



# **GUIDELINE FOR POLICE RECORD CHECKS**

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**POLICE CRIMINAL RECORD CHECK**  
**POLICE INFORMATION CHECK**  
**POLICE VULNERABLE SECTOR CHECK**

**March 28, 2011**

**Last Updated: June 2014**

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**LEARN MISSION**

The Mission of the Law Enforcement and Records (Managers) Network (LEARN) is to share information, discuss ideas and develop guidelines for the benefit of the policing community; promote records management; and encourage consistency among police agencies.

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## CHANGE LOG

Green highlights throughout this document indicate changes since last version.

DATE	DESCRIPTION OF CHANGE
June 2014	<b>Throughout</b> – Removed: Police contact, including mental health information, from all levels of record checks.
	<b>Throughout</b> – Modified: Non-convictions records will no longer routinely be released.
	<b>Throughout</b> – Modified: When summary convictions should be disclosed.
	<b>Throughout</b> – Modified: PVSC cannot be requested for use outside of Canada.
	<b>Introduction</b> – Modified: Added background information leading to current version.
	<b>Section 2</b> – Modified throughout.
	<b>Section 4</b> – Modified: Changed title to Verification of a Criminal Record.
	<b>Section 9</b> – Added: Exceptional Disclosure Assessment for Non-Conviction records.
	<b>Section 10</b> – Added: CC, CRA and YCJA section numbers.
	<b>Appendix A</b> – Modified: Separated PIC and PVSC on chart.
	<b>Appendix B &amp; C</b> – Modified: Updated to include changes.
	<b>Appendix D, E, H, I, J &amp; M</b> – Modified: Forms updated to reflect changes. PIC now with PCRC.
	<b>Appendix F &amp; G</b> – Added: New application forms for agencies who fingerprint.
	<b>Appendix O</b> – Added: List of non-conviction offences
	September 2013
<b>Throughout</b> – Modified: PIC and PVSC will NOT include Diversions and no reference to the occurrence is permitted (cc s. 717.4)	
<b>Throughout</b> – Modified: Police Involvement...a timeframe of five years from the date reported ...	
<b>Throughout</b> – Modified: Pardon amended to Record Suspension throughout document.	
<b>Throughout</b> – Modified: Definition of Vulnerable Sector amended for consistency throughout document.	
<b>Throughout</b> – Modified: “Shall” to be used for circumstances when information disclosed/non disclosed in accordance with Policy, Directive or Legislation.	
<b>Throughout</b> – Modified: “Should” to be used for circumstances when information is disclosed/not disclosed upon discretion.	
<b>Throughout</b> – Modified: Self-Declaration changed to (Self) Declaration of Criminal Record to maintain consistency with RCMP.	
<b>Throughout</b> – Modified: Extrajudicial Measures are not to be released per YCJA 119(4).	
<b>Page 3</b> – Added: Police Services do not have the authority to run a query of the Investigative databank (10-29) for a PCRC.	
	<b>Page 14 s. 15</b> – Modified: Absolute and Conditional Discharge Prior to July 24, 1992. Combined Absolute and Conditional Discharges in one section. Dispositions of Absolute or Conditional Discharge (Adult and Youth) issued prior to July 24, 1992, should NOT be released on any record check.
	<b>Section 2</b> – Modified: put in alphabetical order for ease of reference.
	<b>Section 4</b> – Modified: replaced with text from RCMP policy.

	<b>Section 8</b> – Modified: replaced with more comprehensive instructions.
	<b>Section 9</b> – Added: Definitions for Quashed and Record Suspension.
	<b>Appendix A</b> – Modified: Summary Convictions – all released from local files or with permission from other service.
	<b>Appendix A</b> – Modified: Convictions – separate Summary and Indictable Convictions.
	<b>Appendix A (Record Type)</b> – Modified: put in alphabetical order for ease of reference.
	<b>Appendix A (Dispositions)</b> – Modified: put in alphabetical order for ease of reference.
	<b>Appendix I</b> – Added: Declaration of Criminal Record Form.
	<b>Appendix J</b> – Added: RCMP Form 2.
	<b>Appendix K</b> – Added Reconsideration Request Form.
	<b>Appendix L</b> – Added: Frequently Asked Questions.
March 2011	Guideline first published

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# INTRODUCTION

The LEARN Guideline for Police Record Checks is intended to assist police services understand and apply relevant legislation, policies, procedures and directives to the processing of Police Record Checks. It is also intended to promote consistency in processing methods as well as terminology used throughout the Province of Ontario. To assist applicants and agencies, police services should only use the terms; Police Criminal Record Check (PCRC), Police Information Check (PIC) and Police Vulnerable Sector Check (PVSC) when following the direction of this guideline.

**Note this Guideline does not address third party, for profit or not-for-profit companies. For further information refer to the CCRTIS Dissemination of Criminal Record Check Information Policy.**

All decisions relating to Police Record Checks must also be consistent with internal policies and Board By-laws of the respective police service.

This guideline incorporates provisions of the:

- Criminal Records Act
- CPIC Policy and User Manuals
- Freedom of Information and Protection of Privacy Act (FIPPA)
- Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)
- Youth Criminal Justice Act
- Ministerial Directive on the Release of Criminal Records (2010)

When originally preparing this guideline, the Sub-Committee conducted extensive consultation with stakeholders including:

- Royal Canadian Mounted Police
- Canadian Criminal Real Time Identification Services (CCRTIS)
- The Ontario Human Rights Commission
- The Information and Privacy Commission
- Volunteer Toronto
- Justice for Children and Youth
- Ontario Association of Patient Councils
- Community and Legal Aid Services Program
- Canadian Mental Health Association Ontario
- Psychiatric Patient Advocate Office
- Police Record Check Coalition

The original guideline was released in March 2011.

On February 26, 2014, the OACP Board of Directors passed two motions regarding record checks in the Province of Ontario.

## **Motion #1 - Short Term Recommendations**

1. Public education about the benefits and limitations of Criminal Record Checks
2. Presumption against disclosure of non-conviction records
3. Crafting a narrow public safety exception to protect the most vulnerable people in our communities.

## Motion #2 - Long Term Recommendations

1. Work for provincial change to:
  - a. Lobby for legislation
  - b. Implement an evidence-based, centralized procedure for determining when non-conviction information can be disclosed.

### Background

There is an increasing demand for police records checks, both in the private and voluntary sectors. Canadian academics researching the impacts of releasing police contact and non-conviction records have found that the disclosure of these records is serving as a barrier in areas as diverse as employment, volunteer and educational opportunities, housing, public assistance, insurance, and immigration. This occurs because employers, volunteer co-ordinators, educators, and others, who are receiving and making decisions based on non-conviction entries, frequently do not understand what a police contact or non-conviction record is, and have little or no guidance as to how this information should factor into their decision-making process. The result is that many organizations adopt the most risk-averse position, automatically disqualifying a wide range of individuals solely on the basis of these records.

Our objective has been to find the right balance between providing information for the safety of our communities and protecting the privacy, human rights, and presumption of innocence of individuals.

Public sector and civil society organizations have devoted increasing attention to this issue. The Canadian Human Rights Commission has identified the release of non-conviction records as *prima facie* discriminatory, and the Information and Privacy Commissioner of Ontario has recommended for several years that there be a presumption against the release of such records. In 2012, the Canadian Civil Liberties Association (CCLA) released a report, *Presumption of Guilt: The Disclosure of Non-Conviction Records in Police Background Checks*, recommending policy changes to presumptively prevent the release of these records.

In November 2012, the John Howard Society of Ontario and the CCLA co-hosted a one-day symposium on non-conviction records, which was attended by a wide range of police, justice, civil society, and government representatives. Several court cases have been launched challenging police services' release of non-conviction records, the most recent of which was dismissed on procedural grounds by the Ontario Court of Appeal. In 2012, the Minister of Community Safety and Correctional Services requested that the OACP revisit the way in which the LEARN Guidelines dealt with non-conviction records.

From a policing perspective, there is an understanding that a "clean" police record is not a guarantee of safety; database information may be incomplete or out of date, many individuals who commit crimes will have no police record, and not all police information will be released on a record check (e.g., if release will compromise surveillance or an ongoing police investigation). Organizations, however, tend to over-rely on police check results, viewing individuals who have no record as "safe" and trust-worthy, creating a false sense of security that may increase public safety threats. Police representatives also report that administering the records check system is taking up a significant amount of policing resources, and there is an increasing risk and liability associated with the release of non-conviction information in particular.

The OACP has worked to make Ontario police services leaders in terms of respecting the rights of individuals, while ensuring public safety. In March 2011, the *LEARN Guideline for Police Record Checks* was released, attempting to systemize the record check processes across the province and, in particular, address significant concerns about the impact of releasing mental health-related police records. The Guidelines were welcomed and applauded as a strong first step in the right direction. In September 2013, the *LEARN Guideline* was updated to rectify some oversights regarding the treatment of



diverted charges, and absolute and conditional discharges, news that was welcomed by community partners.

In November 2013, extensive consultation took place with the following community and government partners as police leaders sought to find the right balance between public safety and privacy:

- Canadian Civil Liberties Association
- Canadian Mental Health Association Ontario
- John Howard Society Ontario
- Justice for Children and Youth
- Legal Aid Ontario
- Mental Health Lawyers' Committee
- Ontario Association of Patient Councils
- Ontario Human Rights Commission
- Police Record Check Coalition
- Psychiatric Patient Advocate Office
- Schizophrenia Society of Ontario
- University of Toronto
- Volunteer Toronto

Our research and consultations with the community and Ontario police services have formed the basis of the recommendations made to the OACP Executive and Board of Directors.

# 1

## 1: THREE LEVELS OF POLICE RECORD CHECKS

### ***Level 1: Police Criminal Record Check (PCRC)***

This check is intended for applicants who are involved as a volunteer, employee or in any situation where a basic PCRC is requested (e.g., retail or immigration). This check is NOT intended for applicants who are seeking volunteer and/or employment with vulnerable persons.

If the applicant has a criminal conviction, this check can only be provided by the local police service where the applicant resides. If the applicant does NOT have criminal convictions any police service may provide a negative PCRC (previously known as a Clearance Letter), regardless of residency.

NOTE: Police Services do not have the authority to run a query of the investigative databank (10-29) for this level of check.

### **The Police Criminal Record Check will include the following information:**

NOTE: See section on Verification of a Criminal Record

- (a) Criminal convictions from CPIC and/or local databases.
- (b) Summary convictions, for five years, when identified.
- (c) Findings of Guilt under the Youth Criminal Justice Act within the applicable disclosure period.

### **The Police Criminal Record Check WILL NOT include:**

- (a) Outstanding entries, such as charges and warrants.
- (b) Absolute and conditional discharges.
- (c) Current judicial orders, including Peace Bonds, Probation and Prohibition orders under the Criminal Code of Canada.
- (d) Convictions where a record suspension has been granted.
- (e) Convictions under provincial statutes.
- (f) Local police contact.
- (g) Ministry of Transportation information (PARIS).
- (h) Special Interest Police (SIP) category of CPIC.
- (i) Family Court Restraining Orders.
- (j) Foreign information.
- (k) A Vulnerable Sector (VS) Query to ascertain if the applicant has been convicted of and granted a record suspension for any of the sexual offences that are listed in the schedule to the Criminal Records Act (CRA).
- (l) Any reference to incidents involving mental health contact.
- (m) Diversions will not be released as police contact and no reference to the occurrence is permitted (CC S. 717.4).
- (n) Youth Criminal Justice Act (YCJA) information beyond applicable disclosure period.

- (o) Any reference to contagious diseases.
- (p) Dispositions including, but not limited to, Withdrawn, Dismissed, and cases of Not Criminally Responsible by Reason of Mental Disorder.

### ***Level 2: Police Information Check (PIC)***

It is a collection of offence information, including convictions, outstanding warrants, charges and judicial orders available from a local police agency's records management system and other systems/records where authorized.

This check is intended for applicants who are seeking volunteer and/or employment with agencies who require a criminal record check. The agency has determined that a search of sex offenders with a record suspension is NOT required (e.g., border crossing or visa) therefore this check is NOT intended for applicants who are seeking volunteer and/or employment with vulnerable persons.

#### **The Police Information Check will include the following information:**

NOTE: See section on Verification of a Criminal Record

- (a) Criminal convictions from CPIC and/or local databases.
- (b) Summary convictions, for five years, when identified.
- (c) Findings of Guilt under the Youth Criminal Justice Act within the applicable disclosure period.
- (d) Outstanding entries, such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders. As per CPIC policy, information obtained from the Investigative Databank must be confirmed and authorized for release by the contributing agency.
- (d) Absolute and conditional discharges for 1 or 3 years respectively.

#### **The Police Information Check WILL NOT include:**

- (a) Convictions where a record suspension has been granted.
- (b) Convictions under provincial statutes.
- (c) Local police contact.
- (d) Ministry of Transportation information (PARIS).
- (e) Special Interest Police (SIP) category of CPIC.
- (f) Family Court restraining orders.
- (g) Foreign information.
- (h) A Vulnerable Sector (VS) Query to ascertain if the applicant has been convicted of and granted a record suspension for any of the sexual offences that are listed in the schedule to the Criminal Records Act (CRA).
- (i) Any reference to incidents involving mental health contact.
- (j) Diversions will not be released as police contact and no reference to the occurrence is permitted (CC S. 717.4).
- (k) Youth Criminal Justice Act (YCJA) information beyond applicable disclosure period.
- (l) Any reference to contagious diseases.
- (m) Dispositions including, but not limited to, Withdrawn, Dismissed, and cases of Not Criminally Responsible by Reason of Mental Disorder.

### **Level 3: Police Vulnerable Sector Check (PVSC)**

This check is restricted to applicants seeking employment and/or volunteering in a position of authority or trust relative to vulnerable persons **in Canada only**. It is a collection of offence information, including convictions, **outstanding warrants, charges, judicial orders** and sexual offence convictions for which the individual has received a record suspension where authorized by the Minister of Public Safety and Emergency Preparedness. **Non-conviction information shall be released only when it meets the Exceptional Disclosure Assessment.**

#### **The Police Vulnerable Sector Check will include the following information:**

NOTE: See section on Verification of a Criminal Record

- (a) **Criminal convictions from CPIC and/or local databases.**
- (b) **Summary convictions, for five years, when identified.**
- (c) **Findings of Guilt under the Youth Criminal Justice Act within the applicable disclosure period.**
- (d) Outstanding entries, such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders. As per CPIC policy, information obtained from the Investigative Databank must be confirmed and authorized for release by the contributing agency.
- (e) Absolute and conditional discharges **for 1 or 3 years respectively.**
- (f) **In very exceptional cases, where it meets the Exceptional Disclosure Assessment, non-conviction dispositions including, but not limited to, Withdrawn and Dismissed.**
- (g) Not Criminally Responsible by Reason of Mental Disorder.
- (h) All record suspensions as authorized for release by the Minister of Public Safety.

#### **The Police Vulnerable Sector Check WILL NOT include:**

- (a) Convictions under provincial statutes.
- (b) **Local police contact.**
- (c) Ministry of Transportation information (PARIS).
- (d) Special Interest Police (SIP) category of CPIC.
- (e) **Family Court Restraining Orders.**
- (f) Foreign information.
- (g) **Any reference to incidents involving mental health contact.**
- (h) Diversions will not be released as police contact and no reference to the occurrence is permitted (CC S. 717.4).
- (i) Youth Criminal Justice Act (YCJA) information beyond the applicable disclosure period.
- (j) Any reference to contagious diseases.

# 2: RECORD CHECKS RELEASE CRITERIA



## **Absolute Discharge – AFTER July 24, 1992**

### **ADULT:**

Dispositions of Absolute Discharge issued after July 24, 1992 shall NOT be released on a PCRC. Dispositions of Absolute Discharge do not meet the (self) declaration qualifications and therefore shall not be released from the CRII; however, the related information may be released from your own local files without a (self) declaration on a PIC or PVSC. The information may be released from another police service's local file with permission, using the role of "subject". After one year, no reference to the occurrence shall be released.

### **YOUTH:**

Dispositions of Absolute Discharge issued after July 24, 1992 shall not be released on a PCRC.

Youth records and dispositions of Absolute Discharge do not meet the (self) declaration qualifications and therefore shall not be released from the CRII; however, the information may be released for one year after the guilty verdict from your own local files on a PIC or PVSC. After one year, no information shall be released. [YCJA 119(2)(e)]

## **Absolute and Conditional Discharge – PRIOR TO July 24, 1992**

Prior to July 24, 1992 discharges were considered a conviction, after this date it was changed to findings of guilt but not a conviction as per section 730 of the Criminal Code. It may still appear on the CRII. Applicants must write to the RCMP and request this to be removed from their record as the record suspension process does not apply.

### **ADULT:**

Dispositions of Absolute or Conditional Discharge issued prior to July 24, 1992 should NOT be released on any record check.

### **YOUTH:**

Dispositions of Absolute or Conditional Discharge issued prior to July 24, 1992 shall not be released on any record check.

## **Acquittal / Not Guilty**

An Acquittal or finding of Not Guilty is a disposition rendered by a judge. Non-convictions do not meet the (self) declaration qualifications.

### **ADULT:**

Information relating to these court dispositions shall not be released.

