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British Columbia Guideline for Police Information Checks

POLICE INFORMATION CHECK
POLICE INFORMATION CHECK WITH VULNERABLE SECTOR

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Ministry of
Justice

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Introduction

The British Columbia Guide for Police Information Checks is intended to assist police agencies to understand and apply relevant legislation, policies, procedures and directives to the processing of Police Information Checks.

In June 2008, the BC Association of Chiefs of Police (BCACP) requested the Ministry of Public Safety and Solicitor General - Police Services (now Ministry of Justice) convene a working group to review the Criminal/Police Information Check process in British Columbia. The mandate of this working group is to provide a consistent standard of completing Police Information Checks in British Columbia. This guide provides users with a detailed description of the databases that must be queried as well as how that information is disclosed, thus ensuring consistent processing, methodology, terminology and end product.

The working group consists of representatives from municipal police departments, Royal Canadian Mounted Police (RCMP), Ministry of Justice, Police Services and PRIME-BC. In November 2010, the BCACP endorsed the recommendations of this working group and changes to policy and procedure were implemented in the Spring of 2012. In 2014, as a result of recommendations from the Office of the Information and Privacy Commissioner's (OIPC) report on police record checks, the BCACP approved additional policy changes contained in this document.

The working group will continue to conduct quarterly reviews of the Police Information Check processes in an effort to stay abreast of national and provincial policies. These meetings will also be a venue to review and discuss user feedback.

This Guide does not address the role of third party, for profit and not for profit companies. For further information refer to the RCMP Policy at RCMP.ca.

This guideline incorporates provisions of the:

- ▶ *Criminal Records Act*
- ▶ CPIC Policy and User Manual
- ▶ Freedom of Information and Protection of Privacy Act (FOIPPA)
- ▶ Personal Information Protection Act (PIPA)
- ▶ *Youth Criminal Justice Act*
- ▶ Ministerial Directive on the Release of Criminal Records (2010)
- ▶ PRIME-BC (Police Records Information Management Environment) Policy
- ▶ PIP (Police Information Portal) Policy

In preparing this guideline, the Committee consulted with the following organizations:

- ▶ Canadian Criminal Real Time Identification Services (CCRTIS)
- ▶ BC Office of the Information and Privacy Commissioner
- ▶ BC Police Records Users Group
- ▶ PRIME-BC
- ▶ Law Enforcement & Records Managers Network (LEARN) Committee

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Overview of Police Information Check Process

- 1) It should be noted that this is not a Criminal Record Check. It is a Police Information Check. It is a comprehensive check by name and date of birth of a local police agency's records management system, queries of the CPIC Identification, Investigative and Intelligence databanks. The query may also include a search of court records and a query of records management systems in other police jurisdictions. To assist applicants and hiring agencies, police agencies should only use the terms: Police Information Check (PIC) and Police Information Check – Vulnerable Sector (PIC-VS) when following the direction of this guideline.
- 2) All applicants are required to present two pieces of valid, government issued identification – one must have a photo.
- 3) In order to ensure consistency and to maintain a required level of due diligence the following systems must be queried, upon completion of a signed consent:
 1. CPIC – Q Pers(ons)
 2. CPIC – CNI (with VS if required and signed consent completed)
 3. CPIC – FIP
 4. PRIME Local indices (see note below)
 5. PIP
 6. PROS (if available)
 7. JUSTIN (consent from court or police agencies not required to release)

It is also required that addresses of residence for the past 5 years be obtained. A CPIC Narrative Message must be sent to each agency of past residence that is outside of BC requesting that a local indices check be completed.

These are minimum standards and the use of any other available systems is at the discretion of the agency conducting the Police Information Check. You must have the authority to use such systems and they must be noted in the signed, informed consent on the Police Information Check document.

NOTE: if a hit is received on PRIME you must follow PRIME BC Policy Chapter 5.2 – Ownership of Records which states "Participating Agencies shall neither confirm the existence of information, nor disclose information created by an Originating Agency to third parties without the written permission of the Originating Agency."

