

# **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; and
- (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, the 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 Criminal Record and Judicial Matters 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, from CPIC and/or local databases.
- Summary convictions (previous 5 years) when identified
- Findings of guilt under the *Youth Criminal Justice Act* within the applicable disclosure period

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

- Outstanding entries, such as charges and warrants
- Absolute and Conditional Discharges
- Current judicial orders, including Peace Bonds, Probation and Prohibition orders under the Criminal Code of Canada
- Convictions where a record suspension (formerly known as a pardon) has been granted
- Convictions under provincial statutes
- Local Police contacts
- Ministry of Transportation information
- Special Interest Police (SIP) category of CPIC
- Family Court Restraining Orders
- Foreign information
- 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*
- Any references to incidents involving mental health contact
- Diversions will not be released as police contact and no reference to the occurrence is permitted (CC S. 717.4)
- *Youth Criminal Justice Act* information beyond applicable disclosure period
- Any reference to contagious diseases
- Dispositions including, but not limited to, Withdrawn, Dismissed, and cases of Not Criminally Responsible by Reason of Mental Disorder

## **Police Criminal Record & Judicial Matters 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 local police involvement, and other systems/records where authorized.

### **Police Criminal Record & Judicial Matters Check will include:**

- Criminal convictions from CPIC and/or local databases
- Summary convictions (previous 5 years) when identified
- Outstanding entries, such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders

- Findings of guilt under the *Youth Criminal Justice Act* within the applicable disclosure period
- Absolute and Conditional Discharges (for 1 or 3 years respectively)
- Dispositions of not criminally responsible by reason of mental disorder

### **Police Criminal Record & Judicial Matters Check will NOT include:**

- Convictions where a record suspension (formerly known as a pardon) has been granted
- Convictions under provincial statutes
- Local police contact
- Ministry of Transportation information
- Special Interest Police (SIP) category of CPIC
- Family Court restraining orders
- Foreign information
- 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*
- Any reference to incidents involving mental health contact
- Diversions will not be released as police contact and no reference to the occurrence is permitted (CC S. 717.4)
- *Youth Criminal Justice Act* information beyond applicable disclosure period
- Any reference to contagious diseases
- 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 trust or authority over children or vulnerable persons in Canada only. (This means more than having contact with children or vulnerable persons.) This check will include 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. Non-conviction information shall be released only when it meets the Exceptional Disclosure Assessment.

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

- Criminal convictions from CPIC and/or local databases
- Summary convictions (previous 5 years) when identified
- Outstanding entries, such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders
- Findings of guilt under the *Youth Criminal Justice Act* within the applicable disclosure period
- Absolute and Conditional Discharges (for 1 or 3 years respectively)
- Dispositions of not criminally responsible by reason of mental disorder
- All record suspensions as 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.3].

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

- Convictions under provincial statutes
- Local police contact
- Ministry of Transportation information
- Special Interest Police (SIP) category of CPIC
- Family Court restraining orders
- Foreign information
- Any reference to incidents involving mental health contact
- Diversions will not be released as police contact and no reference to the occurrence is permitted (CC S. 717.4)
- *Youth Criminal Justice Act* information beyond applicable disclosure period
- Any reference to contagious diseases

### **Self-Declaration**

Self-declaration of a criminal record is a process where the applicant declares 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 record suspension (formerly known as a pardon)
- A finding of guilt where the applicant was a “young person” under the *Youth Criminal Justice Act*
- 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 applicant's 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 they will be in a position of trust or authority over children or vulnerable persons, they may be required to submit fingerprints to verify whether there is a criminal record including the existence of any record suspended sex offences contained within the RCMP National Criminal Records Repository.

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

### **Police Criminal Record Check and Police Criminal Record & Judicial Matters Check**

The Service will provide the results of a completed Police Criminal Record Check and Police Criminal Record & Judicial Matters 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 record suspended 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 record suspended 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.