### **YOUTH:**

Information relating to this court disposition shall not be released unless it meets the Exceptional Disclosure Assessment within the applicable YCJA disclosure period (2 months). [YCJA 119(2)(b)]

## Appeals

When a charge results in a conviction that has then been appealed, police services should release the details under the heading of *Convictions* for all level of checks with the current disposition and a notation that it is under appeal. If the charge results in a non-conviction it can be considered for a PVSC in accordance with the Exceptional Disclosure Assessment.

## Conditional Discharge AFTER July 24, 1992

### ADULT:

Dispositions of Conditional Discharge issued after July 24, 1992 shall NOT be released on a PCRC. Dispositions of Conditional Discharge do not meet the (self) declaration qualifications and therefore shall not be released from the CRII; however, the relating information may be released from your own local files on a PIC or PVSC. The information may be released from another police service's local file with permission, using the role of "subject". After three years, no reference to the occurrence shall be released.

### YOUTH:

Dispositions of Conditional Discharge issued after July 24, 1992 shall not be released on a PCRC.

Youth records and dispositions of Conditional Discharge do not meet the (self) declaration qualifications and therefore shall not be released from the CRII; however, the information may be released for three years after the guilty verdict from your own local files on a PIC or PVSC. After three years, no information shall be released. [YCJA 119(2)(f)]

## Conviction, Suspended Sentence or Finding of Guilt (Dual/Indictable)

Criminal convictions, Suspended Sentence or Findings of Guilt that are included on the CRII shall be released on the PCRC, PIC and PVSC.

Information may only be released from the Identification Databank through the submission of fingerprints to CCRTIS or if the police service is satisfied the applicant's (self) declaration of a criminal record matches the information from the CRII (See Verification of a Criminal Record section) or confirmation can be made through your local in-house records.

If the applicant's (self) declaration of a criminal record does not match the information found on the CRII the applicant must submit fingerprints. Dispositions may be released from your local in-house records if you're satisfied with the identity of the applicant.

When information relating to these dispositions no longer appears on the CRII, the relating information should be released from your local database.

### YOUTH:

Criminal dispositions may not be (self) declared by a young person and therefore any information identified by way of a CRII query may not be included on a PCRC, PIC or PVSC without the submission of fingerprints; however, if the information is confirmed through your own local database, the information may be released on a PCRC, PIC or PVSC as follows:

*If a young person has been found guilty of an indictable offence, the information should be released from your own local database on a PCRC, PIC or PVSC for a period of five years after the youth sentence has been completed. [YCJA 119(2)(h)]*

NOTE: If the young person is subsequently convicted of committing another criminal offence during the disclosure period of a preceding offence, the disclosure period for the prior offence becomes equal to that of the current offence/disposition. Additionally, if the subject commits a criminal offence as an adult during the disclosure period of any previous charges under the YCJA, the youth record becomes a part of a permanent adult record. [YCJA 119(9)]

## Conviction, Suspended Sentence or Finding of Guilt (Summary)

Summary offences that are included on the CRII shall be released on the PCRC, PIC and PVSC.

Summary convictions from your local police database or from other local police service databases should only be released for five years.

### YOUTH:

Criminal dispositions may not be (self) declared by a young person and therefore any information identified by way of a CRII query may not be included on a PCRC, PIC or PVSC without the submission of fingerprints; however, if the information is confirmed through your own local database, the information may be released on a PCRC, PIC or PVSC as follows:

*If a young person has been found guilty of a summary offence, the information should be released from your own local database on a PCRC, PIC or PVSC for a period of three years after the youth sentence has been completed. [YCJA 119(2)(g)]*

NOTE: If the young person is subsequently convicted of committing another criminal offence during the disclosure period of a preceding offence, the disclosure period for the prior offence becomes equal to that of the current offence/disposition. Additionally, if the subject commits a criminal offence as an adult during the disclosure period of any previous charges under the YCJA, the youth record becomes a part of a permanent adult record. [YCJA 119(9)]

## Current Judicial Orders

A query of the Investigative Databank of the Canadian Police Information Centre (CPIC **system**) should be conducted, for PIC and PVSC, to identify any current Judicial Orders (e.g., Firearm Prohibition Orders, Probation Orders, Peace Bonds, etc.) held by any Canadian Police Service.

As per the CPIC **Policy** Manual, hit confirmation **MUST** be conducted on all hits and permission to include the information must be obtained from the originator.

**Note:** This information shall not be included on a PCRC.

In Section **8.3**, Release of Investigative and Ancillary Databank Information, the CPIC **Policy** Manual states:

CPIC Information from the Investigative Databank may be released for security and reliability clearances or for private employment purposes; however, no CPIC information shall be released for this purpose unless:

1. confirmation and verification with the record owner (originating agency) has been carried out; and,

2. the originating agency has been notified of the reason for the check and has consented to the release; and,
3. personal visual identification by the law enforcement agency of the subject of the check has taken place; and,
4. the results of the checks are communicated directly to the subject of the check. The applicable information may be released verbally or in writing. However, printouts shall not be released.

## Dismissed

### ADULT:

Dispositions of Dismissed shall not be released on a PCRC or PIC. Dispositions of Dismissed do not meet the (self) declaration qualifications and therefore shall not be released from the CRII.

For a PVSC, the information may be released from your own local files or another police service's local file with permission, in exceptional circumstances, if it meets the Exceptional Disclosure Assessment.

### YOUTH:

Information relating to this court disposition shall not be released unless it meets the Exceptional Disclosure Assessment within the applicable YCJA disclosure period (2 months). [YCJA 119(2)(c)]

## Dispositions

A query of the Identification Databank of the Canadian Police Information Centre (CPIC system) must be conducted to identify court dispositions (e.g., convictions, suspended sentence, conditional discharge, etc.). These queries are generally referred to as a CNI and a CRII. Dispositions may also be found within local in-house records.

NOTE: When foreign dispositions are included on a CRII they must not be included on any level of police record checks as per Section 3.1 of the INTERPOL Charter. The exception is entries on the conviction part of the CRII identified as international transfer of offenders may be disclosed.

Information may only be released from the Identification Databank through fingerprint confirmation or if the police service is satisfied the applicant's (self) declaration matches the information from the CRII (See Verification of a Criminal Record section).

Information relating to Summary Conviction offences for which fingerprints were not taken will only be available through local police databases. This information should be included on a PCRC, PIC and PVSC from your own local database.

Querying the Firearms Interest Police (FIP) database, the Police Information Portal (PIP) and your local occurrence database may also reveal criminal dispositions.

When (self) declaration is used instead of fingerprints to confirm information on the Identification Databank, the response must use the standard wording specified in Section 4, Verification of a Criminal Record.



## Extrajudicial Measures

### YOUTH:

Extrajudicial Measures refers to actions other than judicial proceedings under the Youth Criminal Justice Act. See Section 2(1) of the YCJA.

### Extrajudicial Measures include:

- no further action
- warning
- police caution (not formally used in Ontario)
- Crown caution (post-charge the Crown may establish caution program)
- referral to community program or agency with consent of young person.

Where an occurrence was dealt with by way of an Extrajudicial Measure, including “no further action”, the information must not be included on a PCRC, PIC or PVSC. [YCJA 9]

## Family Court Restraining Orders

Family Court Restraining Orders shall not be released.

## Finding of Guilt with Reprimand

### YOUTH:

Information relating to this court disposition shall not be released unless it meets the Exceptional Disclosure Assessment within the applicable YCJA disclosure period (2 months). [YCJA 119(2)(c)]

## Firearms Interest Police (FIP)

A query of the Firearms Interest Police (FIP) databank should be done through a Canadian Police Information Centre (CPIC) query. A FIP query can be used as a tool to identify reports held by other police services. Hit confirmation **MUST** be conducted on all hits and permission to include the information (not the FIP entry) on a PIC or PVSC must be obtained from the originator. If criminal convictions are identified, they may also be released on a PCRC.

## INTERPOL

INTERPOL must not be queried for any level of police record checks as per Section 3.1 of the INTERPOL Charter.

## Ministry of Transportation, Police Automated Registration Information System (PARIS)

Vehicle and driver information has been made available by the Ministry of Transportation to Category I Police Services through the Ancillary Databank to CPIC for investigative purposes only. The owner of the information has the authority to restrict both access and further dissemination. PARIS must not be queried for any level of police record checks.

## NCIC

NCIC must not be queried for any level of police record checks as per the CPIC Policy and User Manuals.

## Non-Convictions

When processing a PVSC, occurrence databases should be reviewed for a timeframe of five years from the date reported, to identify if the applicant has had any non-conviction with police that meet the Exceptional Disclosure Assessment. The time frame may be extended if a pattern of behaviour has been established.

Suspect information, Victim/Complainant information and Witness information is not released.

### YOUTH:

Non-conviction records for PVSC should be considered for release if it meets the Exceptional Disclosure Assessment within the applicable YCJA disclosure period.

## Not Criminally Responsible (NCR)

### ADULT:

Dispositions of NCR shall not be released on a PCRC or PIC. Dispositions of NCR do not meet the (self) declaration qualifications and therefore shall not be released from the CRIL.

For a PVSC, the information may be released from your own local files or another police service's local file with permission, for five years.

CPIC entries relating to an applicant who has been found Not Guilty by Reason of Insanity (prior to February 1992) or Not Criminally Responsible on Account of a Mental Disorder (after February 1992) and is awaiting disposition from a Review Board will be found in the CPIC Investigative Databank under the Accused or SIP category.

A disposition or a disposition order is a determination by the Court of the Ontario Review Board regarding a person who has been found not criminally responsible due to mental disorder of committing an offence or who has been found unfit to stand trial. There are three types of final dispositions: Absolute Discharge, Conditional Discharge and Custodial.

### YOUTH:

The only reference to disposition of Not Criminally Responsible within the YCJA can be found in Section 119(2) (b) which states:

"The period of access referred to in subsection (1) is: if the young person is acquitted of the offence otherwise than by reason of a verdict of not criminally responsible on account of mental disorder, the period ending two months after the expiry of the time allowed for the taking of an appeal or, if an appeal is taken, the period ending three months after all proceedings in respect of the appeal have been completed".

The YCJA is silent on a period of access for dispositions of NCR. Without a specified period of access restriction, the information could be accessed at any time by the youth/counsel. As a result, and as the information would only be provided to the applicant (youth), the NCR disposition should be released on a PIC or PVSC; however, since this is not a conviction it shall not be included on a PCRC.

## Outstanding Criminal Charges & Warrants

A query of the Investigative Databank of the Canadian Police Information Centre (CPIC system) should be conducted, for PIC and PVSC, to identify outstanding criminal charges and warrants held by any Canadian Police Service.

As per the CPIC Policy Manual, hit confirmation MUST be conducted on all hits and permission to include the information must be obtained from the originator.

**NOTE:** Outstanding criminal charges and warrants shall not be included on a PCRC. Police Services do not have the authority to run a query of the investigative databank (10-29) for this level of check.

In Section 8.3, Release of Investigative and Ancillary Databank Information, the CPIC Policy Manual states:

CPIC Information from the Investigative Databank may be released for security and reliability clearances or for private employment purposes; however, no CPIC information shall be released for this purpose unless:

1. confirmation and verification with the record owner (originating agency) has been carried out; and,
2. the originating agency has been notified of the reason for the check and has consented to the release; and,
3. personal visual identification by the law enforcement agency of the subject of the check has taken place; and,
4. the results of the checks are communicated directly to the subject of the check. The applicable information may be released verbally or in writing; however, printouts shall not be released.

## Police Information Portal (PIP)

A query of the Police Information Portal (PIP) database should be conducted. A PIP query can be used as a tool to identify reports held by other police services. Hit confirmation MUST be conducted on all hits and permission to include the information on a PVSC must be obtained from the originator. If indictable/dual criminal convictions are identified, they may also be released on a PIC. (See PIP section)

## Prohibition Orders

(Criminal Code)

Prohibition orders will be identified through a query of the CPIC Investigative Databank. Criminal Code Prohibition Orders will include children, liquor, firearms, vehicle/driving (including boat operation), hunting or any other court or statute-imposed prohibition such as those under the Aeronautics Act.

Prohibition Orders shall not be included on PCRC.

Once confirmed and permission from the originator is obtained, all Criminal Code Prohibition Orders should be released on PIC or PVSC.

NOTE: Non-criminal driving suspensions shall NOT be included on a PCRC, PIC or PVSC.

## Provincial Offences

Information relating to Provincial Offences (e.g., Speeding, Intoxicated in Public, Bylaw offences) will be available through in-house records management systems; however, they shall not be released on a PCRC, PIC or PVSC. Information relating to the final court disposition is not readily available to police and therefore the information may not be current or appropriate for release.

## Record Suspension

Unless written authorization has been granted by the Minister of Public Safety and Emergency Preparedness, information relating to an offence and disposition for which a Record suspension has been granted shall not be released on a PCRC, PIC or PVSC. (See Record suspensions – Sexual Offences)

## Record Suspensions – Sexual Offences

(Bill C7, Criminal Records Act 2000)

As a result of Bill C7 passed on August 1, 2000, the CRA was amended to permit the flagging of sex offenders **with a record suspension**. CPIC system changes were made to permit CPIC agencies with law enforcement authority (Category I Agencies) to conduct queries using the CNI format screen and the “VS” keyword (Vulnerable Sector). This query searches the CPIC system for any flagged sex offenders **with a record suspension** for the purpose of conducting any level of police record checks for persons wanting to work or volunteer in a position of authority or trust with the vulnerable sector.

Police Services are encouraged to work with organizations in their jurisdiction to educate them on the legislation and the applicable processes. The organizations are responsible for advising the police service when a “VS” query is required. Police should not make this determination; however, they must satisfy themselves in some manner that the position being applied for is one that will be dealing with the vulnerable sector as defined in the CRA.

**For instructions see Section 3 - Vulnerable Sector CPIC Query.**

## Special Interest Police (SIP)

A query of the Canadian Police Information Centre (CPIC **system**) may reveal a Special Interest Police (SIP) hit. When foreign information is entered in the SIP category (e.g., foreign warrants) the information must not be included on any level of police record checks as per Section 3.1 of the INTERPOL Charter.

## Stayed

ADULT:

Dispositions of Stayed shall not be released on a PCRC or PIC. Dispositions of Stayed do not meet the (self) declaration qualifications and therefore shall not be released from the CRII.

For a PVSC, the information may be released from your own local files or another police service's local file with permission, in exceptional circumstances, if it meets the Exceptional Disclosure Assessment.

**YOUTH:**

Information relating to this court disposition shall not be released unless it meets the Exceptional Disclosure Assessment within the applicable YCJA disclosure period (1 year). [YCJA 119(2)(d)]

**Withdrawn**

**ADULT:**

Dispositions of Withdrawn shall not be released on a PCRC or PIC. Dispositions of Withdrawn do not meet the (self) declaration qualifications and therefore shall not be released from the CRIL. For a PVSC, the information may be released from your own local files or another police service's local file with permission, in exceptional circumstances, if it meets the Exceptional Disclosure Assessment.

**YOUTH:**

Information relating to this court disposition shall not be released unless it meets the Exceptional Disclosure Assessment within the applicable YCJA disclosure period (2 months). [YCJA 119(2)(c)]

**Withdrawn – Diversion (Alternative Measures) (Adult)**

Dispositions of Withdrawn – Diversion shall not be released from local files in any manner (CC S 717.4).

**Withdrawn – Diversion (Youth)**

Dispositions of Withdrawn – Diversion shall NOT be released on a PCRC, PIC or PVSC.

**Withdrawn – Extrajudicial Sanction (Youth)**

**YOUTH:**

Information relating to this court disposition shall not be released unless it meets the Exceptional Disclosure Assessment within the applicable YCJA disclosure period (2 years). [YCJA 119(2)(a)]

**Withdrawn – Peace Bond**

**ADULT:**

Dispositions of Withdrawn – Peace Bond shall not be released on a PCRC or PIC. Dispositions of Withdrawn – Peace Bond do not meet the (self) declaration qualifications and therefore shall not be released from the CRIL.

For a PVSC, the information may be released from your own local files or another police service's local file with permission, in exceptional circumstances, if it meets the Exceptional Disclosure Assessment.

**YOUTH:**

Information relating to this court disposition shall not be released unless it meets the Exceptional Disclosure Assessment within the applicable YCJA disclosure period (2 months). [YCJA 119(2)(c)]

# 3: VULNERABLE SECTOR CPIC QUERY

# 3

As part of the Police Vulnerable Sector Check (PVSC), a vulnerable sector (VS) CPIC query must be conducted. This query is used to determine if an individual seeking employment and/or volunteering in a position of authority or trust relative to vulnerable persons has any convictions for a sexual offence listed in the Criminal Records Act (CRA) for which a record suspension was granted.

Section 6.3(3) of the CRA places the responsibility on the employer (whether that be an individual or an organization) or volunteer agency to determine the need for a PVSC. However, police services are prohibited from conducting VS checks if they do not feel the positions meet the requirements for a VS check [CRA 6.3(4)]. In compliance with the CRA, the applicant or agency must be responsible for the well-being of vulnerable persons.

- 6.3(3)** At the request of any person or organization responsible for the well-being of a child or vulnerable person and to whom or to which an application is made for a paid or volunteer position, a member of a police force or other authorized body shall verify whether the applicant is the subject of a notation made in accordance with subsection (2) if:
- (a) the position is one of trust or authority towards that child or vulnerable person; and
  - (b) the applicant has consented in writing to the verification.