- 4) If the police agency finds any adverse information, complete the appropriate results section of the form. If there is pertinent information it will be attached. Information found on any of the above listed data bases may be released subject to the guidelines in this policy, which are summarized in Appendix A. It is only necessary to indicate a particular incident once on the release document, although it is likely that a single incident will be found on more than one data base. For example, a conviction from a CPIC Criminal Record should be released as a conviction only, it is not necessary to repeat information in local information, i.e., a conviction on CPIC CRII should be released as a conviction only, it is not necessary to repeat information in local police information. Otherwise a reader may believe that there may be several instances when in fact there is only one.

- 5) If the applicant has non-pardoned criminal convictions they may complete the “Declaration of a Criminal Record” form and the police agency will verify the accuracy of the declaration and this will become part of the completed record check. This may avoid the fingerprinting requirement.
- 6) A Police Information Check will not contain information related to traffic violations or municipal by-laws. It may contain provincial offences.
- 7) Record suspension (Pardoned) records and certain youth records will not be noted on this record check except for record suspension (Pardoned) sexual offences relating to a vulnerable sector inquiry. (see Vulnerable Sector Searches)
- 8) Absolute and conditional discharges that have not met their non-disclosure date will be noted on this check. The purge criteria for these types of sentences is as follows:
 - Absolute Discharges** – 1 year from the date of discharge
 - Conditional Discharges** – 3 years from date of discharge
- 9) The police agency will **not** give the result of a Police Information Check to anyone but the applicant, even with consent, with the exception of disclosed VS hits released by the Minister of Public Safety.
- 10) Local police files are subject to PRIME retention schedules regardless of whether these files are visible on PRIME past their retention.
- 11) Youth records will only be disclosed according to the *Youth Criminal Justice Act* (YCJA). Non-disclosure dates set out in the YCJA must be used.
- 12) If the applicant will be working in a position responsible for “vulnerable persons” (children, disabled, senior citizens, etc.) a Form I consent must be completed. This gives permission to the police agency to check for any sexual offences for which a record suspension was received. The applicant may be required to submit fingerprints to the RCMP Ottawa prior to the police department completing the Police Information Check. If police receive information that a record suspension for a sexual offence has been received, the applicant will be required to sign Form 2 consent to allow the information to be released to the employer/agency.
- 13) The police agency will provide the results of the search and will not be responsible for determining relevance to any proposed employment or volunteer position. This determination must be made by the employer or volunteer organization through its own background investigation and in accordance with human rights legislation and employment law.
- 14) The Police Agency will emboss, with a seal, each page of the completed Police Information Check.
- 15) The police agency has the right to discontinue or deny a request for a Police Information Check.

****Fact Sheets for Applicants and Employers is located in the appendices to this guide****

2 Types of Police Information Checks

British Columbia police agencies offer two types of Police Information Checks: Police Information Check (PIC), and Police Information Check with Vulnerable Sector Screening (PIC-VS). If an organization determines that a check for convictions only is required, this information can be obtained by submitting fingerprints to CCRTIS, either through the RCMP or an accredited private company.

A search of only convictions is not offered by BC police agencies because of the significant delay of charge and conviction information being entered into the National Repository for Criminal Records and CPIC.

For more information please see www.rcmp.ca

1. 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 (refer to Self Declaration requirements and Record Check Release Chart):

NOTE: See section on Verification of a Criminal Record

- a) Criminal convictions from CPIC, local police databases or JUSTIN.
- b) Summary convictions.
- 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, adverse police contact.
- d) Traffic violations, including roadside suspensions.
- 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, Stay of Proceedings, Withdrawn, Dismissed, Not Criminally Responsible by Reason of Mental Disorder, Acquittals and Not Guilty findings.

2. **Police Information Check with Vulnerable Sector Screening (PIC-VS)**

This check is restricted to applicants seeking employment and/or volunteering in positions responsible for vulnerable individuals. This product is a collection of offence information, including convictions, outstanding warrants, charges, judicial orders, non-convictions and adverse police contact information available 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, subject to authorization by the Minister of Public Safety and Emergency Preparedness.

