legal advice or substitute for legal counsel in any way.

The Salvation Army Correctional & Justice Services
77 River Street, Toronto, M5A 3P1 - 416-304-1974

www.salvationarmy.ca



Giving Hope Today

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Destroying Fingerprints & Photographs

Can I have the fingerprints and photographs taken at the time of arrest destroyed?

When someone is arrested the police will take their photographs and fingerprints to keep on file. In many situations people are able to request that the photographs and fingerprints be destroyed following resolution of their charges.

- If the charges are withdrawn, dismissed or resolved by way of a peace bond or the accused is acquitted it is possible to have the information destroyed.
- If an individual pleads guilty and receives an absolute or conditional discharge the records could be destroyed after a waiting period.
- If charges proceed to trial and the accused is found guilty this information will not be destroyed.

How do I get my fingerprints and photos destroyed?

The police will not automatically destroy your information. You must fill out and submit a copy of the "Fingerprint and Photograph Destruction Application Form" to Toronto Police Services.

To obtain an application

1. Download a copy from www.torontopolice.on.ca.
2. Go to Police Headquarters at 40 College St.
3. Ask The Salvation Army Chaplain at College Park Court

The form will require the following information:

- name, current address, date of birth,
- the charges against you (for example "Assault" or "Theft Under \$5000")
- how your case was resolved (for example, "the charge was withdrawn)
- the date of completion of your case. *(That is the last day you appeared in court. Obtain this information from your lawyer or the Inquiries Window at College Park Court.)*

Who qualifies?

1. Applicants must be 18 years or older at the date of arrest.
2. Applicants cannot have any criminal convictions.
3. Applicants cannot have any outstanding charges before the courts.
4. Certain offences do not qualify.

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 <http://laws-lois.justice.gc.ca/eng/acts/C-46/page-239.html#s-487.04>.

Where do I send my completed application?

Once the appropriate waiting period has ended (*see information below*), there are three ways to submit a completed application to the Criminal Records Division of Toronto Police Services.

1. Send it by regular mail to:

40 College Street, Toronto, Ontario, M5G 2J3
Attention: Criminal Records.

OR... 2. **Scan** the completed document and email to:
criminalrecords@torontopolice.on.ca

OR... 3. **Fax** to 416-808-8202

How long must I wait before applying?

There are different waiting periods before an application can be submitted depending on how the charges are resolved

- **Charges Withdrawn** – wait 5 months before submitting application. This includes when charges are withdrawn following participation in the Direct Accountability program (*also known as Diversion*).
- **Peace Bond** – wait 6 months after the peace bond has expired
- **Absolute Discharge** - wait one year from the date of the discharge at the last court date before you can submit an application. For example if you enter a guilty plea and receive an absolute discharge on June 1, 2012 you must wait until June 1, 2013 to apply.
- **Conditional Discharge** - wait 3 years from the date of the discharge at the last court date before you may submit an application to have your information destroyed. Thus, if you receive a conditional discharge on July 1, 2011 with two years of probation you must wait three years from July 1, 2014, before you may apply to have your information destroyed.

How long does it take to get a response?

Having fingerprints and photographs destroyed is a slow process. At any given time the Criminal Records office is dealing with an average 3000 requests. It can take up to 9 months for Police Services to review your application. About six months from the day your application is reviewed you will be notified that the process of destroying fingerprints and photographs has started. After six more months you should receive written confirmation that everything has been destroyed. Generally you cannot be present when fingerprints and photographs are destroyed.

What if I my request is denied?

A request to have your photographs and fingerprints destroyed by police services does not guarantee that your request will be granted. At best the process is slow, but requests may also be denied. The police may refuse a request based on the nature of the incident including the charges, or if you have been fingerprinted and photographed more than once. Information on how to **APPEAL** the decision is available at Criminal Records Division 416-808-8268.