**Child means:** a person who is less than 18 years of age.

**Vulnerable Persons means:** A person who, because of his or her age, a disability or other circumstances, whether temporary or permanent,

(a) is in a position of dependency on others; or

(b) is otherwise at a greater risk than the general population of being harmed by a person in a position of trust or authority towards them.

**Therefore, a query of Sex Offenders with a record suspension will be conducted through CPIC if:**

1. The person or organization has determined that the applicant will be responsible for the wellbeing of one or more children or vulnerable persons; and
2. The applicant is a resident of the local police service's jurisdiction (as per the RCMP Dissemination of Criminal Record Information Policy); and
3. The applicant provides identification; and
4. The applicant completes the RCMP Vulnerable Sector Consent FORM 1 or the police service's application with equivalent wording incorporated into the form.

**IMPORTANT NOTE:** Possible matches are based on name, gender and date of birth. When the VS flag is set on a CNI query, the computer application first does an initial or standard CNI surname query. The computer uses a find code for the surname in the search so that similar surnames as well as exact matches will be a hit. It also includes a search of a date of birth range of 10 years before and 10 years after the date of birth specified on the query. If the vulnerable sector flag was set and one or more records were returned, and the score was zero or more the VS message will appear and the process ends. If no possible hits were returned from the initial surname query, a subsequent query (the enhancement from July 2010) will search for an exact match on sex (male, female or unknown) and date of birth only. If the VS flag was set and one or more records were returned, the VS message is returned.

A possible match on a query will respond with the following pre-formatted message: “For screening of applicants applying for positions working with vulnerable persons, submit fingerprints on Form C216-C and consent forms to the RCMP Identification Services in Ottawa. Any records returned may or may not pertain to the subject of your enquiry. Positive identification can only be confirmed through the submission of fingerprints. No information relating to this message may be disclosed.”

If the above message is received, fingerprints are mandatory to complete a PVSC.

**NOTE:** There will be no name associated to this pre-formatted message. The hits returned from this CNI VS query may also include CNI information on other possible hits which may or may not pertain to the applicant.

### **Refusal to submit fingerprints**

If the applicant refuses to submit fingerprints the PVSC application process must be discontinued.

### **Fingerprinting for a possible VS match**

If the applicant elects to continue the process, the police service must submit the following package to Canadian Criminal Real time Identification Service (CCRTIS):

- (a) Ensure that the mandatory fields are complete on the C-216 Form (paper or electronic).
  - Clearly identify that the fingerprints are being submitted for the purpose of a VS check, the position applied for and the return address of the Police Service.
- (b) The mandatory signed RCMP Vulnerable Sector Consent FORM 1.
  - The completed FORM 1 must indicate if the VS check is required for employment or volunteer purposes (not both), the position applied for, a description of how the position relates to vulnerable persons, and the name of the organization that determined the requirement for a VS check. **If using the LEARN Record Check form the consent from the RCMP FORM 1 is included.**
- (c) For volunteers, a letter on letterhead from the volunteer organization confirming that a VS check is a requirement. A letter is required for the submission of volunteer VS fingerprints.
- (d) For non-volunteer PVSC checks the RCMP charges a fee. For applicable fees and mailing address see the RCMP website at <http://www.rcmp-grc.ca/cr-cj/vulner/index-eng.htm>



If the RCMP returns the fingerprints with no disclosed sexual offence convictions for which a record suspension was granted, the police service will complete the search using the PVSC guidelines.

If the RCMP confirms that the applicant has a sex offence **with a record suspension**, the information will be forwarded to the Minister of Public Safety to authorize disclosure of the information contained in the file.

**NOTE:** If the applicant chooses not to sign RCMP Form 2, the police service will contact the requesting person (employer) or volunteer agency in writing indicating that the police service was unable to complete the PVSC.

### **Disclosure of Information**

When the information is authorized for disclosure by the Minister of Public Safety and Emergency Preparedness, any sex offence **with a record suspension** and criminal records associated with the fingerprints will be returned to the submitting police service. **If CCRTIS returns the criminal record and a record suspension for a sex offence do not transcribe the record, release the RCMP product as authorized by the Minister.**

If CCRTIS returns the opened criminal record and sex offender **with a record suspension** record the police service will then obtain the applicants consent in writing for disclosure on RCMP FORM 2.

Once the applicant has signed FORM 2 giving consent for the release of the record(s) the police service must forward the result to the person (employer) or volunteer agency. Under Section 6.3(7) of the CRA, “a police force or other authorized body shall disclose the information referred to in subsection (6) to the person or organization that requested verification, if the applicant for a position has consented in writing to the disclosure”.

The RCMP does not retain any fingerprints submitted for a VS query. Therefore, if the employer or volunteer organization requires future VS checks, the applicant must submit fingerprints.

If the information is not authorized for disclosure, no reference is to be made to the information.

**NOTE:** Fingerprints returned from CCTRIS should be returned to the applicant.

### **Fingerprinting for an Adoption Application**

Although a VS search for adoption does not fall within the CRA requirements, it is recommended that fingerprints be submitted to the RCMP for all adoption record checks. When fingerprints are submitted for adoption purposes Canadian Criminal Real Time Identification Services (CCRTIS) will conduct a query of sex offender **with a record suspension** records.

**NOTE:** Returned fingerprints will indicate that a VS search was not requested.

## 4: VERIFICATION OF A CRIMINAL RECORD

# 4

There are two methods for verification of a Criminal Record; either through the submission of fingerprints or by (self) declaration.

(Self) Declaration of a Criminal Record is a process whereby the Applicant declares their adult criminal convictions to the Police Service in accordance with the CCRTIS Dissemination of Criminal Record Information policy.

### **Declaration MUST include:**

- a) **All** convictions for offences under Federal Law.

### **Declaration must NOT include:**

- (a) A conviction for which the applicant has received a Record Suspension in accordance with the Criminal Records Act.
- (b) A Finding of Guilt where the applicant was a “young person” under the Youth Criminal Justice Act, however, the RCMP will provide a response if fingerprints are submitted.
- (c) An Absolute or Conditional Discharge, pursuant to section 730 of the Criminal Code.
- (d) An offence for which the applicant was not convicted.
- (e) Any Provincial or Municipal offences.
- (f) Any charges dealt with outside of Canada.

In order to release criminal convictions identified through a name based query, the Police Service must be satisfied that the applicant’s declared criminal record information is a match to their registered criminal record held at the RCMP National Repository of Criminal Records.

### **NAME-BASED CRIMINAL RECORD CHECK RESPONSES**

#### **NEGATIVE – Standard Response**

When the CNI/CRS query does not identify any possible criminal record associated to the applicant the following standard response is to be used:

**Based solely on the name(s) and date of birth provided**, a search of the RCMP National Repository of Criminal Records **did NOT identify any records** with the name(s) and date of birth of the applicant. **Positive identification that a criminal record does or does not exist at the RCMP National Repository of Criminal Records can only be confirmed by FINGERPRINT comparison.** Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.

#### **CONFIRMATION OF A CRIMINAL RECORD – Standard Response**

When the CNI/CRS query identifies a criminal record that matches to the criminal record information declared by the applicant, the results of a name based query may be released using the following standard response:

**Based solely on the name(s) and date of birth provided and the criminal record information declared by the applicant, a search of the RCMP National Repository of Criminal Records has resulted in a POSSIBLE match to a registered criminal record. Positive identification that a criminal record does or does not exist at the RCMP National Repository of Criminal Records can only be confirmed by FINGERPRINT comparison. As such, the criminal record information declared by the applicant does NOT constitute a Certified Criminal Record by the RCMP.** Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.

#### **INCOMPLETE – Standard Response**

If a police service is not satisfied the applicant's declared criminal record information is a match to their registered criminal record held at the RCMP National Repository of Criminal Records, the following response must be used, advising fingerprints are required:

**Based solely on the name(s) and date of birth provided and any criminal record information declared by the applicant, a search of the RCMP National Repository of Criminal Records could NOT be completed. Positive identification that a criminal record does or does not exist requires the applicant to SUBMIT FINGERPRINTS to the RCMP National Repository of Criminal Records by an authorized police service or accredited private fingerprinting company.** Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.

#### **NAME-BASED VULNERABLE SECTOR CHECK RESPONSES**

##### **NEGATIVE – Standard Response**

When the CNI/CRS query does not identify any possible criminal record associated to the applicant AND the scoring criteria have not been met for Flagged Suspended Sex Offender Records (VS:Y), the following standard response is to be used:

**Based solely on the name(s) and date of birth provided, a search of the RCMP National Repository of Criminal Records, including suspended sex offender records, did NOT identify any records with the name(s) and date of birth of the applicant. Positive identification that a criminal record does or does not exist at the RCMP National Repository of Criminal Records can only be confirmed by FINGERPRINT comparison.** Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.

##### **CONFIRMATION OF A CRIMINAL RECORD (Active criminal record only) – Standard Response**

When the CNI/CRS query identifies a criminal record that matches to the criminal record information declared by the applicant AND the filtering criteria have not been met for Flagged Suspended Sex Offender Records (VS:Y), the results of a name based query may be released using the following standard response:

**Based solely on the name(s) and date of birth provided and the criminal record information declared by the applicant,** a search of the RCMP National Repository of Criminal Records, including suspended sex offender records, **has resulted in a POSSIBLE match to a registered criminal record, but not to a suspended sex offender record. Positive identification that a criminal record does or does not exist at the RCMP National Repository of Criminal Records can only be confirmed by FINGERPRINT comparison. As such, the criminal record information declared by the applicant does NOT constitute a Certified Criminal Record by the RCMP.** Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.

#### **INCOMPLETE – Standard Response**

When the CNI/CRS query identifies any criminal record of possible association to the applicant that does not match to the criminal record information declared by the applicant AND/OR the filtering criteria have been met for Flagged Suspended Sex Offender Records (VS:Y), the following response must be used, advising fingerprints are required:

**Based solely on the name(s) and date of birth provided and any criminal record information declared by the applicant,** a search of the RCMP National Repository of Criminal Records, including suspended sex offender records, **could NOT be completed. Positive identification that a criminal record does or does not exist requires the applicant to SUBMIT FINGERPRINTS to the RCMP National Repository of Criminal Records by an authorized police service or accredited private fingerprinting company.** Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.

# 5: NON-JURISDICTIONAL RESIDENTS

# 5

*The Ministerial Directive Concerning the Release of Criminal Record Information* by the Royal Canadian Mounted Police defines the basic authorities for doing criminal record checks using the Identification Databank. The CCRTIS Policy on the Dissemination of Criminal Record Information provides the detailed policies for implementing the ministerial directive.

*The Ministerial Directive Concerning the Release of Criminal Record Information by the Royal Canadian Mounted Police* states under Section 1 of 'Reporting with respect to Criminal Records':

*Where a Confirmation of a Criminal Record has been sought by an applicant, a police service of local jurisdiction where the applicant resides may release to the applicant a report, in a form to be established by the RCMP, of the applicant's adult convictions and associated criminal record information from the RCMP National Repository of Criminal Records.*

This paragraph **prohibits the release** of criminal record (CRII) information by a Police Service **outside** of the jurisdiction where the applicant lives. It **permits** the release of criminal record (CRII) conviction information within the jurisdiction where the applicant lives.

For individuals residing **outside** of the police service's jurisdiction in accordance with the Ministerial Directive and CPIC Policy, a Police Service can only **verify** the information claimed on the (self) declaration.

To clarify, when dealing with an applicant who resides outside of the Service's jurisdiction, the Service responds using one of the three standard responses (Negative, Incomplete, or Confirmation of a Criminal Record).

### **If the applicant HAS (self) declared:**

If the police service **is satisfied** that the declared criminal record information is a match to the registered (CRII) information, Confirmation of a Criminal Record standard response is checked and the Verification of a Criminal Record form is included.

If the police service is **not satisfied** then the Incomplete standard response should be checked, and the Verification of a Criminal Record form not included.

### **If the applicant HAS NOT (self) declared:**

If no Criminal Record exists, reply using the standard Negative response.

If a Criminal Record does exist, respond using the Incomplete standard response requiring the applicant to submit fingerprints. Fingerprint results will be mailed directly to the applicant from the RCMP. Again, no information is to be released by the Police Service.

# 6: PIP

## POLICE INFORMATION PORTAL

# 6

The Police Information Portal (PIP) should be searched to process a PIC to locate possible indictable/dual convictions that are not on CPIC. PIP should be searched to process PVSC to locate possible indictable/dual convictions and non-convictions to determine if it meets the Exceptional Disclosure Assessment.

A direct quote from Section 6.36-6.39 of the manual follows:

### **Queries for Non-Criminal Purposes**

- 6.36 If there is a request for release of any PIP information for security and reliability clearances, the requester must have documented written consent of the subject of the query. The subject must agree to the release of information identifiable to that person that may be on the PIP System. This information must be verified as per PIP Policy.
- 6.37 PIP can be utilized for Vulnerable Sector checks, accreditation for special events, high risk government positions or locations (i.e. airports, marine ports, etc) and police personnel. In order to complete these checks, written consent of the subject of query must be obtained.
- 6.38 Victim Services workers shall not have direct access to PIP and all requests for indices checks shall be performed by CPIC Category I Agency personnel. Information obtained from the PIP, where the victim's consent has been obtained, will be vetted to ensure that only Information directly related to the victim is released.
- 6.39 PIP Information will not be shared with or made available to any third party.

Proper use of information must be observed. For example, Extra Judicial Measures under the YCJA may be used for police investigative purposes but shall not be used for non-investigative purposes such as background checks. All information must be confirmed and authorized for release by the contributing agency.

### **List of Services Currently Publishing to PIP**

Only Category 1, Law Enforcement agencies can obtain a copy of the police services currently publishing to PIP by sending an email to [CPIC-CENTRE-PIP@rcmp-grc.gc.ca](mailto:CPIC-CENTRE-PIP@rcmp-grc.gc.ca) and requesting a copy. This email address can be used for any PIP questions.

# 7: ONTARIO HUMAN RIGHTS CONSIDERATIONS



It is the responsibility of the agency, not the police service, to determine whether an applicant requires a Police Criminal Record Check (PCRC), a Police Information Check (PIC) or a Police Vulnerable Sector Check (PVSC). Because of the potential for discrimination under Ontario's Human Rights Code, the agency should have the applicant obtain any police check as one of the last steps involved in the hiring process only after a conditional offer has been made.

Prior to having an applicant apply for a police check an agency should determine if it is a bona fide requirement for the job in question. The Supreme Court of Canada has set out a three step test which states such a requirement must be:

1. For a purpose or goal that is rationally connected to the function being performed.
2. Made in good faith, in the belief that it is necessary for the fulfillment of the purpose or goal.
3. Reasonably necessary to accomplish its purpose or goal, in the sense that there is no other alternative to accomplish the goal and it is impossible to accommodate the claimant without undue hardship (i.e., the health and safety of others is put at risk, or cost.).

In determining what information should be included on a police record check, this guideline strives to balance the privacy and human rights of the applicant against the safety of the public and in particular vulnerable individuals with whom the applicant would be interacting. This is particularly the case because of the potential discriminatory effect the release of information can have on persons with mental health illness and addictions who come into contact with police.



## 8: RECONSIDERATION PROCESS

An applicant who has had a Police Vulnerable Sector Check (PVSC) completed, may wish to have information excluded from the results. This process is not suitable for the Police Criminal Record Check (PCRC) or **Police Information Check (PIC)** because the process is for the purposes of non-convictions only. Individuals wishing to have information removed from their PCRC or PIC can utilize the Record Suspension process through the Parole Board of Canada. **Information that is listed incorrectly because of a mistake or lack of information should be handled outside of this process.**

It is recommended that each police service have a process in place to provide reconsideration of non-conviction information.

When processing a reconsideration request the police service should take the following criteria into consideration:

1. Date of incident.
2. Age of the applicant at the time of the incident.
3. All information available to the police service that relates to the applicant including Crown notes.
4. Details of the incident including any written information provided by the applicant or others who had contact with the individual at the time of the incident if available.

The reconsideration process should be clear, transparent and available to the public in areas such as the front counters of police divisions, web-site, etc.

The applicant should be informed in writing of the final decision of the police service and be provided a general reason if denied.

Requests for reconsideration should be made within 60 days of the completion of the applicant's PVSC. Reconsideration requests should be processed within 30 days.

The reconsideration request panel should consist of at least three members. An uneven and manageable number of members are required to ensure reconsideration requests are reviewed on a regular and timely basis. An example of a reconsideration panel would be:

- Records Unit Manager or designate;
- Operations Superintendent or designate; and
- Major Crime Staff Sergeant or designate.

Police services may also wish to invite Legal Counsel to the panel meetings in order to ensure that the legal interests of the police service are protected; however, this individual should not be involved in the final decision as it could be construed to be a conflict of interest should Legal need to become involved in the matter at a future date.



Below are some further considerations when developing a reconsideration procedure.

To qualify for the reconsideration process:

- Process is only available for PVSC.
- Appeal must be made within 60 days upon receipt.
- Can only appeal entries that appear on the record check.
- Convictions will not be eligible for reconsideration.
- Outstanding judicial orders or cases that are before the courts are not eligible for reconsideration
- Youth Criminal Justice Act entries are not eligible for reconsideration.
- Note: If any of the above qualifications are not met, the application will be rejected upon receipt and the applicant will be notified in writing.