The Police Information Check with Vulnerable Sector Screening (PIC-VS) will include the following information (refer to Self-Declaration requirements and Record Check Release Chart):

- a) Criminal convictions (summary and indictable) from CPIC, local databases or JUSTIN, and findings of guilt within the YCJA non-disclosure schedule.
- b) Outstanding judicial orders, 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.
- c) Absolute and conditional discharges for 1 or 3 years respectively.
- d) Charges recommended and/or processed by other means such as Diversion or Alternative Measures.
- e) Dispositions listed in the CPIC Identification Databank or CRII under non-convictions including, but not limited to, withdrawn, dismissed, and cases of not criminally responsible by reason of mental disorder.

- f) Any additional information recorded in police databases documenting the applicant to have been a suspect in an offence (whether or not charged), subject to provincial retention periods specific to the offence type.
- g) Adverse contact involving the threat or actual use of violence directed at other individuals and oneself that places others at risk regardless of, but without disclosing, mental health status (e.g., uttering threats, assault, etc.).
- h) As authorized for release by the Minister of Public Safety all record suspension (pardoned) criminal convictions, including non sex offences, identified as a result of a VS query.

The Police Information Check with Vulnerable Sector Screening (PIC-VS) WILL NOT include:

- a) Convictions where a record suspension has been granted (except for sexual offences).
- b) Apprehensions under s. 28 of the *Mental Health Act*, or suicide threats or attempts where there was no harm or threat to others (e.g., no 'subject of threat or harm to others').
- c) Convictions under federal and provincial statutes unless under exceptional circumstances.
- d) Traffic violations, including roadside suspensions.
- e) Suspect information that would hinder an ongoing investigation or where the suspect has not been spoken to may result in the record check being delayed or terminated.
- f) *Youth Criminal Justice Act* (YCJA) information beyond applicable disclosure period.
- g) Special Interest Police (SIP) category of CPIC.
- h) Information gathered outside formal occurrence reports (i.e. street checks, CAD) except under exceptional circumstances.
- i) Any reference to contagious diseases.
- j) Victim/Complainant information unless under exceptional circumstances.
- k) Information from foreign law enforcement systems.

3 Information Check Release Criteria

1. Outstanding Criminal Charges & Warrants (CPIC, PRIME, JUSTIN)

A query of the Investigative Databank of the Canadian Police Information Centre (CPIC) must be conducted for PIC and PIC-VS to identify outstanding criminal charges and warrants held by any Canadian police agency.

As per CPIC Policy (Sec 8.3) and PRIME Policy (5.2), hit confirmation MUST be conducted on all hits and permission to include the information on a PIC or PIC-VS must be obtained from the originator.

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

CPIC Information from the Investigative Data Bank may be released for security and reliability clearances or for private employment purposes; however, no CPIC information should 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 should not be released.

A query of JUSTIN will also be conducted and may identify outstanding criminal charges and/or warrants held by any BC police agency. The information located in JUSTIN is available to the public. Police agencies are not required to have consent to release this information on a PIC or PIC-VS unless JUSTIN indicates there is a publication ban in place.

2. Current Judicial Orders (CPIC, PRIME, JUSTIN)

A query of the Investigative Databank of CPIC (Q PERS) should be conducted, for a PIC or PIC-VS to identify any current Judicial Orders (e.g., Firearm Prohibition Orders, Probation Orders, Prohibition Orders, Peace Bonds, etc.) held by any Canadian police agency.

As per the CPIC Policy (Sec 8.3) and PRIME Policy (5.2), hit confirmation MUST be conducted on all hits and permission to include the information on a PIC or PIC-VS must be obtained from the originator.

Queries of PRIME and JUSTIN must also be conducted and may reflect current judicial orders not presently on CPIC. Permission to include this information must adhere to PRIME Policy 5.2 – Ownership of Records.

If the information is confirmed in the court system (JUSTIN), you do not require permission from the police agency.

3. Local Police Involvement (PRIME, PIP, PROS)

When processing a PIC or PIC-VS, records management system (RMS) databases should be reviewed to identify if the applicant has had any adverse contact with police. Contact may include events relating to, but not limited to, theft, weapons, sex offences, violent, harmful or threatening behavior which may or may not have involved a mental health incident. Involvement roles to review may include: Arrested, Accused, Charged, Wanted, Suspect/Chargeable, Charges Recommended and Suspect. (See Appendix B – PRIME Role Codes)

The applicant must be in an adverse role of a *bona-fide substantiated* investigation. Allegations where the applicant has no knowledge of the file will not be released/disclosed.

