



01-07 Identification of Criminals Act

Status: Amended

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Replaces: 2022.07.06

Rationale

The proper identification of criminals is an important part of any police investigation. The *Identification of Criminals Act* authorizes the fingerprinting or photographing of all persons charged with or convicted of an indictable offence (including all dual procedure offences), or apprehended under the *Extradition Act*.

Supervision

- Officer in Charge notification mandatory when force is used to fingerprint a person

Procedure

All persons charged with an indictable offence (including all dual procedure offences) or apprehended under the *Extradition Act* shall be finger-printed, palm-printed and photographed prior to their first court appearance, without exception.

The Toronto Police Service (Service) requires the removal of head coverings or other adornment, even if worn for religious reasons, only if it obscures the face, casts a shadow, or if the face is not clearly visible for identification photographs.

The *Identification of Criminals Act* authorizes the use of as much force as necessary to fingerprint, palm-print and photograph a person. An information shall be sworn, or a conviction registered, before force may be used to fingerprint, palm-print and photograph a person.

The fact that an individual refuses to be finger-printed, palm-printed or photographed, is violent, unkempt or unsanitary is not a justified excuse to delay the process. Members of Specialized Criminal Investigations – Forensic Identification Services (FIS) shall not attend area courts or detention facilities for this purpose.

Persons not in custody charged with printable offences will be sent to the originating unit for fingerprinting during the following times

Adults	Daily	Anytime
Young Persons	Weekdays	1600 – 2100 hours
	Weekends	0900 – 2100 hours

Persons held in custody and charged with printable offences shall be finger-printed, etc. at the originating unit.

If significant delays are expected or extenuating circumstances exist, the Officer in Charge may request the lock-up fingerprint/photograph.

When no charges are laid by the Service, persons arrested under the *Immigration and Refugee Protection Act* shall be finger-printed, palm-printed and photographed for identification purposes at the request of an Immigration Officer in compliance with the process set out in this procedure.

Police Officer

1. When releasing a person charged with a printable offence shall
 - comply with Procedure 01–08 – Appendix A
 - allow a minimum of 21 days from the release date for the person to attend for fingerprinting, palm-printing and photographing

Officer in Charge

2. When releasing a person charged with a printable offence shall
 - comply with the respective release procedure
 - comply with the Procedure 12–01
 - allow a minimum of 21 days from the release date for the person to attend for fingerprinting, palm-printing and photographing
3. After the release of a person charged with a printable offence shall
 - complete the applicable eReports
 - forward part 3 of the release form and eReport number to the respective central lock-up
4. Upon return of part 3 of the release form from the central lock-up marked "Did Appear" or "Failed to Appear" shall ensure the form is forwarded to the case manager.
5. When a person attends for fingerprinting shall ensure
 - the person is finger-printed, palm-printed and photographed
 - the appropriate entries are made on the Finger-printed screen
 - part 3 of the release form is stamped "Did Appear"
 - the release form is returned to the originating unit as soon as practicable
6. When the person does not attend for fingerprinting shall
 - sign the certificate attesting that the person did not appear for fingerprinting, etc.
 - ensure part 3 of the release form is stamped "Failed to Appear"
 - ensure the release form and certificate are returned to the originating unit
7. When a female individual wearing a head covering or other adornment that obscures their face, attends for photographing and advises that her head covering is for religious reasons and that such religious belief stipulates her head covering cannot be uncovered in the presence of men unrelated to her, including persons of authority, shall make every effort to ensure
 - the issue is treated with sensitivity and complete privacy
 - a female police officer is assigned to continue the identification process
 - a female police officer handles the head covering or other adornment
 - male police officers are not present when she removes her head covering

8. When a female individual wearing a head covering attends for photographing does not advise that religious beliefs dictate she cannot have her head uncovered in the presence of men unrelated to her, but it appears that the head covering may be worn for religious reasons, shall ask the individual if she requires the accommodation outlined in item 7.
9. When a person is in custody pending a judicial interim release or show cause hearing for a printable offence shall ensure the person is fingerprinted, etc. at the investigating unit or central lock-up prior to bringing the person before a Justice of the Peace or Bail Court.
10. When a person refuses to be finger-printed, palm-printed or photographed shall ensure
 - an Information is sworn to before fingerprinting, etc.
 - the person is fingerprinted, etc.
 - a Use of Force Report is submitted if the use of force meets the criteria contained in Procedure 15-01
11. When a person is arrested under the authority of the *Immigration and Refugee Protection Act* shall
 - comply with Procedure 05–14
 - ensure a TPS 242 is prepared and signed by an Immigration Officer
 - ensure the person is finger-printed and photographed

Supplementary Information

Governing Authorities

Federal:

- Extradition Act
- Identification of Criminals Act
- Immigration and Refugee Protection Act

Provincial:

- Community Safety and Policing Act (Ontario Regulations)
 - O. Reg. 391/23 Use of Force and Weapons
 - O. Reg. 405/23 Police Uniforms and Equipment

Associated Governance

Toronto Police Service Board:

- Adequacy Standards Compliance Policy
 - Part 5 XXXII LE-005 Arrests
- Board Policy
 - Use of Force

Toronto Police Service Procedures:

- 01–03 Persons in Custody
- 01–08 Appendix A Criminal Code Release
- 05–14 Immigration Violations
- 12–01 Confidential Crown Envelope
- 15-01 Incident Response (Use of Force/De-Escalation)

Forms:

- eReports
- TPS 242 Citizenship & Immigration Canada Request for Fingerprinting Services
- Use of Force Report Use of Force Report
- CCO-9-2 CSD Appearance Notice Adult (Form 9, s. 2 CC)
- YCJ-CC9-2 CSD Appearance Notice Youth (Modified Form 9, s. 2CC, s 140 YCJA)
- CCO-2-10 CSD Undertaking / Promesse Adult (Form 10, s. 2 CC, s 140 YCJA)
- YCJ-CC2-10 CSD_Undertaking / Promesse Youth (Modified Form 10, s. 2 CC)

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