To apply for reconsideration:

- Applicant submits letter or form designed by police service for reconsideration.
- Applicant must include a copy of their current record check.
- Applicant may include any documents they feel may support their request.
- Police services may wish to limit the length of written representation to one or two pages.

The reconsideration panel:

- Panel reviews submissions and responds in writing to the applicant.

Considerations during the review:

- Whether the incidents target a vulnerable person.
- Whether there is repeated behaviour towards more than one person.
- When the incidents took place.
- The number of incidents.
- Whether there is a pattern of incidents.
- The reason the incident did not result in a conviction.

## 9: EXCEPTIONAL DISCLOSURE ASSESSMENT



Non-conviction records are not released on a PCRC or a PIC. In exceptional circumstances, non-convictions may be considered for release on a PVSC. These cases should rarely arise and the vast majority of record checks should be processed according to the presumption of innocence enshrined in the Canadian Charter of Rights and Freedoms [S. 11(d)] and not disclosed.

There may be specific, exceptional cases where a non-conviction record gives rise to a concrete and compelling concern for the safety of vulnerable persons. Concerns were expressed with two categories of predatory crimes: child sexual predators and fraud schemes targeting the elderly or other vulnerable persons.

Recent non-conviction records that show a clear, evidenced pattern of alleged predation of vulnerable persons, sexually or financially, may meet the threshold for disclosure. The focus of this assessment should not be based on general behavior prediction, but rather identifying those who knowingly target vulnerable persons to facilitate the commission of these types of criminal acts.

An Exceptional Disclosure Assessment tool has been developed to assist police services in determining which non-convictions may reach this narrow and truly exceptional disclosure.

In order to tie the disclosure of non-conviction records closely to a public safety rationale, the disclosure is based on the Police Services Act, Disclosure of Personal Information Regulation 265/98, section 3 and 6 rather than the applicant's consent.

To determine which offences to base the assessment on, it is important to ground the list in existing legislation rather than creating a list which is not based on legislation. *List of Offences* is defined as the offences listed in [Schedule 1 of the Criminal Records Act](#), [Schedule 2 of the Criminal Records Act](#) and [Schedule 3 of the British Columbia Criminal Records Review Act](#). See Appendix O for an alphabetical list.

The decision to release non-conviction information pursuant to the Police Service Act should not be made by the member processing the record check. When applicable, the member will forward the information to a decision maker who is another member in a supervisory or managerial position, in order to determine if the Exceptional Disclosure Assessment has been met.

## **EXCEPTIONAL DISCLOSURE ASSESSMENT TOOL**

### **Step 1: Collect Records**

1. Search for non-conviction information from national and local databases.
2. Based on the agency and position description determine which schedule(s) from the list of offences to use:
  - I. Schedule 1 is for sexual offences for positions involving all vulnerable persons.
  - II. Schedule 3 is for theft/fraud offences for positions involving adult vulnerable persons.
3. Check if any of the non-convictions match the list of offences.
  - A-1 **YES** - is there more than one incident?
    - A-2 Do the victim(s) meet the definition of a vulnerable person?
      - A-3 **YES** - provide occurrences to decision maker.
      - B-3 **NO** - does not meet the assessment, do not release.
    - B-1 **NO** - does not meet the assessment, do not release.

### **Step 2: Review Records**

The following are factors for the decision maker to consider for the review:

- Whether the incidents target a vulnerable person.
- Whether there is repeated behaviour towards more than one person.
- When the incidents took place.
- The number of incidents.
- Whether there is a pattern of incidents.
- The reason the incident did not result in a conviction.

### **Step 3: Release Record(s)**

Once the decision maker has determined to release the records then the non-conviction should be released on the Police Record Check Supplementary Information page with the heading of *Non-Conviction Records for Public Safety* with the following definition (see Appendix H):

#### **Non-Conviction Records for Exceptional Disclosure**

*Non-convictions are criminal charges that did not result in a conviction in court. However, the information meets the Exceptional Disclosure Assessment and is being released under the authority of the Police Services Act. [PSA Regulation 265.98, S.3]*

If the non-conviction records are from another police service, permission must be granted for release.

### **Step 4: Reconsideration Process**

Applicants may apply for reconsideration of this decision, see Section 8, Reconsideration Process.

## 10: GLOSSARY

# 10

Absolute Discharge Adult	A court disposition where the accused is not convicted, but is found guilty of an offence and is discharged with no conditions. [CC 730]
Absolute Discharge Youth	A court disposition where the accused youth is not convicted, but is found guilty of an offence and is discharged with no conditions. [YCJA 42(2)(b)]
Accused	A person against whom legal proceedings have commenced.
Acquittal	A court disposition where the accused has been found not guilty of the charges presented before the court.
Agency	An organization, company, bureau or in some cases an individual that would require an applicant to obtain a Police Record Check.
Alternative Measures	A lighter court disposition regarding an adult accused of a criminal charge who would be prepared to plead guilty or at minimum, acknowledge guilt. The result is a mild penalty such as community service, an apology to the victim or counseling. May also be referred to as Diversion. [CC 717]
Ancillary Databank	The Ancillary Databank is one of four databanks of operational information within the CPIC system. It contains diverse files of information on subjects such as vehicle registered owners, driver's licences, wandering persons and penitentiary inmates. The information in the files is contributed and maintained by either non-police agencies (e.g., Correctional Services of Canada for inmate data) or police agencies (e.g., the RCMP). Only the owner of the information may grant access to the data.
Applicant	An individual undergoing a Police Record Check.

Best Practice	A procedural document researched and prepared by the Law Enforcement and Records Managers Network (LEARN). Also referred to as a LEARN Guideline.
Bill C7 (1999)	Proclaimed August 1, 2000 to amend the Criminal Records Act to permit the flagging of sex offenders <b>with a record suspension</b> .
Canadian Charter of Rights and Freedoms	Enacted in 1982, the Charter contains provisions protecting the rights of an individual.
Canadian Criminal Real Time Identification Services  CCRTIS	Canadian Criminal Real Time Identification Services (CCRTIS) maintains the national repository of fingerprint and criminal record information and is mandated to provide direct operational support to the Canadian law enforcement, criminal justice and public security communities, as well as international partners such as the Federal Bureau of Investigation (FBI) and INTERPOL for criminal, civil and immigration purposes. CCRTIS is the national provider of biometric-based criminal record verifications for civil and criminal court purposes as well as the security screening environment for all levels of government and the general public.
CCRTIS Dissemination of Criminal Record Information Policy	CCRTIS policy that outlines the requirements for name based criminal record and VS checks of the Identification Databank on CPIC.
Canadian Police Information Centre – CPIC	The Canadian Police Information Centre (CPIC) is a computerized national repository of information that facilitates the sharing of information among authorized agencies. <b>The CPI Centre manages the CPIC system as well as PIP and PSP.</b>
Certified Criminal Record Product	A collection of an individual’s offence convictions and non-convictions (where authorized) that are releasable in accordance with federal laws. Based on the results of a Fingerprint-based Criminal Record Verification.
Conditional Discharge Adult	A court disposition where the accused is not convicted but found guilty of an offence and is discharged with conditions. [CC 730]
Conditional Discharge Youth	A court disposition where the accused youth is not convicted but found guilty of an offence and is discharged with conditions. [YCJA 42 (2)]
Consent Form 1	A form to be signed by the applicant that allows police services to conduct a query for sex offences <b>with a record suspension</b> for the purpose of vulnerable sector screening. [CRA 6.3(3) & Reg. Part 2 CRA]

Criminal Name Index CNI	CPIC query function based on name, gender and date of birth. This query is used to match names against possible criminal records on the Identification Databank or to identify potential hits to a sex offence with a record suspension.
CRII	CPIC query function based on a fingerprint section ID number (FPS number). This query provides a listing of criminal dispositions found in the Identification Databank of the CPIC system.
(Self) Declaration of Criminal Record	A process whereby the Applicant declares all offence convictions to the CPIC Agency in accordance with CPIC policy requirements and federal laws. Based on the declared criminal record information, the CPIC Agency may confirm that the Applicant's declared criminal record information possibly matches to a registered criminal record held at the RCMP National Repository of Criminal Records, pursuant to the CCRTIS Dissemination of Criminal Records Information Policy.
Dismissed	A court disposition where the court stops or interrupts criminal proceedings against the accused.
Diversion	A lighter disposition of a criminal charge regarding an adult accused who would be prepared to plead guilty or at minimum, acknowledge guilt. The result is a mild penalty such as community service, an apology to the victim or counseling. May also be referred to as Alternative Measures. [CC 717]
Dual-Procedure Offence	An offence that can be prosecuted either as a summary conviction offence or an indictable offence. The Crown Attorney chooses the mode of prosecution. Examples include but are not limited to: Impaired Driving, Assault, Theft Under. Also referred to as Hybrid Offences.
Exceptional Disclosure Assessment	A decision-making tool used to determine when non-conviction dispositions should be released on a PVSC.
Extra-Judicial Measures EJM	Extrajudicial Measures are actions other than judicial proceedings under the Youth Criminal Justice Act (YCJA) used to deal with a young person alleged to have committed an offence. Extrajudicial Measures include: Warning, Caution, Referral, No Further Action [YCJA 2(1)]

Extra-Judicial Sanctions	Extrajudicial Sanctions may be used to deal with a young person alleged to have committed an offence only if the young person cannot be adequately dealt with by a warning, caution or referral because of the seriousness of the offence, the nature and number of previous offences committed by the young person or any other aggravating circumstances. Extrajudicial Sanctions are dealt with and managed by the Ministry of the Attorney General thereby being outside of police control. [YCJA 10]
Finding of Guilt	A court disposition where a young person is found guilty (the term convicted does not apply to youth). Or an adult is discharged of an offence pursuant to 730 CC.
Firearms Interest Police FIP	Firearms Interest Police (FIP) is a category within the Investigate Databank on CPIC. This category is used to record data on persons who, in the last five years, have been involved in incidents such as, but not limited to: violence, harassment and drug related events. See CPIC <b>User</b> Manual for further details.
Foreign Information	Information obtained via CPIC contributed by foreign countries.
Forensic Science and Identification Services	Forensic Science and Identification Services (FS&IS) is an integral part of NPS with a mandate to provide quality investigative support services for front line policing. FS&IS provides a wide range of forensic programs and services to clients in Canada and internationally through forensic science services.
Hit	A response to a CPIC query.
Hybrid Offences	An offence that can be prosecuted either as a summary conviction offence or an indictable offence. The Crown Attorney chooses the mode of prosecution. Examples include but are not limited to: Impaired Driving, Assault, Theft Under. Also referred to as Dual Procedure Offences.
Identification Databank	The Identification Databank within the CPIC system contains criminal record information. The RCMP CCRTIS maintains the information on behalf of police agencies who contribute the records. See RCMP National Repository of Criminal Records
Identity Documents	A document, in accordance with <b>CCRTIS Dissemination</b> policy requirements and applicable privacy laws that may be used to authenticate an Applicant's identity in support of a Criminal Record Check .

Indictable Offence	An indictable offence is a serious crime that has sufficient evidence where the judge/jury can formally charge a person with committing the crime. Such crime can range from rape, kidnapping, murder, robbery etc.
Informed Consent	Informed consent is generally an agreement to do something or to allow something to happen only after all the relevant facts are disclosed. An informed consent can be said to have been given based upon a clear appreciation and understanding of the facts, implications, and future consequences of an action. In order for informed consent to be considered valid, the subject must be competent and the consent must be given voluntarily.
Intelligence Databank	The Intelligence Databank within the CPIC system contains criminal intelligence information. The information is contributed and maintained by members of the police community responsible for gathering and analyzing criminal intelligence. Access to this databank is restricted.
INTERPOL	INTERPOL is an international police organization, with 187 member countries. Created in 1923, it facilitates cross-border police co-operation, and supports and assists all organizations, authorities and services whose mission is to prevent or combat international crime.
Investigative Databank	The Investigative Databank within the CPIC system contains information, grouped into <b>Persons, Vehicles, Marine and Property</b> files, on cases under investigation and includes details on wanted and missing persons, stolen vehicles, stolen boats and other items of stolen or lost property. The information in this databank is contributed and maintained by police agencies.
Juvenile Delinquents Act JDA	Introduced in 1908 as Canada's first legislation to govern young persons in conflict with the law. In 1984, Canada replaced the JDA with the Young Offenders Act which was replaced by Youth Criminal Justice Act in 2003.
Law Enforcement and Records (Managers) Network LEARN	Law Enforcement and Records (Managers) Network (LEARN), a sub-committee of the Ontario Association of Chiefs of Police (OACP).
LEARN Guideline	A procedural document, researched and prepared by the Law Enforcement and Records Managers Network (LEARN). Also referred to as a LEARN Best Practice.
Local Criminal Record	Criminal dispositions held by individual police services, including those not supported by fingerprints.



Mental Health Act MHA	The Mental Health Act in Ontario is a law that governs how people are admitted to psychiatric facilities, how their mental health records are kept and accessed, their financial affairs are handled, and their release into the community.
Non-conviction	Criminal charges that did not result in a conviction in court.
Not Criminally Responsible NCR	No person is criminally responsible for an act committed or an omission made while suffering from a mental disorder that rendered the person incapable of appreciating the nature and quality of the act or omission or of knowing that it was wrong. [CC 16 and 672.34]
Not Guilty	This court disposition simply means the accused has not been found guilty; however, it does not necessarily equate to innocence. It is a determination by the court that the evidence is insufficient to convict the accused.
Notice and Acknowledgement Forms	Provide individuals with notice of the scope of police records check practices and serve to limit necessary and authorized disclosures to those circumstances where an individual acknowledges his or her intention to pursue an application or accept a conditional offer for a particular position with a service provider.
Ontario Association of Chiefs of Police OACP	The mandate of the Ontario Association of Chiefs of Police (OACP) is to promote competent administration of policing services; to co-ordinate police training and education; to provide a timely and efficient flow of information to its members; and to address membership concerns and priorities through a unified voice to government. The OACP is the governing body of the Law Enforcement and Records Managers Network (LEARN) and many other sub-committees.
Occurrence	A report generated as a result of an incident or event investigated by police.
Offender	A person who had been determined by a court to be guilty of an offence, whether on acceptance of a plea of guilty or a finding of guilt.
Ontario Human Rights Code OHR	Ontario's Human Rights Code, the first in Canada, was enacted in 1962. The Code protects people in Ontario against discrimination in employment, accommodation, goods, services and facilities, and membership in vocational associations and trade unions.

Organization	An agency, company or bureau that would require the individual to obtain a Police Record Check.
Pardon	See Record Suspension
Police Automated Registration Information System PARIS	The Police Automated Registration Information System (PARIS) is an Ancillary Databank within the CPIC system. It contains information regarding vehicle registration and driver information through the Ministry of Transportation
Peace Bond	A Court Order that requires a person to keep the peace and be of good behaviour especially toward another person. It may also include a no contact condition. [CC 810]
Physical Verification	A process whereby the identity of an applicant is physically authenticated in support of a Police Record Check.
Police Criminal Record Check PCRC	This level of screening is intended for applicants who are involved as a volunteer, employee or in any situation where a basic PCRC is requested (e.g., retail or immigration). This check is NOT intended for applicants who are seeking volunteer and/or employment with vulnerable persons.
Police Information Check PIC	This level of screening is intended for applicants who are seeking volunteer and/or employment with agencies who require a criminal records check. The agency has determined that a search of sex offenders with a record suspension is NOT required (e.g., border crossing or visa) therefore this check is NOT intended for applicants who are seeking volunteer and/or employment with vulnerable persons.
Police Information Portal PIP	A nationally integrated master name indexing and records management gateway, allowing participant agencies to access certain information contained in each other's law enforcement databases.
Police Vulnerable Sector Check PVSC	This level of screening is restricted to applicants seeking employment and/or volunteering with vulnerable individuals. It is a collection of offence information, including convictions and non-conviction which have met the Exceptional Disclosure Assessment from a local police agency's records management system and other systems/records where authorized. This check will include sexual offence convictions for which the individual has received a record suspension where authorized by the Minister of Public Safety and Emergency Preparedness. [CRA 6.3(3)]

Private Information	<p>Anyone who has reasonable grounds to believe that a person has committed an offence may lay an information in writing and under oath before a Justice of the Peace.</p> <p>When a private citizen presents the information to the court, it is then referred to either a provincial court judge or a designated justice of the peace, who holds a special hearing. The purpose of the hearing is to determine whether a summons or warrant should be issued to compel the person to attend court and answer to the charge.</p>
Pre-Charge Diversion	Police may refer a person accused of committing a minor offence to a pre-charge diversion program. The accused must attend an interview where they agree to complete a program such as community service, restitution, donation, letter of apology, etc. in order to avoid a court proceeding.
Prohibition Orders	A Court Order that prohibits the subject from certain rights or behaviour. (Examples: driving, hunting, firearms, parks, etc.)
Provincial Offences Act POA	The provincial legislation governing the prosecution of provincial offences, and municipal by-law infractions. (Examples: the Highway Traffic Act, the Occupational Health and Safety Act, and the Environmental Protection Act.).
Quashed	A court disposition that generally means to reject as invalid, especially by legal procedure or “put an end to” or suppress.
Record Suspension	A record suspension allows people who were convicted of a criminal offence to have their criminal record kept separate and apart from other criminal records. Under the Criminal Records Act, the National Parole Board may issue, grant, deny or revoke record suspensions for convictions under federal acts or regulations of Canada. [CRA 4.1]
Reprimand	A youth found guilty receives a lecture or warning from the judge. Section 42.2.(a) YCJA
Restraining Order	A Court Order that prohibits the subject from having direct or indirect contact with identified person(s).