Information may be released on a PIC-VS until it has met its retention date. Retention periods commence on the clearance date of the file, i.e., not date of the offence. Consideration of significant events for applicants requesting a PIC only should follow your police agency guidelines. As a tool, your police agency may want to review Section 7 - Exceptional Disclosure Assessment for assistance.

Traffic violations, municipal bylaw offences and incidents that are unsubstantiated or incidents where the applicant is unaware of the allegations/occurrence may not be released.

Adverse police contact may include summary conviction offences. These are criminal offences where there is no requirement under the Criminal Code for fingerprints to be taken and as such, neither the offence nor the disposition will appear in the Identification Databank of CPIC.

The role codes Subject of Complaint (SOC) and Other (OTH) are non-accusatory and should NOT be released unless there are exceptional circumstances, e.g., where there is a demonstrated risk to the vulnerable sector. It is recommended that files with this role code, especially for serious offences, be reviewed to insure proper use of role codes.

Victim and complainant information should NOT be released unless there are exceptional circumstances where there is a demonstrated risk to the vulnerable sector, e.g., a pattern of domestic violence in a home daycare situation.

Role Codes of Witness should NOT be released.

Generally speaking, street checks and computer aided dispatch (CAD) incidents where there is no formal report generated should NOT be included, unless there are exceptional circumstances e.g., where there is a demonstrated risk to the vulnerable sector.

If the police agency intends to release information under exceptional circumstances, it is recommended that the file be approved by a person in authority (e.g. Inspector, Manager) who is not conducting the initial PIC or PIC- VS.

Intelligence file may only be released with the consent of the investigating officer. If the information is not to be released, consideration should be given to possibly discontinuing the record check. (See "Refusal to Complete a PIC")

YOUTH:

Where a criminal occurrence has been cleared by way of an Extrajudicial Measure, i.e. by warning, caution, referral or no further action, the information may not be released.

*Note: Extrajudicial Sanctions are a unique form of Extrajudicial Measures and may be disclosed in a VS PIC until their non-disclosure diary date has been met per section 119(2)(a) YCJA.

Requesting the release of information from other agencies

When you have received a hit on local police information regarding the applicant and the information was contributed by another agency, you may not release it to anyone without the written consent of that agency. (PRIME Policy 5.2 – Ownership of Records)

Forward an email, v-mail, fax or CPIC message request to the contributing agency advising that your check of police record systems led you to a positive hit on your applicant pertaining to their file number. Before releasing the information to the applicant, permission to do so must be granted.

If permission is received, keep a copy of the reply on the file and continue with the Police Information Check by completing the appropriate section and disclosing the nature of the event.

If permission is denied and a valid reason under the guidelines (e.g., retention date or role code) has been given, do not note the file but keep a copy of the reply on file to indicate the request was made. If you have read the file and believe it should have been noted on the completed check you may wish to follow up with agency for clarification. However if you feel this should have been noted and permission is denied, you may discontinue the Police Information Check. (See Refusal to Complete PIC section below)

When requesting permission to disclose keep in mind that if it was your agency's file and you would not disclose it as per the Provincial guideline – there is no requirement to request permission

Receiving a request to release information from your agency's files

When you have received a written request from another Police Agency asking permission to release information regarding an applicant it is important to review each file.

Ensure that releasing the information will not jeopardize an ongoing investigation, fits the requirements for such a release, and the file reflects the proper scoring.

If the file meets the requirements for release, respond to the agency granting permission. Note on your file that this was released and keep copies of all communications.

If the file does not meet the requirements, respond to the requesting agency advising them not to release and the reason for this. Keep copies of this communication.

Refusal to Complete a PIC

In some instances PIC service must be denied or refused; however, *caution* should be used in making the decision to refuse service. Please review the Refusal to complete a Police Information Check and Exceptional Disclosure Assessment and Authority to Disclose section of this guide.

In the event of an *ongoing investigation* suspect information should NOT be released when it may hinder the investigation and/or the suspect has not yet been spoken to by police. The investigator(s) should be contacted to confirm whether to disclose or to suspend/terminate the Police Information Check process. Police agencies retain the right to terminate the Police Information Check process, without explanation if information of concern exists within PRIME, PIP or other records management systems that cannot be disclosed. Issuing a refund in such instances is left to the discretion of each police agency.

