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Gendarmerie royale  
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**ENVOI D'UN MESSAGE  
PAR TÉLÉCOPIEUR**

Security Classification/Designation  
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Precedence - Priorité

**TO** Law Associations of: Hamilton, Brant, Norfolk, Haldimand, Lincoln County,  
**A** Welland County

**Date**  
2014-05-30

**Reference No. - N° de référence**

**FOR YOUR  
INFO.  
POUR VOTRE  
INFORM.**

**Your File - Votre n° de dossier**

**FROM** Name - Nom  
**DE** OIC Hamilton-Niagara Regional Detachment

**Our File - Notre n° de dossier**

**Div.** Sub-Div. - S.-div. **Branch - Service**

PIRS ORI  
IND SRRJ

CPIC ORI  
IND CIPC

OSR - RSO

"O"

**Section** **Unit - Unité**  
IDRT

**Unit Coll. - Code d'interclass. de serv.**

**SENDER - EXPÉDITEUR**

**RECIPIENT - DESTINATAIRE**

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905-643-5932

**SUBJECT** Obtaining Records from the RCMP for Family Court Matters  
**OBJET**

**Total number of pages including this one:**  
**Nombre total de pages, y comprise celle-ci**

3

**COMMENTS**  
**COMMENTAIRES**

Good Afternoon,

Please find the attached notice from the Hamilton-Niagara Regional Detachment of the RCMP. This notice is primarily intended for lawyers practicing Family law in our jurisdictional area. An attempt was made to include all of the relevant Law Associations in our area. Please feel free to disseminate this notice to any other lawyer and/or legal group not included in the above list if you feel it relevant.

Sincerely,  
Cpl. S. Hayes  
905-643-5764

This message is intended for the use of the addressee. Disclosure of message content may breach one or more laws. If you have received this communication in error, notify the sender immediately by telephone.

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**Authorizing Signature - Signature de l'approbateur**

**Date**

2014-05-30

**Time - Heure**

**REPLY REQUIRED BY**  
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Royal Canadian Mounted Police  
Gendarmerie Royal du Canada

Hamilton Niagara Regional Detachment  
Détachement régional de Hamilton Niagara



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## Family Law: RCMP Records and Court Orders

May 22, 2014

### Purpose

To provide guidance and insight regarding obtaining records from the RCMP for family court purposes. For dissemination to any professionals involved in family courts within the area of responsibility encompassed by the Hamilton-Niagara Regional Detachment (HNRD) of the RCMP. The area of responsibility of HNRD encompasses Niagara region, Hamilton and surrounding area, Brantford and Brant county, Haldimand county, and portions of Norfolk county.

### Background

Recently, several Notice of Motion documents have been served on the Hamilton-Niagara Regional Detachment (HNRD) regarding records that the RCMP may be holding as they pertain to parties involved in family court. This may be via child protection concerns of the Children's Aid Society, or via custody and access matters being adjudicated by the courts. Clarification was sought from the *Access to Information Act* and *Privacy Act* (ATIP) Branch of the RCMP as to how to properly proceed to remain compliant with Court Orders, while not violating current ATIP legislation.

### Process

When served with a Notice of Motion from the respective lawyer or law firm, HNRD will search the RCMP database for the records being sought. Pursuant to ATIP legislation, the court order must be served on the record holder, which would be the detachment holding the operational file. A member of HNRD will contact counsel for the Applicant(s) advise as to which detachment(s) hold the records being sought as well as the contact information of the detachment commander(s). Any issues regarding disclosure of those records will have to be addressed with the respective detachment commander and/or their delegate. If HNRD is the record holder, then an investigator will be identified to liaise with the applicant

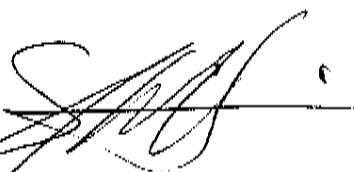
**IMPORTANT NOTE:** Legal counsel are encouraged to speak with their clients to determine exactly where they have lived and, where and when police occurrence records may exist. HNRD will not conduct searches without a Notice of Motion having been filed. HNRD will also not proceed with record searches without the complete name and date of birth of the person whose records are being sought. Due to provincial legislation in British Columbia, all police services within that province operate with a separate database. Should you be seeking records from British Columbia, you will need to contact RCMP HQ in BC. That contact information is readily available on the internet.

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Prepared by Cpl. S. Hayes



Staff Sergeant Cathy McCrory  
NCO i/c  
Intake and Detachment Response Team  
HNRD



Inspector Steve Martin  
Officer In Charge  
Hamilton Niagara Regional Detachment  
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