<p>RCMP National Repository of Criminal Records</p>	<p>Canada’s repository of criminal records relating to individuals that have been charged with indictable and/or hybrid offences. Since the Identification of Criminals Act only allows the taking of fingerprints in relation to indictable or hybrid offences and the RCMP National Repository of Criminal Records is fingerprint-based, the National Repository only contains information relating to these two categories of offences. Summary conviction offences are only included in the National Repository if submitted to the RCMP as part of an occurrence involving an indictable or hybrid offence. With the exception of “young person” indictable or hybrid offence convictions, police agencies are not required by law to report offences to the RCMP. A search of local police records may reveal criminal record information that has not been reported to the RCMP. See Identification Databank</p>
<p>Special Interest Police SIP</p>	<p>Special Interest Police (SIP) is a category within the Investigative Databank on CPIC. This category is used to record data on persons who are KNOWN to be dangerous to self or others, a record suspension applicant, overdue on a pass from a federal institution, etc. See CPIC <a href="#">User</a> Manual for further details.</p>
<p>Stayed</p>	<p>The court disposition of Stayed is a halting of proceedings. The charge(s) is suspended and the Crown Attorney has the authority to recommence court proceedings at a later date, within one year. [CC 579]</p>
<p>Summary Conviction Offence</p>	<p>Summary Conviction Offences encompass minor offences in the Criminal Code (e.g., Cause Disturbance, Harassing Telephone Calls). Charges are proceeded with summarily or without an indictment or full trial. The court is generally comprised of a Provincial Court Judge or a Justice of the Peace.</p>
<p>Suspect</p>	<p>A person believed to have committed a crime or offence.</p>
<p>Suspended Sentence</p>	<p>Unless law prescribes a minimum punishment, the court has the power to suspend the passing of sentence (generally for a period of three years) and place the offender on probation. It is the passing of the sentence, not the sentence itself that is being suspended. This means that if the defendant is convicted of another offence during the period when the passing of sentence had been suspended, then the offender may be sentenced for the original offence. [CC 731]</p>
<p>Unfit To Stand Trial</p>	<p>Unable on account of mental disorder to conduct a defense at any stage of the proceedings before a verdict is rendered or to instruct counsel to do so. [CC 673.31]</p>

Vulnerable Person	A person who, because of his or her age, a disability or other circumstances, whether temporary or permanent, (a) is in a position of dependency on others; or (b) is otherwise at a greater risk than the general population of being harmed by a person in a position of trust or authority towards them. [CRA 6.3(1)]
Withdrawn	Withdrawn refers to the Crown stopping or interrupting criminal proceedings against the accused.
Young Offenders Act YOA	The Young Offenders Act (YOA) replaced the Juvenile Delinquents Act in 1984. The Youth Criminal Justice Act replaced the YOA on April 1, 2003.
Youth Criminal Justice Act YCJA	An Act in respect of criminal justice for young persons and to amend and repeal other Acts. The Youth Criminal Justice Act (YCJA) replaced the Young Offenders Act on April 1, 2003.
Young Person	The Youth Criminal Justice Act defines a young person as someone twelve years of age or older, but less than eighteen years of age at the time of committing an offence or alleged to have committed an offence. [YCJA 2(1)]

## Appendix A: RECORDS CHECK RELEASE CHART

*Refer to Records Check Release Criteria for further details*

**x** - Do not release

**✓** - Release

**x-1** – Only released in exceptional circumstances, when it meets the Exceptional Disclosure Assessment.

RECORD TYPE	Police Criminal Records Check	Police Criminal Records Check	Police Information Check	Police Information Check	Police Vulnerable Sector Check	Police Vulnerable Sector Check
	ADULT	YOUTH	ADULT	YOUTH	ADULT	YOUTH
<b>Attempt Suicides</b>	x	x	x	x	x	x
<b>Current Judicial Orders</b> (Peace Bonds, Restraining Orders, Criminal Code Prohibition Orders & Probation Orders)	x	x	✓	✓	✓	✓
<b>FIP</b> <b>Firearms Interest Police</b>	x	x	✓	✓	✓	✓
<b>INTERPOL</b>	Do Not Query	Do Not Query	Do Not Query	Do Not Query	Do Not Query	Do Not Query
<b>NCIC</b>	Do Not Query	Do Not Query	Do Not Query	Do Not Query	Do Not Query	Do Not Query
<b>Non-Criminal Incidents</b> (Including mental health related contact)	x	x	x	x	x	x
<b>Outstanding Criminal Charges &amp; Warrants</b> Excluding Private Informations	x	x	✓	✓	✓	✓
<b>PARIS</b>	Do Not Query	Do Not Query	Do Not Query	Do Not Query	Do Not Query	Do Not Query

RECORD TYPE	Police Criminal Records Check	Police Criminal Records Check	Police Information Check	Police Information Check	Police Vulnerable Sector Check	Police Vulnerable Sector Check
	ADULT	YOUTH	ADULT	YOUTH	ADULT	YOUTH
PIP	x	x	✓	✓	✓	✓
Police Involvement Criminal Incidents (non-convictions)	x	x	x	x	x-1	x-1
SIP Special Interest Police	x	x	x	x	x	x



DISPOSITIONS	Criminal Records Check ADULT	Criminal Records Check YOUTH	Police Information Check ADULT	Police Information Check YOUTH	Police Vulnerable Sector Check ADULT	Police Vulnerable Sector Check YOUTH
Absolute Discharge	x	x	<p>Shall not be self-declared and therefore not released from CRII.</p> <p>May be released from own local files without (self) declaration for 1 year.</p> <p>The information may be released from another police service's local file, for 1 year, with permission.</p>	<p>Shall not be self-declared and therefore not released from CRII.</p> <p>May be released from own local files for 1 year after disposition is rendered.</p>	<p>Shall not be self-declared and therefore not released from CRII.</p> <p>May be released from own local files without (self) declaration for 1 year.</p> <p>The information may be released from another police service's local file, for 1 year, with permission.</p>	<p>Shall not be self-declared and therefore not released from CRII.</p> <p>May be released from own local files for 1 year after disposition is rendered.</p>
Acquittal / Not Guilty	x	x	x	x	x-1	x

DISPOSITIONS	Criminal Records Check ADULT	Criminal Records Check YOUTH	Police Information Check ADULT	Police Information Check YOUTH	Police Vulnerable Sector Check ADULT	Police Vulnerable Sector Check YOUTH
Conditional Discharge	✘	✘	<p>Shall not be self-declared and therefore not released from CRII.</p> <p>May be released from own local files without (self) declaration for 3 years.</p> <p>The information may be released from another police service's local file, for 3 years, with permission.</p>	<p>Shall not be self-declared and therefore not released from CRII.</p> <p>May be released from own local files for 3 years after disposition is rendered.</p>	<p>Shall not be self-declared and therefore not released from CRII.</p> <p>May be released from own local files without (self) declaration for 3 years.</p> <p>The information may be released from another police service's local file, for 3 years, with permission.</p>	<p>Shall not be self-declared and therefore not released from CRII.</p> <p>May be released from own local files for 3 years after disposition is rendered.</p>

DISPOSITIONS	Criminal Records Check ADULT	Criminal Records Check YOUTH	Police Information Check ADULT	Police Information Check YOUTH	Police Vulnerable Sector Check ADULT	Police Vulnerable Sector Check YOUTH
	<b>Convictions (Indictable/Dual), Suspended Sentence OR Findings of Guilt</b>  Not Including Discharges	All released from CRII if self-declared.  All may be released from own local files without (self) declaration.	Shall not be self-declared and therefore not released from CRII.  From local database – 5 years for indictable offences after completion of most recent sentence.	All released from CRII if self-declared.  All may be released from own local files without (self) declaration.	Shall not be self-declared and therefore not released from CRII.  From local database – 5 years for indictable offences after completion of most recent sentence.	All released from CRII if self-declared.  All may be released from own local files without (self) declaration.
<b>Convictions (Summary), Suspended Sentence OR Findings of Guilt</b>  Not Including Discharges	Not available on the CR therefore (self) declaration is not required.  All Released for five years when identified.	Shall not be self-declared and therefore not released from CRII.  Released for 3 years	Not available on the CR therefore (self) declaration is not required.  All Released for five years when identified.	Shall not be self-declared and therefore not released from CRII.  Released for 3 years	Not available on the CR therefore (self) declaration is not required.  All Released for five years when identified.	Shall not be self-declared and therefore not released from CRII.  Released for 3 years
<b>Dismissed</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x-1</b>	<b>x-1</b>
<b>Extrajudicial Measures</b> (Before or after court)  YOUTH Only	Not Applicable	<b>x</b>	Not Applicable	<b>x</b>	Not Applicable	<b>x</b>

DISPOSITIONS	Criminal Records Check	Criminal Records Check	Police Information Check	Police Information Check	Police Vulnerable Sector Check	Police Vulnerable Sector Check
	ADULT	YOUTH	ADULT	YOUTH	ADULT	YOUTH
<b>Finding of Guilt with Reprimand</b> YOUTH Only	Not Applicable	✘	Not Applicable	✘	Not Applicable	✘-1
<b>Not Criminally Responsible (NCR)</b>	✘	✘	✘	✘	May be released from own local files for five years.  The information may be released from another police service's local file with permission.	Shall not be self-declared and therefore not released from CRII.  May be released from own local files for five years.
<b>Prohibition Orders – Criminal Code</b>	✘	✘	✓	✓	✓	✓
<b>Prohibition Orders – Non-Criminal (Driving)</b>	✘	✘	✘	✘	✘	✘
<b>Provincial Offences</b>	✘	✘	✘	✘	✘	✘
<b>Record Suspensions (Pardons) –</b>	✘	Not Applicable	✘	Not Applicable	Released If Approved By Minister of Public Safety	Not Applicable
<b>Stayed</b>	✘	✘	✘	✘	✘-1	✘-1

DISPOSITIONS	Criminal Records Check ADULT	Criminal Records Check YOUTH	Police Information Check ADULT	Police Information Check YOUTH	Police Vulnerable Sector Check ADULT	Police Vulnerable Sector Check YOUTH
<b>Withdrawn</b>	x	x	x	x	x-1	x-1
<b>Withdrawn – Diversion</b> Alternative Measures Including Mental Health Diversion	x	x	x	x	x	x
<b>Withdrawn - Extrajudicial Sanctions</b> <b>YOUTH Only</b>	x	x	x	x	x	x-1
<b>Withdrawn – Peace Bond</b> Also See Current Judicial Orders	x	x	x	x	x-1	x-1

# Appendix B: POLICE RECORD CHECK APPLICANT FACT SHEET

## **FOR INDIVIDUALS SEEKING EMPLOYMENT OR VOLUNTEER OPPORTUNITIES**

The “insert name” Police Service (the Service) will complete a Police Record Check on a potential candidate for employment or volunteer duties when:

1. You reside within the jurisdiction of this police service
2. You have signed the required consent forms.

The requesting agency plays an integral role in the initial stages of the hiring process. Even before an individual applies for a Police Record Check the agency should:

- (a) Complete an initial review for suitability and be considering you for an employment or volunteer opportunity.
- (b) Understand its obligation under the Human Rights Code with respect to evaluation, hiring and training volunteers or employees and what constitutes a bona fide reason for refusing to hire any individual or volunteer.
- (c) Determine that if a Police Vulnerable Sector Check is required, it is done so only for the purpose of assisting the Agency to determine your suitability for employment and/or volunteer duties responsible for the well-being of persons who, because of their age, disability or other circumstances are at a greater risk than the general population.

### **The “insert name” Police Service offers three levels of record checks:**

1. Police Criminal Record Check
2. Police Information Check
3. Police Vulnerable Sector Check

### **Police Criminal Record Check**

This check is intended for applicants who are involved as a volunteer, employee or in any situation where a basic Police Criminal Record Check is requested. This check is NOT intended for applicants who are seeking volunteer and/or employment with vulnerable persons.

### **The Police Criminal Record Check will include the following information:**

- (a) Criminal convictions from CPIC and/or local databases.
- (b) Summary convictions, for five years, when identified.
- (c) Findings of Guilt under the Youth Criminal Justice Act within the applicable disclosure period.

**The Police Criminal Record Check WILL NOT include:**

- (a) Outstanding entries, such as charges and warrants.
- (b) Absolute and conditional discharges.
- (c) Current judicial orders, including Peace Bonds, Probation and Prohibition orders under the Criminal Code of Canada.
- (d) Convictions where a record suspension has been granted.
- (e) Convictions under provincial statutes.
- (f) Local police contact.
- (g) Ministry of Transportation information (PARIS).
- (h) Special Interest Police (SIP) category of CPIC.
- (i) Family Court Restraining Orders.
- (j) Foreign information.
- (k) A Vulnerable Sector (VS) Query of sex offenders **with a record suspension** to ascertain if the applicant has been convicted of and granted a record suspension for any of the sexual offences that are listed in the schedule to the Criminal Records Act (CRA).
- (l) Any reference to incidents involving mental health contact.
- (m) Diversions will not be released as police contact and no reference to the occurrence is permitted (CC S. 717.4).
- (n) Youth Criminal Justice Act (YCJA) information beyond applicable disclosure period.
- (o) Any reference to contagious diseases.
- (p) Dispositions including, but not limited to, Withdrawn, Dismissed, and cases of Not Criminally Responsible by Reason of Mental Disorder.

**Police Information Check**

This check is intended for applicants who are seeking volunteer and/or employment with agencies who require a Police Criminal Record Check along with outstanding charges and outstanding warrants. The agency has determined that a search of sex offenders **with a record suspension** is NOT required (e.g., border crossing or visa) therefore this check is NOT intended for applicants who are seeking volunteer and/or employment with vulnerable persons.

**The Police Information Check will include the following information:**

- (a) **Criminal convictions from CPIC and/or local databases.**
- (b) **Summary convictions, for five years, when identified.**
- (c) **Findings of Guilt under the Youth Criminal Justice Act within the applicable disclosure period.**
- (d) Outstanding entries, such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders. As per CPIC policy, information obtained from the Investigative Databank must be confirmed and authorized for release by the contributing agency.
- (e) Absolute and conditional discharges **for 1 or 3 years respectively.**

**The Police Information Check WILL NOT include:**

- (a) Convictions where a record suspension has been granted.
- (b) Convictions under provincial statutes.
- (c) Local police contact.
- (d) Ministry of Transportation information (PARIS).
- (e) Special Interest Police (SIP) category of CPIC.
- (f) Family Court restraining orders.

- (g) Foreign information.
- (h) A Vulnerable Sector (VS) Query of sex offenders **with a record suspension** to ascertain if the applicant has been convicted of and granted a record suspension for any of the sexual offences that are listed in the schedule to the Criminal Records Act (CRA).
- (i) Any reference to incidents involving mental health contact.
- (j) Diversions will not be released as police contact and no reference to the occurrence is permitted (CC S. 717.4).
- (k) Youth Criminal Justice Act (YCJA) information beyond applicable disclosure period.
- (l) Any reference to contagious diseases.
- (m) Dispositions including, but not limited to, Withdrawn, Dismissed, and cases of Not Criminally Responsible by Reason of Mental Disorder.

### **Police Vulnerable Sector Check**

This check is restricted to applicants seeking employment and/or volunteering in a position of authority or trust relative to vulnerable persons **in Canada only**. It is a collection of offence information, including convictions, **outstanding warrants, charges, judicial orders** and sexual offence convictions for which the individual has received a record suspension where authorized by the Minister of Public Safety and Emergency Preparedness. Non-conviction information shall be released **only** when it meets the Exceptional Disclosure Assessment.

#### **The Police Vulnerable Sector Check will include the following information:**

- (a) **Criminal convictions from CPIC and/or local databases.**
- (b) **Summary convictions, for five years, when identified.**
- (c) **Findings of Guilt under the Youth Criminal Justice Act within the applicable disclosure period.**
- (d) Outstanding entries, such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders. As per CPIC policy, information obtained from the Investigative Databank must be confirmed and authorized for release by the contributing agency.
- (e) Absolute and conditional discharges **for 1 or 3 years respectively.**
- (f) In very exceptional cases, where it meets the Exceptional Disclosure Assessment, non-conviction dispositions including, but not limited to, Withdrawn and Dismissed.
- (g) Not Criminally Responsible by Reason of Mental Disorder.
- (h) All record suspensions as authorized for release by the Minister of Public Safety.

#### **The Police Vulnerable Sector Check WILL NOT include:**

- (a) Convictions under provincial statutes.
- (b) Local police contact.
- (c) Ministry of Transportation information (PARIS).
- (d) Special Interest Police (SIP) category of CPIC.
- (e) Family Court Restraining Orders.
- (f) Foreign information.
- (g) Any reference to incidents involving mental health contact.
- (h) Diversions will not be released as police contact and no reference to the occurrence is permitted (CC S. 717.4).
- (i) Youth Criminal Justice Act (YCJA) information beyond the applicable disclosure period.
- (j) Any reference to contagious diseases.