The following statement will be given when refusing to complete a check:

“Our agency has adopted the provincial Police Information Check standards. We are not obliged to provide this service. In this instance we decline to provide you with a Police Information Check.”

Do not reveal the reason why nor direct them to any other agency for information or explanation.

4. Mental Health Occurrences

A query of local records should be conducted for PIC-VS applicants but will only include information involving the threat or actual use of violence directed at other individuals, regardless of, but without disclosing, mental health status.

If a determination is made to release the information, only the substantive incident type should be released. (e.g., Suspect, Possession of a Dangerous Weapon, assault, uttering threats, etc.)

5. Information from other Police Agencies (PIP query, FIP Query, CPIC narrative message)

The applicant must provide a five-year address history. Contact must be made with each police agency having jurisdiction over previous addresses to request a search for any adverse police contacts as well as permission to release any information provided. This information should be released on a PIC-VS.

NOTE: Canadian Police Agencies do not have authority to conduct checks with law enforcement agencies outside of Canada.

A query of the Police Information Portal (PIP) database must be conducted as a National Query through PRIME. A PIP query is a tool to identify local police files held by other police agencies. Hit confirmation **MUST** be conducted on all hits and permission to include the information on a PIC or PIC-VS must be obtained from the originator. (See PIP section)

If you are unable to conduct checks with police agencies outside of BC, a notation must be made on the completed PIC that indicates which checks were not completed.

A query of the Firearms Interest Police (FIP) databank may be done through a Canadian Police Information Centre (CPIC) query. A FIP query is used only as a tool to identify reports held by other police agencies. The FIP entry itself must never be disclosed on a completed PIC or PIC-VS. Hit confirmation MUST be conducted on all hits and permission to include the agencies file information (not the FIP entry) on a PIC or PIC-VS must be obtained from the originator.

6. Special Interest Police (SIP) (CPIC)

A query of the Canadian Police Information Centre (CPIC) Investigative Databank may reveal a Special Interest Police (SIP) hit. This information may be used only as a tool to identify reports held by a police agency. Hit confirmation MUST be conducted on all hits and permission to include the relating information (not the SIP entry) on a PIC or PIC-VS must be obtained from the originator.

NOTE: When foreign information is entered in the SIP category (e.g., foreign warrants) the information must not be included on any level of Police Information Checks, as per Section 3.1 of the Interpol Charter.

7. BC Motor Vehicle Branch, Police Automated Registration Information System (PARIS)

PARIS information must not be disclosed for any level of Police Information Checks. Driver's abstract information is available through the BC Motor Vehicle Branch.

8. Interpol/NCIC

A police agency is not permitted to access the data bank of the National Crime Information Centre (NCIC) or the Interpol I-24/7 system when conducting a PIC or PIC-VS. (S.12.5 CCRTIS Dissemination of Criminal Record Information)

9. Dispositions (CPIC CNI/CR, PRIME, JUSTIN)

A query of the Identification Databank of CPIC must be conducted to identify court dispositions (e.g., convictions, suspended sentence, and conditional discharge). These queries are generally referred to as a CNI and a CRII. Dispositions may also be found within local police databases.

NOTE: When foreign dispositions are included on a CRII they must not be included on any level of Police Information 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 (CR/CNI) Databank through fingerprint confirmation or if the police agency is satisfied the applicant's self-declaration matches the information from the CRII (see Self-Declaration section).

Information relating to summary conviction offences for which fingerprints were not taken will only be available through local police databases and court systems (JUSTIN). Where available, this information should be included on a PIC or PIC-VS. If this information originates with another police agency, confirmation and permission to release must be obtained. If the information is confirmed in the court system (JUSTIN), you do not require permission from the police agency.

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

When information obtained from the Identification Databank is being released on any level of Police Information Checks, without having the applicant submit fingerprints, the following caution must be included:

CAUTION: 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 a 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 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.

10. Convictions, Suspended Sentence or Finding of Guilt (CPIC CNI/CRII, JUSTIN, PRIME)

Criminal convictions, Suspended Sentence or findings of guilt that are included on the CPIC CRII, PRIME or JUSTIN should be released on the PIC or PIC-VS.

