

# **POLICE CHECK AGENCY FACT SHEET**

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

Police Record Checks are performed only upon the 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

By performing a Police Record Check, Niagara Regional Police 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 Niagara Regional 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 (i.e., retail or immigration). This check is NOT intended for applicants who are seeking volunteer and/or employment with vulnerable persons.

### **Police Criminal Record Check will include:**

- Criminal convictions (summary and indictable) from the Canadian Police Information Centre (CPIC) and/or local databases.

**NOTE:** See section on Self-Declaration Requirement.

### **Police Criminal Record Check will NOT include:**

- Outstanding entries, such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders

- Absolute and Conditional Discharges

- Convictions where a pardon has been granted

- Convictions under provincial statutes

- Local Police contacts

- Ministry of Transportation information

- Family Court Restraining Orders

- Foreign information

- Charged and processed by other means such as Diversion

- Any reference to incidents involving mental health contact that did not result in a conviction

### **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 local police involvement.

## **Police Information Check will include:**

- Criminal convictions (summary and indictable) from CPIC and/or local databases
- Outstanding entries, such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders
- Absolute and Conditional Discharges as a police contact or criminal record if the expiry period has not been reached
- Family Court Restraining Orders

## **Police Information Check will NOT include:**

- Convictions where a pardon has been granted
- Convictions under provincial statutes
- Ministry of Transportation information
- Suspect information that would hinder an ongoing investigation or where the suspect has not been spoken to
- Youth Criminal Justice Act (YCJA) charges or information beyond applicable disclosure period
- Victim/Complainant information unless there is an exceptional circumstance
- Foreign information
- Any reference to incidents involving mental health contact that did not result in a criminal charge
- Charged and processed by other means such as diversion
- Dispositions including, but not limited to, Withdrawn, Dismissed, and cases of Not Criminally Responsible by Reason of Mental Disorder
- A review of all available police contacts including but not limited to theft, weapons, sex offences, or violent, harmful and threatening behaviour

## **Police Vulnerable Sector Check**

This check is restricted to applicants seeking employment and/or volunteering with vulnerable individuals. With the consent of the applicant, a query of sex offences for which a pardon has been granted will be conducted in compliance with the Criminal Records Act (CRA).

### **Police Vulnerable Sector Check will include:**

- Criminal convictions (summary and indictable) from CPIC and/or local databases
- Outstanding entries, such as charges and warrants, judicial orders, Peace Bonds, Probations and Prohibition Orders
- Absolute and Conditional Discharges from local database only
- Family Court Restraining Orders
- All pardoned criminal convictions, including non sex offences, identified as a result of a Police Vulnerable Sector Check and authorized for release by the Minister of Public Safety
- A review will be conducted of all police contact. Non convictions are criminal charges that did not result in a conviction in court. However, if the information meets the Exceptional Disclosure Assessment it will be released under the authority of the Police Services Act [PSA Regulation 265.98, s.2(b)(c)].

### **Police Vulnerable Sector Check will NOT include:**

- Charged and processed by other means such as diversion
- Dispositions including, but not limited to, Withdrawn, Dismissed, and cases of Not Criminally Responsible by Reason of Mental Disorder
- Convictions under provincial statutes
- Ministry of Transportation information
- Suspect information that would hinder an ongoing investigation or where the suspect has not been spoken to

- Youth Criminal Justice Act (YCJA) charges or information beyond the applicable disclosure period
- Victim/Complaint information unless there is an exceptional circumstance
- Foreign information
- Mental Health Act terminology

### **Self-Declaration**

Self-declaration of a criminal record is a process where the applicant may declare his/her adult criminal record convictions to the police service.

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

- A conviction for which the applicant has received a pardon
- 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 Niagara Regional Police 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 is not satisfied that the applicants self declaration is a match to a criminal record held at the Criminal Record Repository, fingerprints must be submitted to the RCMP.

## **Vulnerable Sector:**

If the applicant is being considered to work in a paid or volunteer position where there will be in a position of trust with the vulnerable sector they may be required to submit fingerprints to verify whether there is a criminal record including the existence of any pardoned sex offences contained within the RCMP National Criminal Records Repository.

## **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 discuss 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 Niagara Regional Police 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 pardoned sex offence, 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 Niagara Regional Police Service and will include the pardoned sexual offence 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 Niagara Regional Police Service must forward the information to the requesting agency (employer or volunteer agency).

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