## **Verification of Criminal Record**

There are two methods for verification of a Criminal Record; either through the submission of fingerprints or by (self) declaration.

Verification of a Criminal Record is a process where you may declare your adult criminal record convictions to the police service.

### **Do NOT declare:**

- A conviction for which you have received a record suspension.
- A conviction where you were a “young person”.
- Absolute or Conditional Discharges.
- Any offences where you were not convicted.
- Provincial or municipal offences.
- Any charges dealt with outside of Canada.

The Service will confirm if the information matches a criminal record contained within the RCMP National Repository of Criminal Records. If the Service is not satisfied that your declared criminal record information is a match to a Criminal Record held at the repository, fingerprints are required.

### **Requirement for Fingerprints**

**Criminal Record:** If the police service requires fingerprints or is not satisfied that your (self) declaration is a match to a criminal record held at the RCMP National Repository of Criminal Records, your fingerprints must be submitted to the RCMP.

**Vulnerable Sector:** If you are seeking employment and/or volunteering in a position of authority or trust relative to vulnerable persons you may be required to submit fingerprints to verify whether you have been received a record suspension for a sexual offence contained within the RCMP National Repository of Criminal Records.

### **Release of Completed Police Record Check**

#### **Police Criminal Record Check and Police Information Check**

The Service will provide the results of a completed Police Criminal Record Check and Police Information Check only to you, the applicant.

It is your decision to share the results of a Police Record Check with the agency where you want to work or volunteer. The role of the Service is to provide you with the results of the Police Record Check. The agency is responsible to determine your suitability for the position.

### **Police Vulnerable Sector Check**

The Service will complete a Vulnerable Sector Check based on your name and date of birth, as well as, gender and date of birth. If no record is found, a completed Police Vulnerable Sector Check will be provided to you, the applicant.

If the Vulnerable Sector Search is inconclusive a fingerprint based search will be required. If the RCMP confirms that you have a sex offence **with a record suspension**, the information will be forwarded to the Minister of Public Safety to authorize disclosure of all or part of the information contained in your file. When the information is authorized for disclosure by the Minister, the criminal record associated with your fingerprints will be returned to the Service and will include the sexual offence **with a record suspension** information. At this point the Service will be required to obtain your consent in writing for

disclosure of the record(s). When you have signed the form giving consent to release the record(s) the Service must forward the information to the requesting agency (employer or volunteer agency).

If you, the applicant, choose not to disclose your record(s) the Service will contact the requesting agency in writing indicating that the Service was unable to complete the Police Vulnerable Sector Check.

**Reconsideration Request Process**

If you wish to request reconsideration on any information disclosed on the Police Vulnerable Sector Check you may apply in writing to (Name & address of Service).

You may also refer to the (name of Police Service) website at (website address) for further information regarding the Police Record Check process.

# Appendix C: POLICE RECORD CHECK AGENCY FACT SHEET

## **POLICE RECORD CHECKS FOR EMPLOYMENT OR VOLUNTEER OPPORTUNITIES**

Police Record Checks are performed only upon the written consent of the applicant.

The agency plays an integral role in the initial stages of the hiring process. Even before an individual applies for a Police Record Check the agency should:

- (a) Complete an initial review for suitability and be considering the individual for an employment or volunteer opportunity.
- (b) Understand its obligation under the Human Rights Code with respect to evaluation, hiring and training volunteers or employees and what constitutes a bona fide reason for refusing to hire any individual or volunteer.
- (c) Determine that if a Police Vulnerable Sector Check is required, it is done so only for the purpose of assisting the Agency to determine the suitability of potential candidates for employment and/or volunteer duties responsible for the well-being of persons who, because of their age, disability or other circumstances are at a greater risk than the general population.

For further information on selecting employees or volunteers refer to Volunteer Canada 10 Step Guideline and Screening Handbook at <http://volunteer.ca/content/2012-screening-handbook>.

By performing a Police Record Check, “insert name” Police Service (the Service) is in no way making a recommendation on the suitability of the applicant for the position nor should the agency consider the existence of information to mean a compulsory disqualification of the individual. It is important to note that information contained within a Police Record Check is based upon information provided by the applicant and the Service cannot guarantee it will identify all information pertaining to the individual.

### **The “insert name” Police Service provides three levels of Police Record Checks:**

1. Police Criminal Record Check
2. Police Information Check
3. Police Vulnerable Sector Check

### **Police Criminal Record Check**

This check is intended for applicants who are involved as a volunteer, employee or in any situation where a basic Police Criminal Record Check is requested. This check is NOT intended for applicants who are seeking volunteer and/or employment with vulnerable persons.

### **The Police Criminal Record Check will include the following information:**

- (a) Criminal convictions from CPIC and/or local databases.
- (b) Summary convictions, for five years, when identified.

- (c) Findings of Guilt under the Youth Criminal Justice Act within the applicable disclosure period.

**The Police Criminal Record Check WILL NOT include:**

- (a) Outstanding entries, such as charges and warrants.
- (b) Absolute and conditional discharges.
- (c) Current judicial orders, including Peace Bonds, Probation and Prohibition orders under the Criminal Code of Canada.
- (d) Convictions where a record suspension has been granted.
- (e) Convictions under provincial statutes.
- (f) Local police contact.
- (g) Ministry of Transportation information (PARIS).
- (h) Special Interest Police (SIP) category of CPIC.
- (i) Family Court Restraining Orders.
- (j) Foreign information.
- (k) A Vulnerable Sector (VS) Query of sex offenders with a record suspension to ascertain if the applicant has been convicted of and granted a record suspension for any of the sexual offences that are listed in the schedule to the Criminal Records Act (CRA).
- (l) Any reference to incidents involving mental health contact.
- (m) Diversions will not be released as police contact and no reference to the occurrence is permitted (CC S. 717.4).
- (n) Youth Criminal Justice Act (YCJA) information beyond applicable disclosure period.
- (o) Any reference to contagious diseases.
- (p) Dispositions including, but not limited to, Withdrawn, Dismissed, and cases of Not Criminally Responsible by Reason of Mental Disorder.

**Police Information Check**

This check is intended for applicants who are seeking volunteer and/or employment with agencies who require a Police Criminal Record Check along with outstanding charges and outstanding warrants. This check is NOT intended for applicants who are seeking volunteer or employment in a position of authority and trust relative to vulnerable persons.

**The Police Information Check will include the following information:**

- (a) Criminal convictions from CPIC and/or local databases.
- (b) Summary convictions, for five years, when identified.
- (c) Findings of Guilt under the Youth Criminal Justice Act within the applicable disclosure period.
- (d) Outstanding entries, such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders. As per CPIC policy, information obtained from the Investigative Databank must be confirmed and authorized for release by the contributing agency.
- (d) Absolute and conditional discharges for 1 or 3 years respectively.

**The Police Information Check WILL NOT include:**

- (a) Convictions where a record suspension has been granted.
- (b) Convictions under provincial statutes.
- (c) Local police contact.
- (d) Ministry of Transportation information (PARIS).

- (e) Special Interest Police (SIP) category of CPIC.
- (f) Family Court restraining orders.
- (g) Foreign information.
- (h) A Vulnerable Sector (VS) Query of sex offenders **with a record suspension** to ascertain if the applicant has been convicted of and granted a record suspension for any of the sexual offences that are listed in the schedule to the Criminal Records Act (CRA).
- (i) Any reference to incidents involving mental health contact.
- (j) Diversions will not be released as police contact and no reference to the occurrence is permitted (CC S. 717.4).
- (k) Youth Criminal Justice Act (YCJA) information beyond applicable disclosure period.
- (l) Any reference to contagious diseases.
- (m) Dispositions including, but not limited to, Withdrawn, Dismissed, and cases of Not Criminally Responsible by Reason of Mental Disorder.

This check is intended for applicants who are involved as a volunteer, employee or in any situation where a basic Police Criminal Record Check is requested. This check is NOT intended for applicants who are seeking volunteer and/or employment with vulnerable persons

### **Police Vulnerable Sector Check**

This check is restricted to applicants seeking employment and/or volunteering in a position of authority or trust relative to vulnerable persons **in Canada only**. It is a collection of offence information, including convictions, **outstanding warrants, charges, judicial orders** and sexual offence convictions for which the individual has received a record suspension where authorized by the Minister of Public Safety and Emergency Preparedness. Non-conviction information shall be released only when it meets the Exceptional Disclosure Assessment. This check can only be completed by police in the jurisdiction where the applicant resides.

#### **The Police Vulnerable Sector Check will include the following information:**

- (a) **Criminal convictions from CPIC and/or local databases.**
- (b) **Summary convictions, for five years, when identified.**
- (c) **Findings of Guilt under the Youth Criminal Justice Act within the applicable disclosure period.**
- (d) Outstanding entries, such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders. As per CPIC policy, information obtained from the Investigative Databank must be confirmed and authorized for release by the contributing agency.
- (e) Absolute and conditional discharges **for 1 or 3 years respectively.**
- (f) In very exceptional cases, where it meets the Exceptional Disclosure Assessment, non-conviction dispositions including, but not limited to, Withdrawn and Dismissed.
- (g) Not Criminally Responsible by Reason of Mental Disorder.
- (h) All record suspensions as authorized for release by the Minister of Public Safety.

#### **The Police Vulnerable Sector Check WILL NOT include:**

- (a) Convictions under provincial statutes.
- (b) Local police contact.
- (c) Ministry of Transportation information (PARIS).

- (d) Special Interest Police (SIP) category of CPIC.
- (e) Family Court Restraining Orders.
- (f) Foreign information.
- (g) Any reference to incidents involving mental health contact.
- (h) Diversions will not be released as police contact and no reference to the occurrence is permitted (CC S. 717.4).
- (i) Youth Criminal Justice Act (YCJA) information beyond the applicable disclosure period.
- (j) Any reference to contagious diseases.

### **Verification of Criminal Record**

There are two methods for verification of a Criminal Record; either through the submission of fingerprints or by (self) declaration.

Verification of a Criminal Record is a process where the applicant may declare their adult criminal record convictions to the police service.

#### **Applicants are NOT required to declare:**

- A conviction for which the applicant has received a record suspension.
- A conviction where the applicant was a “young person” under the YCJA.
- Absolute or Conditional Discharges.
- Any offences for which the applicant was not convicted.
- Provincial or municipal offences.
- Any charges dealt with outside of Canada.

The Service will confirm if the information matches a criminal record contained within the RCMP National Repository of Criminal Records. If the Service is not satisfied that the applicants declared criminal record information is a match to a Criminal Record held at the repository, fingerprints are required.

### **Requirement for Fingerprints**

#### **Criminal Record:**

If the police service requires fingerprints or is not satisfied that the applicants (self) declaration is a match to a criminal record held at the RCMP National Repository of Criminal Records, fingerprints must be submitted to the RCMP.

#### **Vulnerable Sector:**

If the applicant is being considered to work in a volunteer or employment position where they will be in a position of authority and trust relative to vulnerable persons, they may be required to submit fingerprints to verify whether there is a criminal record including the existence of any sex offences **with a record suspension** contained within the RCMP National Repository of Criminal Records.

### **Release of Completed Police Record Check**

#### **Police Criminal Record Check and Police Information Check**

The Service will provide the results of a completed Police Criminal Record Check and Police Information Check to the applicant only.

It is the choice of the applicant to decide whether he/she wants to share the results of the Police Record Check with the requesting agency. The role of the Service is to provide the applicant with the results of the Police Record Check. The agency is responsible for determining the suitability of the applicant for the

position. The result of any Police Record Check is just one component of the information available to and evaluated by the agency.

### **Police Vulnerable Sector Check**

The Service will complete a Vulnerable Sector Check based on the applicant's name and date of birth, as well as, gender and date of birth. If no record is found, a completed Police Vulnerable Sector Check will be provided to the applicant.

If the Vulnerable Sector Search is inconclusive a fingerprint based search will be required. If the RCMP confirms that the applicant has a sex offence **with a record suspension**, the information will be forwarded to the Minister of Public Safety to authorize disclosure of all or part of the information contained in the file. When the information is authorized for disclosure by the Minister, the criminal record associated with the applicant's fingerprints will be returned to the "Service" and will include the sexual offence **with a record suspension** information. At this point the Service will be required to obtain the applicant's consent in writing for disclosure of the record(s). When the applicant has signed the form giving consent to release the record(s) the Service must forward the information to the requesting agency (employer or volunteer agency).

If the applicant chooses not to disclose their record(s) the Service will contact the requesting agency in writing indicating that the Service was unable to complete the Police Vulnerable Sector Check.

You may also refer to the (name of Police Service) website at (website address) for further information regarding the Police Check process.

# Appendix D: PCRC & PIC APPLICATION FOR (SELF) DECLARATION

<b>Appendix D</b>					
<b>(LOGO)</b>		<b>POLICE CRIMINAL RECORDS CHECK POLICE INFORMATION CHECK</b>			
<b>TO BE COMPLETED BY APPLICANT –</b> Mailing Address (name, street, city, province, postal code) Must Print Legibly under Each Heading– this is your mailing label					Date of Request ____/____/____ yy mm dd
Last Name		First Name		Middle Name	
# and Street Name			Apt/Unit #	Maiden Name or other Surnames used	Other First Names
City	Province	Postal Code		Date of Birth ____/____/____ yy mm dd	Place of Birth
<b>Address History</b> – please fill out if resident address differs from mailing address and/or if resided OUTSIDE of the Region in the past 5 years					
<b>Street name and #</b> (please state below)		<b>Apt/Unit #</b>	<b>City</b>	<b>Province</b>	<b>Postal Code</b>
					<b># of yrs</b>
<b>Reason for Request (State below)</b>			<b>Self Declaration (if applicable)</b>		
Reason (Volunteer, employment or other – if other, please specify)				<input type="checkbox"/> Declaration of Criminal Record Attached	
<b>Identification</b> – one form MUST be Government Issued and include applicant’s name, date of birth, signature and photo of applicant					
Type of I.D. produced		ID number			
Type of I.D. produced		ID number			
<b>Contact Information</b>					
Residential Phone		Business Phone		Cell Phone	
<p><b>The Police Criminal Records Check will include the following information as it exists on the date of the search:</b></p> <ul style="list-style-type: none"> <li>• Criminal convictions from CPIC and/or local databases and Summary convictions from this police service’s local database.</li> <li>• Findings of Guilt under the Youth Criminal Justice Act within the applicable disclosure period.</li> </ul> <p><b>The Police Information Check will include all of the above and the following information as it exists on the date of the search:</b></p> <ul style="list-style-type: none"> <li>• Outstanding entries such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders.</li> <li>• Absolute and Conditional Discharges</li> </ul>					



1. I hereby release and discharge the \_\_\_\_\_ Police Service and all members and employees of the said Service from any and all actions, claims and demands for damages, loss or injury howsoever arising which may hereafter be sustained by myself as a result of the disclosure of information by the Police Service. I hereby authorize the \_\_\_\_\_ Police Service to inquire into and disclose the results of any police records indicating criminal convictions, conditional and absolute discharges, outstanding criminal charges to me and to conduct a local police contact search with any Police Service in Canada.

2. I certify that the information provided by me in this application is true and correct to the best of my knowledge and belief. I have read this consent, understand it and agree to it in its entirety.

**Applicant's Name: (Please Print)** \_\_\_\_\_

**Applicant's Signature** \_\_\_\_\_

**POLICE USE ONLY**

**1. RESULTS FOR NAME-BASED CRIMINAL RECORD VERIFICATION**

<input type="checkbox"/>	NEGATIVE	<b>Based solely on the name(s) and date of birth provided and the criminal record information declared by the applicant</b> , a search of the RCMP National Repository of Criminal Records <b>did NOT identify any records</b> with the name(s) and date of birth of the applicant. <b>Positive identification that a criminal record does or does not exist at the RCMP National Repository of Criminal Records can only be confirmed by FINGERPRINT comparison.</b> Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.
<input type="checkbox"/>	INCOMPLETE	<b>Based solely on the name(s) and date of birth provided and the criminal record information declared by the applicant</b> , a search of the RCMP National Repository of Criminal Records <b>could NOT be completed.</b> <b>Positive identification that a criminal record does or does not exist requires the applicant to SUBMIT FINGERPRINTS to the RCMP National Repository of Criminal Records by an authorized police service or accredited private fingerprinting company.</b> Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.
<input type="checkbox"/>	POSSIBLE MATCH <small>(See attached page for details)</small>	<b>Based solely on the name(s) and date of birth provided and the criminal record information declared by the applicant</b> , a search of the RCMP National Repository of Criminal Records <b>has resulted in a POSSIBLE match to a registered criminal record.</b> <b>Positive identification that a criminal record does or does not exist at the RCMP National Repository of Criminal Records can only be confirmed by FINGERPRINT comparison. As such, the criminal record information declared by the applicant does NOT constitute a Certified Criminal Record by the RCMP.</b> Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.