Information may only be released from the Identification Databank through the submission of fingerprints or if the police agency is satisfied the applicant's self-declaration matches the information from the CRII (see Self-Declaration section) or confirmation can be made through your local police databases.

If the applicant's self-declaration does not match the information found on the CRII the applicant must submit fingerprints. Dispositions may be released from your local police databases, if you are satisfied with the identity of the applicant.

When information relating to these dispositions does not appear on the CRII, the relating information should be released from your local police database or JUSTIN as additional court information. If the information is confirmed in the court system (JUSTIN), you do not require permission from the police agency.

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 PIC or PIC-VS; however, if the information is confirmed through your own local database, the information may be released on a PIC or PIC-VS 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 PIC or PIC-VS for a period of three years after the youth sentence has been completed.

See Section 119 (2) (g) of the YCJA.

If a young person has been found guilty of an indictable offence, the information should be released from your own local database on a PIC or PIC-VS for a period of five years after the youth sentence has been completed.

See Section 119(2) (h) of the YCJA.

NOTE: If the young person is subsequently charged with committing another criminal offence, during the disclosure period of a preceding offence, the disclosure period automatically becomes whichever retention period is the lengthier (S.119(2)(i) YCJA). Additionally, if the subject is convicted of 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. (S. 115 YCJA.)

11. Acquittal / Not Guilty

An Acquittal or finding of Not Guilty is a non-conviction disposition rendered by a judge. Non-convictions do not meet the self-declaration qualifications for CRII, however information can be released from local police database until retention date is met for applicants who require a PIC-VS.

ADULT:

Information relating to these court dispositions should be released on a PIC-VS. If an appeal has been launched, the relating CPIC entry reverts back to an Accused entry within the Investigative Databank and may be released on a PIC or PIC-VS with the confirmation and permission of the originating agency (the onus is on the releasing agency to confirm if an appeal has been launched).

YOUTH:

If a young person is Acquitted of an offence other than by reason of Not Criminally Responsible, the information should be released on a PIC or PIC-VS for a period of two months following the 30 day appeal period or, if an appeal is taken, the period ending three months after all proceedings of the appeal have been completed. The information should not be included on a PCRC.

See Section 119 (2) (b) of the YCJA.

12. Not Criminally Responsible (NCR)

ADULT:

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 category. Once confirmed by the originating agency and permission to release is granted, this information should be released on a PIC- VS; as a non-conviction or adverse local police contact.

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 PIC-VS.

13. Absolute or Conditional Discharges (except by BC Review Board relating to Not Criminally Responsible)

In accordance with Prime-BC policy, Section 8.4:

The *Criminal Records Act* (s. 6.1(1)) prohibits the disclosure, to any person, of a record of a discharge under section 730 of the Criminal Code of Canada, the existence of the record, and the fact of the discharge:

- a) in the case of an absolute discharge, after one year from the granting of the discharge;
- b) in the case of a conditional discharge, after three years from finding of guilt; and
- c) in any other case, only upon approval of the Solicitor General of Canada.

ABSOLUTE OR CONDITIONAL DISCHARGES PRIOR TO JULY 24, 1992 MAY NOT BE PURGED FROM CPIC BUT SHOULD NOT BE RELEASED AS CRII OR LOCAL POLICE FILE INFORMATION

Absolute or Conditional Discharges after July 24, 1992

ADULT:

Dispositions of Absolute or Conditional Discharge issued after July 24, 1992 should NOT be released on a PIC or PIC-VS as CRII information. These dispositions do not meet the self-declaration qualifications and therefore should not be released from the CRII, however, the relating information may be released from your own local files up to the end of the disclosure period.

YOUTH:

Dispositions of Absolute or Conditional Discharge do not meet the self-declaration qualifications and therefore should not be released from the CRII; however, the information may be released from local files on a PIC or PIC-VS as follows: Absolute Discharge for one year after finding of guilt, Conditional Discharge for 3 years after finding of guilt. See Section 119 (2) (e) of the YCJA.

14. Dismissed

ADULT:

Dispositions of Dismissed do not meet the self-declaration qualifications and therefore should not be released from the CRII; however, the relating information may be released on a PIC-VS from local police files until the retention date is met.