**Date of Search**

**Clerk #**

**▶ NOT VALID UNLESS EMBOSSED WITH POLICE SEAL**

Personal information contained on this form is collected pursuant to the Police Services Act s.41 and is collected for the purpose of processing this police record check. Questions concerning this collection should be directed to [Police Service to fill in position and address/phone number]

# Appendix E: PVSC APPLICATION FOR (SELF) DECLARATION

<b>Appendix E</b>					
<b>(LOGO)</b>		<b>POLICE VULNERABLE SECTOR CHECK</b>			
<b>TO BE COMPLETED BY APPLICANT</b>					Date of Request ____/____/____ yy mm dd
<b>Mailing Address (name, street, city, province, postal code)</b> Must Print Legibly under Each Heading– this is your mailing label					
Last Name	First Name		Middle Name		
# and Street Name		Apt/Unit #	Maiden Name or other Surnames used		Other First Names
City	Province	Postal Code		Date of Birth ____/____/____ yy mm dd	Place of Birth
<b>Address History</b> – please fill out if resident address differs from mailing address and/or if resided OUTSIDE of the Region in the past 5 years					
<b>Street name and #</b> (please state below)	<b>Apt/Unit #</b>	<b>City</b>	<b>Province</b>	<b>Postal Code</b>	<b># of yrs</b>
<b>Reason for Request (State below)</b>			<b>Self Declaration (if applicable)</b>		
Reason (Volunteer, employment or other – if other, please specify			<input type="checkbox"/> Declaration of Criminal Record Attached		
<b>Identification</b> – one form MUST be Government Issued and include applicant’s name, date of birth, signature and photo of applicant					
Type of I.D. produced		ID number			
Type of I.D. produced		ID number			
<b>Contact Information</b>					
Residential Phone		Business Phone		Cell Phone	
<p><b>The Police Vulnerable Sector Check will include the following information as it exists on the date of the search:</b></p> <ul style="list-style-type: none"> <li>Criminal convictions from CPIC and/or local databases and summary convictions from this police service’s local database.</li> <li>Findings of guilt under the Youth Criminal Justice Act within the applicable disclosure period.</li> <li>Outstanding entries such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders. As per CPIC policy, information obtained from the Investigative Databank must be confirmed and authorized for release by the contributing agency.</li> <li>Absolute and conditional discharges.</li> <li>In very exceptional cases, where it meets the Exceptional Disclosure Assessment, non-conviction dispositions including but not limited to, Withdrawn and Dismissed.</li> <li>Not Criminally Responsible by Reason of Mental Disorder.</li> <li>All record suspensions as authorized for release by the Minister of Public Safety.</li> </ul>					

1. I hereby release and discharge the \_\_\_\_\_ Police Service and all members and employees of the said Service from any and all actions, claims and demands for damages, loss or injury howsoever arising which may hereafter be sustained by myself as a result of the disclosure of information by the Police Service. I hereby authorize the \_\_\_\_\_ Police Service to inquire into and disclose the results of any police records indicating criminal convictions, conditional and absolute discharges, outstanding criminal charges to me and to conduct a local police contact search with any Police Service in Canada.
2. I certify that the information provided by me in this application is true and correct to the best of my knowledge and belief. I have read this consent, understand it and agree to it in its entirety.

**Applicant's Name: (Please Print)** \_\_\_\_\_  
**Applicant's Signature** \_\_\_\_\_

**POLICE VULNERABLE SECTOR CHECK**

**Part 1: Identification of the Applicant**

Surname	Given Name	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Date of Birth (yy-mm-dd)
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**Part 2: Reason for Consent (Please fill out the following)**

I am an applicant for a paid or volunteer position with a person or organization responsible for the well-being of one or more children or vulnerable persons.

Description of paid or volunteer position:	Name of the person or organization:
--	-------------------------------------

Details regarding the responsibilities towards children or vulnerable person(s):

**Part 3: Consent**

I hereby consent to a search being made in the automated criminal records retrieval system maintained by the Royal Canadian Mounted Police to find out if I have been convicted of and been granted a record suspension for any of the sexual offences that are listed in the schedule to the Criminal Records Act.

I understand that as a result of giving this consent, if I am suspected of being the person named in a criminal record for one of the sexual offences listed in the schedule to the Criminal Records Act in respect of which a pardon was granted or issued, I will be requested to provide fingerprints to confirm that record and that record may be provided by the Commissioner of the Royal Canadian Mounted Police to the Solicitor General of Canada, who may then disclose all or part of the information contained in that record to a police force or other authorized body. That police force or authorized body will then disclose that information to me. If I further consent in writing to disclosure of that information to the person or organization referred to above that requested the information, that information will be disclosed to that person or organization.

Contributing Agency	
Signature of Applicant	Date (yy-mm-dd)

**POLICE USE ONLY (One box must be checked for each section)**

**2. RESULTS FOR NAME-BASED CRIMINAL RECORD VERIFICATION**

<input type="checkbox"/>	NEGATIVE	Based solely on the name(s) and date of birth provided and the criminal record information declared by the applicant, a search of the RCMP National Repository of Criminal Records <b>did NOT identify any records</b> with the name(s) and date of birth of the applicant. <b>Positive identification that a criminal record does or does not exist at the RCMP National Repository of Criminal Records can only be confirmed by FINGERPRINT comparison.</b> Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.
<input type="checkbox"/>	INCOMPLETE	Based solely on the name(s) and date of birth provided and the criminal record information declared by the applicant, a search of the RCMP National Repository of Criminal Records <b>could NOT be completed. Positive identification that a criminal record does or does not exist requires the applicant to SUBMIT FINGERPRINTS to the RCMP National Repository of Criminal Records by an authorized police service or accredited private fingerprinting company.</b> Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.
<input type="checkbox"/>	POSSIBLE MATCH	Based solely on the name(s) and date of birth provided and the criminal record information declared by the applicant, a search of the RCMP National Repository of Criminal Records <b>has resulted in a POSSIBLE match to a registered criminal record. Positive identification that a criminal record does or does not exist at the RCMP National Repository of Criminal Records can only be confirmed by FINGERPRINT comparison. As such, the criminal record information declared by the applicant does NOT constitute a Certified Criminal Record by the RCMP.</b> Delays do exist between a conviction being rendered in court, and the

	(See attached page for details)	details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.
<b>2. RESULTS OF FINGERPRINT COMPARISON SEARCH WITH THE NATIONAL REPOSITORY OF CRIMINAL RECORDS</b>		
<input type="checkbox"/>	NO RECORDS IDENTIFIED	
<input type="checkbox"/>	RECORDS IDENTIFIED (See attached page(s) for details)	
<input type="checkbox"/>	NOT APPLICABLE	
<b>3. RESULTS OF INVESTIGATIVE DATABANK AND LOCAL INDICES RESULTS</b>		
<input type="checkbox"/>	NEGATIVE – No information was revealed that can be disclosed in accordance with federal laws and RCMP policies	
<input type="checkbox"/>	POSITIVE - (See attached page(s) for details).	
<b>4. RESULTS OF POLICE VULNERABLE SECTOR SCREENING ONLY</b>		
<input type="checkbox"/>	A search of sex offenders who were granted a record suspension was conducted. No information to release.	
<input type="checkbox"/>	A search of sex offenders who were granted a record suspension was conducted. Information authorized for release. See attached page(s) for details.	
<input type="checkbox"/>	A search of sex offenders who were granted a record suspension <u>was not</u> conducted.	
<b>Date of Search</b>		<b>Clerk #</b>
<b>► NOT VALID UNLESS EMBOSSSED WITH POLICE SEAL</b>		

Personal information contained on this form is collected pursuant to the Police Services Act s.41 and is collected for the purpose of processing this police record check. Questions concerning this collection should be directed to [Police Service to fill in position and address/phone number]

# Appendix F: PCRC & PIC APPLICATION FOR AGENCIES FINGERPRINTING

Appendix F					
<b>(LOGO)</b>		<b>POLICE CRIMINAL RECORDS CHECK POLICE INFORMATION CHECK</b>			
<b>TO BE COMPLETED BY APPLICANT –</b> Mailing Address (name, street, city, province, postal code) Must Print Legibly under Each Heading– this is your mailing label					Date of Request ____/____/____ yy mm dd
Last Name		First Name		Middle Name	
# and Street Name			Apt/Unit #	Maiden Name or other Surnames used	Other First Names
City	Province	Postal Code		Date of Birth ____/____/____ yy mm dd	Place of Birth
<b>Address History</b> – please fill out if resident address differs from mailing address and/or if resided OUTSIDE of the Region in the past 5 years					
<b>Street name and #</b> (please state below)		<b>Apt/Unit #</b>	<b>City</b>	<b>Province</b>	<b>Postal Code</b>
					<b># of yrs</b>
<b>Reason for Request (State below)</b>					
Reason (Volunteer, employment or other – if other, please specify)					
<b>Identification</b> – one form MUST be Government Issued and include applicant’s name, date of birth, signature and photo of applicant					
Type of I.D. produced		ID number			
Type of I.D. produced		ID number			
<b>Contact Information</b>					
Residential Phone		Business Phone		Cell Phone	
<p><b>The Police Criminal Records Check will include the following information as it exists on the date of the search:</b></p> <ul style="list-style-type: none"> <li>• Criminal convictions from CPIC and/or local databases and Summary convictions from this police service’s local database.</li> <li>• Findings of Guilt under the Youth Criminal Justice Act within the applicable disclosure period.</li> </ul> <p><b>The Police Information Check will include all of the above and the following information as it exists on the date of the search:</b></p> <ul style="list-style-type: none"> <li>• Outstanding entries such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders.</li> <li>• Absolute and Conditional Discharges</li> </ul>					

1. I hereby release and discharge the \_\_\_\_\_ Police Service and all members and employees of the said Service from any and all actions, claims and demands for damages, loss or injury howsoever arising which may hereafter be sustained by myself as a result of the disclosure of information by the Police Service. I hereby authorize the \_\_\_\_\_ Police Service to inquire into and disclose the results of any police records indicating criminal convictions, conditional and absolute discharges, outstanding criminal charges to me and to conduct a local police contact search with any Police Service in Canada.

2. I certify that the information provided by me in this application is true and correct to the best of my knowledge and belief. I have read this consent, understand it and agree to it in its entirety.

**Applicant's Name: (Please Print)** \_\_\_\_\_

**Applicant's Signature** \_\_\_\_\_

**POLICE USE ONLY**

**3. RESULTS FOR RCMP NATIONAL RESPOSITORY CRIMINAL RECORDS CHECK**

<input type="checkbox"/>	NEGATIVE (not confirmed by prints)	<b>Based solely on the name(s) and date of birth provided and the criminal record information declared by the applicant</b> , a search of the RCMP National Repository of Criminal Records <b>did NOT identify any records</b> with the name(s) and date of birth of the applicant. <b>Positive identification that a criminal record does or does not exist at the RCMP National Repository of Criminal Records can only be confirmed by FINGERPRINT comparison.</b> Delays do exist between a conviction being rendered in court, and the details accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.
<input type="checkbox"/>	NEGATIVE (confirmed by prints)	<b>Based on the fingerprints, name(s), and date of birth submitted by the applicant</b> , this message certifies that a search of the RCMP National Repository of Criminal Records <b>did not identify any records</b> associated with the applicant that may be disclosed in accordance with federal laws. Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.
<input type="checkbox"/>	CRIMINAL RECORD (not confirmed by prints)	<b>Based solely on the name(s) and date of birth provided and the criminal record information declared by the applicant</b> , a search of the RCMP National Repository of Criminal Records <b>has resulted in a possible match to a registered criminal record. Positive identification that a criminal record does or does not exist at the RCMP National Repository of Criminal Records can only be confirmed by fingerprint comparison. As such, the criminal record information declared by the applicant does not constitute a Certified Criminal Record by the RCMP.</b> Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records. <b>This document may not contain all criminal record convictions associated with the applicant.</b>
<input type="checkbox"/>	CRIMINAL RECORD (confirmed by prints)	<b>Based on the fingerprints, name(s), and date of birth submitted by the applicant</b> , this message certifies that a search of the RCMP National Repository of Criminal Records identified that the fingerprints submitted by the applicant were certified as identical to fingerprints registered under criminal FPS Number. Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records. <b>This document may not contain all criminal record convictions associated with the applicant.</b>
<input type="checkbox"/>	INCOMPLETE	<b>Based solely on the name(s) and date of birth provided and the criminal record information declared by the applicant</b> , a search of the RCMP National Repository of Criminal Records <b>could NOT be completed. Positive identification that a criminal record does or does not exist requires the applicant to SUBMIT FINGERPRINTS to the RCMP National Repository of Criminal Records by an authorized police service or accredited private fingerprinting company which has not been done.</b> Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.

**Date of Search**

**Clerk #**

**▶ NOT VALID UNLESS EMBOSSED WITH POLICE SEAL**

Personal information contained on this form is collected pursuant to the Police Services Act s.41 and is collected for the purpose of processing this police record check. Questions concerning this collection should be directed to [Police Service to fill in position and address/phone number]

# Appendix G: PVSC APPLICATION FOR AGENCIES FINGERPRINTING

<b>Appendix G</b>					
<b>(LOGO)</b>		<b>POLICE VULNERABLE SECTOR CHECK</b>			
<b>TO BE COMPLETED BY APPLICANT</b>					Date of Request ____/____/____ yy mm dd
<b>Mailing Address (name, street, city, province, postal code)</b> Must Print Legibly under Each Heading– this is your mailing label					
Last Name	First Name		Middle Name		
# and Street Name	Apt/Unit #		Maiden Name or other Surnames used	Other First Names	
City	Province	Postal Code	Date of Birth ____/____/____ yy mm dd	Place of Birth	Gender
<b>Address History</b> – please fill out if resident address differs from mailing address and/or if resided OUTSIDE of the Region in the past 5 years					
<b>Street name and #</b> (please state below)	<b>Apt/Unit #</b>	<b>City</b>	<b>Province</b>	<b>Postal Code</b>	<b># of yrs</b>
<b>Reason for Request (State below)</b>					
Reason (Volunteer, employment or other – if other, please specify)					
<b>Identification</b> – one form MUST be Government Issued and include applicant’s name, date of birth, signature and photo of applicant					
Type of I.D. produced		ID number			
Type of I.D. produced		ID number			
<b>Contact Information</b>					
Residential Phone	Business Phone		Cell Phone		

**The Police Vulnerable Sector Check will include the following information as it exists on the date of the search:**

- Criminal convictions from CPIC and/or local databases and summary convictions from this police service's local database.
- Findings of guilt under the Youth Criminal Justice Act within the applicable disclosure period.
- Outstanding entries such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders. As per CPIC policy, information obtained from the Investigative Databank must be confirmed and authorized for release by the contributing agency.
- Absolute and conditional discharges.
- In very exceptional cases, where it meets the Exceptional Disclosure Assessment, non-conviction dispositions including but not limited to, Withdrawn and Dismissed.
- Not Criminally Responsible by Reason of Mental Disorder.
- All record suspensions as authorized for release by the Minister of Public Safety.

1. I hereby release and discharge the \_\_\_\_\_ Police Service and all members and employees of the said Service from any and all actions, claims and demands for damages, loss or injury howsoever arising which may hereafter be sustained by myself as a result of the disclosure of information by the Police Service. I hereby authorize the \_\_\_\_\_ Police Service to inquire into and disclose the results of any police records indicating criminal convictions, conditional and absolute discharges, outstanding criminal charges to me and to conduct a local police contact search with any Police Service in Canada.

2. I certify that the information provided by me in this application is true and correct to the best of my knowledge and belief. I have read this consent, understand it and agree to it in its entirety.

**Applicant's Name: (Please Print)** \_\_\_\_\_

**Applicant's Signature** \_\_\_\_\_



<b>POLICE VULNERABLE SECTOR CHECK</b>			
<b>Part 1: Identification of the Applicant</b>			
Surname	Given Name	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Date of Birth (yy-mm-dd)
<b>Part 2: Reason for Consent (Please fill out the following)</b>			
I am an applicant for a paid or volunteer position with a person or organization responsible for the well-being of one or more children or vulnerable persons.			
Description of paid or volunteer position:		Name of the person or organization:	
Details regarding the responsibilities towards children or vulnerable person(s):			
<b>Part 3: Consent</b>			
I hereby consent to a search being made in the automated criminal records retrieval system maintained by the Royal Canadian Mounted Police to find out if I have been convicted of and been granted a record suspension for any of the sexual offences that are listed in the schedule to the Criminal Records Act.			
I understand that as a result of giving this consent, if I am suspected of being the person named in a criminal record for one of the sexual offences listed in the schedule to the Criminal Records Act in respect of which a pardon was granted or issued, I will be requested to provide fingerprints to confirm that record and that record may be provided by the Commissioner of the Royal Canadian Mounted Police to the Solicitor General of Canada, who may then disclose all or part of the information contained in that record to a police force or other authorized body. That police force or authorized body will then disclose that information to me. If I further consent in writing to disclosure of that information to the person or organization referred to above that requested the information, that information will be disclosed to that person or organization.			
Contributing Agency			
Signature of Applicant		Date (yy-mm-dd)	
<b>POLICE USE ONLY (One box must be checked for each section)</b>			
<b>RESULTS FOR RCMP NATIONAL REPOSITORY CRIMINAL RECORD CHECK AND VULNERABLE SECTOR SCREENING</b>			
<input type="checkbox"/>	NEGATIVE (not confirmed by prints)	<b>Based solely on the name(s) and date of birth provided and the criminal record information declared by the applicant</b> , a search of the RCMP National Repository of Criminal Records <b>did NOT identify any records</b> with the name(s) and date of birth of the applicant. <b>Positive identification that a criminal record does or does not exist at the RCMP National Repository of Criminal Records can only be confirmed by FINGERPRINT comparison.</b> Delays do exist between a conviction being rendered in court, and the details accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.	
<input type="checkbox"/>	NEGATIVE (confirmed by prints)	<b>Based on the fingerprints, name(s), and date of birth submitted by the applicant</b> , this message certifies that a search of the RCMP National Repository of Criminal Records <b>did not identify any records</b> associated with the applicant that may be disclosed in accordance with federal laws. Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.	
<input type="checkbox"/>	CRIMINAL RECORD (not confirmed by prints)	<b>Based solely on the name(s) and date of birth provided and the criminal record information declared by the applicant</b> , a search of the RCMP National Repository of Criminal Records <b>has resulted in a possible match to a registered criminal record. Positive identification that a criminal record does or does not exist at the RCMP National Repository of Criminal Records can only be confirmed by fingerprint comparison. As such, the criminal record information declared by the applicant does not constitute a Certified Criminal Record by the RCMP.</b> Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records. <b>This document may not contain all criminal record convictions associated with the applicant.</b>	
<input type="checkbox"/>	CRIMINAL RECORD (confirmed by prints)	<b>Based on the fingerprints, name(s), and date of birth submitted by the applicant</b> , this message certifies that a search of the RCMP National Repository of Criminal Records identified that the fingerprints submitted by the applicant were certified as identical to fingerprints registered under criminal FPS Number. Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National	

<input type="checkbox"/>	INCOMPLETE	Repository of Criminal Records. <b>This document may not contain all criminal record convictions associated with the applicant. Based solely on the name(s) and date of birth provided and the criminal record information declared by the applicant, a search of the RCMP National Repository of Criminal Records could NOT be completed. Positive identification that a criminal record does or does not exist requires the applicant to SUBMIT FINGERPRINTS to the RCMP National Repository of Criminal Records by an authorized police service or accredited private fingerprinting company which has not been done.</b> Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.
<b>RESULTS OF INVESTIGATIVE DATABANK AND LOCAL INDICES RESULTS</b>		
<input type="checkbox"/>	NEGATIVE – No information was revealed that can be disclosed in accordance with federal laws and RCMP policies	
<input type="checkbox"/>	POSITIVE - (See attached page(s) for details).	
<b>RESULTS OF POLICE VULNERABLE SECTOR SCREENING ONLY</b>		
<input type="checkbox"/>	A search of sex offenders who were granted a record suspension was conducted. No information to release.	
<input type="checkbox"/>	A search of sex offenders who were granted a record suspension was conducted. Information authorized for release. See attached page(s) for details.	
<input type="checkbox"/>	A search of sex offenders who were granted a record suspension <b><u>was not</u></b> conducted.	
<b>Date of Search</b>		<b>Clerk #</b>
<b>► NOT VALID UNLESS EMBOSSED WITH POLICE SEAL</b>		

Personal information contained on this form is collected pursuant to the Police Services Act s.41 and is collected for the purpose of processing this police record check. Questions concerning this collection should be directed to [Police Service to fill in position and address/phone number]

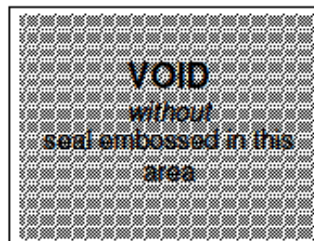
# Appendix H: POLICE CRIMINAL RECORD CHECK RESPONSE

<b>Insert Logo</b> <span style="float: right; font-size: small;">(Insert Name) Police Service</span>	<h2 style="margin: 0;">Police Record Check Supplementary Information</h2>
This page(s) must accompany either a Police Criminal Record Check/Police Information Check or a Police Vulnerable Sector Check Form.	Page of

If your agency or organization requires a record of your driving, you may obtain a driver abstract from the Ministry of Transportation.

<b>Name:</b> (Applicants name)
--------------------------------

DATE	LOCATION	CHARGE	DISPOSITION
<b><u>Criminal Convictions:</u></b>			
1991 June 25	Brampton, ON	Assault with a Weapon	10 Days & Probation 12 Months
2008 Sept 08	Waterloo, ON	Theft Under	Probation 1 Year



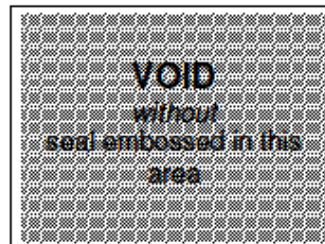
# Appendix I: POLICE INFORMATION CHECK RESPONSE

<b>Insert Logo</b> <small>(Insert Name)</small> Police Service	<h2 style="margin: 0;">Police Record Check Supplementary Information</h2>
This page(s) must accompany either a Police Criminal Record Check/Police Information Check or a Police Vulnerable Sector Check Form.	Page of

If your agency or organization requires a record of your driving, you may obtain a driver abstract from the Ministry of Transportation.

<b>Name:</b>	(Applicants name)
--------------	-------------------

DATE	LOCATION	CHARGE	DISPOSITION
<b><u>Criminal Convictions:</u></b>			
1991 June 25	Brampton, ON	Assault with a Weapon	10 Days & Probation 12 Months
2008 Sept 08	Waterloo, ON	Theft Under	Probation 1 Year
<b><u>Outstanding Charges:</u></b>			
2014 May 15	Oshawa, ON	Unlawful Assembly	Awaiting Disposition Court Date: 2014-06-20



# Appendix J: POLICE VULNERABLE SECTOR CHECK RESPONSE

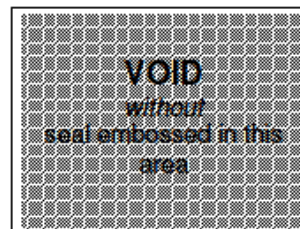
<b>Insert Logo</b> <i>(Insert Name)</i> Police Service	<b>Police Record Check Supplementary Information</b>
This page(s) must accompany either a Police Criminal Record Check/Police Information Check or a Police Vulnerable Sector Check Form.	Page of

If your agency or organization requires a record of your driving, you may obtain a driver abstract from the Ministry of Transportation.

<b>Name:</b> (Applicants name)
--------------------------------

DATE	LOCATION	CHARGE	DISPOSITION
<b><u>Criminal Convictions:</u></b>			
1991 June 25	Brampton, ON	Assault with a Weapon	10 Days & Probation 12 Months
2008 Sept 08	Waterloo, ON	Theft Under	Probation 1 Year
<b><u>Outstanding Charges:</u></b>			
2014 May 15	Oshawa, ON	Unlawful Assembly	Awaiting Disposition Court Date: 2014-06-20
<b><u>Non-Conviction Records for Public Safety</u></b>			
2012 Oct 2	Windsor, ON	Sex Assault	Withdrawn
2011 Jul 5	Windsor, ON	Sex Assault	Dismissed

*Non-convictions are criminal charges that did not result in a conviction in court. However, the information meets the Exceptional Disclosure Assessment and is being released under the authority of the Police Services Act. [PSA Regulation 265.98, S.3]*



# Appendix K: DECLARATION OF CRIMINAL RECORD FORM

<b>Police Service Crest</b>	<b>DECLARATION OF CRIMINAL RECORD</b> (To be completed by applicant)
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This form must be completed in order to receive a name-based Criminal Record, which includes the Adult Criminal Convictions and associated information from the R.C.M.P. National Repository of Criminal Records. Failure to complete this form accurately, will result in an incomplete record check, and require submission of fingerprints to the R.C.M.P. National Repository of Criminal Records.

<b>Last Name</b>	<b>Give Names</b>	<b>Sex</b> <input type="checkbox"/> Male <input type="checkbox"/> Female	<b>Date of birth</b> (yyyy-mm-dd)
<b>Current Address</b>	<b>City</b>	<b>Province</b>	<b>Postal Code</b>

**DECLARATION OF CRIMINAL RECORD**

- A *Declaration of Criminal Record* does not constitute a Certified Criminal Record by R.C.M.P.
- A *Declaration of Criminal Record* may not contain all criminal record convictions.
- A Certified Criminal Record can only be issued by C.C.R.T.I.S. based on the submission of fingerprints to the R.C.M.P. National Repository of Criminal Records.

**Declaration MUST include:**

- a) **All** convictions for offences under Federal Law.

**Declaration must NOT include:**

- (a) A conviction for which you received a Record Suspension (Pardon) in accordance with the Criminal Records Act.
- (b) A conviction when you were a "young person" under the Youth Criminal Justice Act.
- (c) An Absolute or Conditional Discharge, pursuant to section 730 of the Criminal Code.
- (d) An offence for which you were not convicted. (for example: the charges were withdrawn, dismissed, etc.)
- (e) Any Provincial or Municipal offences.
- (f) Any charges dealt with outside of Canada.

OFFENCE	DATE OF SENTENCE	LOCATION

\_\_\_\_\_

Applicant's signature

\_\_\_\_\_

Date

## Appendix L: RCMP FORM 2

### Form 2 - CONSENT TO DISCLOSURE OF RECORD

*(This form is to be used by a person who has consented to a search being made in criminal conviction records by completing the form called "Consent for a Criminal Record Check for a Sexual Offence for Which a Pardon Has Been Granted or Issued" and who wishes to consent to the disclosure of information obtained in that search to the person or organization who requested the search.)*

#### Identification of the Person Consenting

Full name:

Sex:

Date of birth:

Place of birth:

Address:

Previous addresses (if any) within the last 5 years:

#### Reason for the Consent

I am an applicant for a paid or volunteer position with a person or organization responsible for the well-being of one or more children or vulnerable persons.

Description of the paid or volunteer position:

The name of the person or organization is:

Provide details regarding the children or vulnerable persons:

#### Consent

I consent to information contained in a criminal record, found as a result of a criminal record check for a sexual offence for which a pardon has been granted or issued, being disclosed by a police force or other authorized body to the person or organization referred to above to whom or to which I am applying or have applied for a paid or volunteer position.

I understand that as a result of giving this consent, that information will be disclosed by the police force or other authorized body to the person or organization, even though a pardon has been granted or issued for the offence.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# Appendix M: RECONSIDERATION REQUEST FORM

<b>Police Service Crest</b>	<b>Request for Reconsideration of a Police Record Check</b>
Please PRINT Legibly	

Please visit our website at [<website>](#) or call <phone number> for more information.

PERSONAL INFORMATION						
Surname			First Name			
Middle Name			Other Names Used			
Contact Telephone Number		Gender	Date of Birth	YY	MM	DD
Mailing Address	Number/Unit	Street	City	Prov.	Postal Code	
CHECK LIST						
1. Have you attached a copy of your Police Record Check?			Yes <input type="checkbox"/>	No <input type="checkbox"/>		
2. Have you attached any other supporting documentation? (a maximum of 5 pages)			Yes <input type="checkbox"/>	No <input type="checkbox"/>		
COMMENTS						
FOR POLICE USE ONLY						
Action		Who		Date (YY/MM/DD)		
Fee Collected	C <input type="checkbox"/>	D <input type="checkbox"/>				
<input type="checkbox"/>	Request Approved					
<input type="checkbox"/>	Request Denied					
<input type="checkbox"/>	Decision Letter Sent					



## Appendix N: FREQUENTLY ASKED QUESTIONS

1. **Why can't we release outstanding charges and warrants on a PCRC?**

This level of record check is based on the RCMP Dissemination of Criminal Record Information Policy (2010) and reflects only convictions found in the Identification Databank (CRII). Outstanding charges and warrants do not fall within this definition so are not included in PCRC's.

2. **A youth was involved in an occurrence displaying violent behaviour and was given an Extrajudicial Measure (e.g. either warning, caution or even no further action). Can this be released?**

The YCJA does not allow Extrajudicial Measures (EJM) to be used for violent offences [YCJA Section 4(c)] However, since the offence was processed by way of an EJM disclosure rules of the YCJA [YCJA Section 119(4)] apply and the Service must not release it on a record check.

3. **How much discretion do we have as a police service with following the Guideline?**

Each police service operates independently and can choose what is adopted. The Guideline was adopted and endorsed by the OACP. Throughout the Guideline the word *should* is used when describing the recommended action. *Shall* or *must* is used when supported by legislation or RCMP policy.

4. **An individual or another agency is requesting information which is beyond the scope of the information your service provides in a record check. How would you respond?**

Each police service can exercise their own discretion, however, the recommended approach is to provide what you would release to the applicant if they came to your police service.

5. **Where can police services get more information?**

CCRTIS website:

<http://www.rcmp-grc.gc.ca/cr-cj/fing-empr2-eng.htm>

6. **Where can agencies get more information on screening?**

- Public Safety Canada Volunteer Screening Handbook  
<http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/scrnng-hndbk/index-eng.aspx>
- Local police service website
- Local volunteer bureau
- CCRTIS website:  
<http://www.rcmp-grc.gc.ca/cr-cj/fing-empr2-eng.htm>

## Appendix O: LIST OF OFFENCES FOR EXCEPTIONAL DISCLOSURE ASSESSMENT

Offence	Source 1 - CRA Schedule 1 2 - CRA Schedule 2 3 - BC CRRA Schedule 3	Criminal Code Section Number
Abduction of a person under 14	2	281
Abduction of a person under 16	2	280
Aggravated Offence - Living on avails of prostitution of a person under 18	1	212(2.1)
Aggravated Sexual Assault	1, 2	273
Agreement or arrangement - listed sexual offence against child under 14	1	171.2(1)(c)
Agreement or arrangement - listed sexual offence against child under 16	1	172.2(1)(b)
Agreement or arrangement - listed sexual offence against child under 18	1	172.2(1)(a)
Arson - Disregard for Human Life	3	433
Assault with intent to commit an indictable offence	1, 2	246(1)
Attempt to commit rape	1, 2	145
Bestiality in the presence of a person under 16 or inciting a person under 16 to commit bestiality	1	160(3)
Breaking and Entering	3	348
Breaking and Entering with intent to commit an indictable offence	1, 2	348(1)(a)
Breaking and Entering with intent to commit an indictable offence	1, 2	348(1)(b)
Child Pornography	1	163.1
Common Assault	1, 2	245
Corrupting children	1	172
Counseling Suicide	3	241
Criminal Breach of Trust	3	336
Exposure	1	173(2)
Extortion	3	346
False Pretences	3	362
False Pretences	3	363
Forgery	3	367
Fraud	3	380
Gross Indecency	1, 2	157
Harassing Calls	3	372
Householder permitting defilement	1	167
Householder permitting sexual activity	1	171
Incest	1, 2	155

## GUIDELINE For Police Record Checks

Offence	Source 1 - CRA Schedule 1 2 - CRA Schedule 2 3 - BC CRRA Schedule 3	Criminal Code Section Number
Indecent Acts	1, 2	173(1)
Indecent assault of Male	1, 2	156
Indecent assault on Female	1, 2	149
Indecent Phone calls	2	372(2)
Intimidation	3	423
Invitation to a person under 16 to sexual touching	1	152
Living on avails of prostitution of a person under 18	1	212(2)
Luring a child	1	172.1
Mailing obscene matter	1, 2	168
Making sexually explicit material available to child under 14 for purposes of listed offences	1	171.1(1)(c)
Making sexually explicit material available to child under 16 for purposes of listed offences	1	171.1(1)(b)
Making sexually explicit material available to child under 18 for purposes of listed offences	1	171.1(1)(a)
Mischief Endangering Life	3	430
Obscene materials	1, 2	163(1)(a)
Obscene materials	1, 2	163(2)(a)
Obtain, or attempt to obtain, sexual services of a person under 18	1	212(4)
Parent or Guardian procuring defilement	1	166
Parent or guardian procuring sexual activity	1	170
Possession of Break-in Instrument	3	351
Possession of Stolen Goods	3	355
Rape	1, 2	144
Removal of child 16 or more but under 18 from Canada for purpose of listed offence	1	273.3(1)(b)
Removal of child under 16 from Canada for purposes of listed offences	1	273.3(1)(a)
Removal of child under 18 from Canada for purposes of listed offences	1	273.3(1)(c)
Robbery	3	344
Seduction of a female 16 or more but under 18	1, 2	151
Sexual Assault	1, 2	271
Sexual Assault causing Bodily Harm	1	272(1)
Sexual Assault other than with Firearm	1, 2	272(2)(b)
Sexual Assault with a Weapon	1	272(1)
Sexual Assault with Firearm	1, 2	272(2)(a)
Sexual Exploitation of a person 16 or more but under 18	1	153
Sexual Exploitation of a person with a disability	1, 2	153.1
Sexual Intercourse with a female 14 or more but under 16	1, 2	146(2)
Sexual Intercourse with a female under 14	1, 2	146(1)

## GUIDELINE For Police Record Checks

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<b>Offence</b>	<b>Source</b> <b>1 - CRA</b> Schedule 1 <b>2 - CRA</b> Schedule 2 <b>3 - BC CRRA</b> Schedule 3	<b>Criminal</b> <b>Code</b> <b>Section</b> <b>Number</b>
Sexual Intercourse with stepdaughter, etc., or female employee	1, 2	153
Sexual Interference with a person under 16	1	151
Theft	3	334
Theft, Forgery of Credit Card	3	342
Unlawfully in a Dwelling	3	349
Uttering Forged Documents	3	368
Voyeurism	1, 2, 3	162