YOUTH:

Dispositions of Dismissed do not meet the self-declaration qualifications and therefore should not be released from the CRII; however, the information may be released for two months after the disposition date from your own local files on a PIC or PIC-VS. After two months, no information should be released. See Section 119 (2) (c) of the YCJA.

15. Finding of Guilt with Reprimand (Youth only)**YOUTH:**

A Finding of Guilt with a Reprimand does not meet the self-declaration qualification and therefore should not be released from the CRII; however, the information may be released for 2 months after the disposition date from your own local files on a PIC- VS.

See Section 119 (2) (c) of the YCJA.

16. Stays of Proceedings**ADULT:**

Stays of Proceedings do not meet the self-declaration qualifications and therefore should not be released from the CRII; however, the relating information may be released on a PIC-VS, from local police files until the retention period is met.

YOUTH:

Stays of Proceedings do not meet the self-declaration qualifications and therefore should not be released from the CRII; however, the information may be released for one year after the disposition date from your own local files on a PIC-VS. After one year, no information should be released. See Section 119 (2) (d) of the YCJA.

17. Withdrawn**ADULT:**

Dispositions of Withdrawn do not meet the self-declaration qualifications and therefore should not be released from the CRII; however, the relating information may be released on a PIC-VS from local police files until retention date is met.

YOUTH:

Dispositions of Withdrawn do not meet the self-declaration qualifications and therefore should not be released from the CRII; however, the information may be released for two months after the disposition date from your own local files on a PIC-VS. After two months, no information should be released. See Section 119 (2) (c) of the YCJA.

18. Peace Bond

ADULT:

A Peace Bond does not meet the self-declaration qualifications and therefore should not be released from the CRII; however, the information may be released on a PIC- VS from local police files until retention has been met.

While the Peace Bond is in effect, that information should be released on a PIC and a PIC-VS as a current judicial/disposition order. Thereafter, the relating information may be released on a PIC-VS, from local police files until the retention period is met.

YOUTH:

The Peace Bond is not protected by the YCJA and may be released from local police files until the retention period is met. While the Peace Bond is in effect, the information should be released on a PIC or a PIC-VS as a current judicial order.

19. Diversion (Alternative Measures) (Adult)

ADULT:

Information relating to charges dealt with by way of Diversion or Alternative Measures should only be released on a PIC- VS as police contact information from local police files until retention has been met, with no reference to the court disposition. See Section 717.4 of the CCC.

20. Diversion (Youth only)

YOUTH:

Dispositions of Withdrawn – Diversion should NOT be released on a PIC or PIC-VS.

21. Extrajudicial Sanction (Youth only)

YOUTH:

Extrajudicial Sanctions do not meet the self-declaration qualifications and therefore should not be released from the CRII; however, the information may be released from your own local files on a PIC-VS for two years after the youth consents to the sanction. See Section 119 (2) (a) of the YCJA.

22. Extrajudicial Measures (Youth only)

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
- 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 PIC or PIC-VS. See Section 9 of the YCJA.

NOTE: *Extrajudicial Measures can ONLY be used by police for NON-VIOLENT OFFENCES. Any incident related police contact information for violent offences (e.g., sexual assault) should be considered for release on a PIC- VS.*

23. Record Suspensions (formerly known as Pardons)

Unless written permission has been granted by the Minister of Public Safety, information relating to an offence and its disposition, for which a Pardon has been granted, should not be released on a PIC or PIC-VS. (See Pardons – Sexual Offences.)

24. Record Suspensions (formerly known as Pardons) – 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 record suspensions (pardoned) sex offenders. 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 pardoned sex offenders for the purpose of conducting any level of Police Information Checks for persons wanting to work or volunteer in a position of authority or trust with the vulnerable sector.

Employers and/or volunteer organizations are responsible for advising the police agency 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.

See Section 4 - Vulnerable Sector CPIC Query.

25. Prohibition Orders (Criminal Code)

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

While the Prohibition Order is in effect, that information should be released on a PIC and a PIC-VS as a current Prohibition Order.

Once confirmed and permission from the originator is obtained, all Criminal Code Prohibition Orders should be released on PIC-VS as court disposition. Non-criminal driving suspensions are not to be included on a PIC or PIC-VS.

IMPORTANT NOTES (Prohibitions after Record Suspension)

- ▶ If the subject of a firearm prohibition order has been granted a Record Suspension (pardon), the offence recorded in the REMNO field as well as the FPS number must be removed from the PROHIB entry.
- ▶ If the subject of a firearm prohibition order has been granted a discharge pursuant to s730CC, the agency may elect not to enter the offence and FPS number into the REMNO field. Should an agency elect to enter this information it must be removed from the entry by the end of the disclosure date.
- ▶ These measures apply equally to adults and young persons.

26. Provincial Offences

Provincial offences, where a person was charged by way of an RCC, may be released from local police files until the retention period has been met on a PIC-VS. Consideration should be given to provincial offenses of a more serious nature (e.g., trafficking in animal parts, on-going supplying of liquor to minors, large bootleg operations).

27. 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 levels of checks with the current disposition and a notation that it is under appeal.

4 Vulnerable Sector CPIC Query

As part of the Police Information Check with Vulnerable Sector Check (PIC-VS), 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 whether or not vulnerable sector screening is required. However, police services are prohibited from conducting VS checks if they do not feel the position meets 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 are described in the CRA as:

“Persons who, because of their age, a disability or other circumstances, whether temporary or permanent,

- a) are in a position of dependence on others; OR,
- b) are otherwise at a greater risk than the general population of being harmed by persons in a position of authority or trust relative to 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 well-being 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 proves identification; and
4. The applicant completes the RCMP Vulnerable Sector Consent FORM 1 or the police agency’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 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 is automatically conducted, searching for an exact match on sex (male, female or unknown) and date of birth only. This CPIC enhancement was implemented in July 2010. If the VS flag was set and one or more records were returned, the VS message will appear.

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 PIC-VS.

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 PIC-VS application process must be discontinued.

Fingerprinting for a possible VS match

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

- a) Digital fingerprints. Identify that the fingerprints are being submitted for the purpose of a VS check, the position applied for, the types of vulnerable individuals and the name of the organization the applicant will be employed/volunteering with.
- b) The mandatory signed RCMP Vulnerable Sector Consent FORM 1 - Consent for Check for a Sexual Offence for Which a Record Suspension has Been Granted or Issued. This will be done biometrically through the digital fingerprint system. This consent must indicate if the VS check is required for employment or volunteer purposes (not both), the position applied for, a description of the vulnerable persons, and the name of the organization that determined the requirement for a VS check. (this information will auto-load from the system)
- c) For volunteers, a letter on letterhead from the volunteer organization confirming that a VS check is a requirement. This does not need to be submitted however must

be retained for a 2 year period for auditing purposes. A letter is required only for the submission of volunteer VS fingerprints.

- d) For paid VS checks (e.g., employment, school or homestay) the RCMP charges a fee. For applicable fees and mailing address see the RCMP website at <http://www.rcmp-grc.gc.ca/cr-cj/vulner/index-eng.htm> (at present this fee is \$25.00)

If the RCMP returns the fingerprints with no disclosed sexual offence convictions for which a record suspension was granted, the police agency will complete the search using the PIC-VS 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. If a suspended sexual offence is disclosed to police, see "Disclosure of Information" below.

NOTE: If the applicant chooses not to disclose the information, the police agency must contact the requesting person (employer) or volunteer organization in writing indicating that the police agency was unable to complete the PIC-VS.

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 criminal record and sexual offence with a record suspension the police service will then obtain the applicants consent in writing for disclosure on RCMP Form 2 – Consent for Disclosure of Record. If the applicant refuses, the entire PIC-VS process is considered abandoned and all documentation must be destroyed.

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: Any hard copy fingerprint results returned from CCTRIS should be returned to the applicant. In the case of digital responses the required approved document will be provided to the applicant.

Fingerprinting for an Adoption Application

CCRTIS encourages police agencies to conduct fingerprint based criminal record checks for all adoption applications and applicants may request a Police Information Check for a security clearance in the Adoption Process.

The PIC-VS procedure is to be followed; however, given that “Vulnerable Sector” is defined in the *Criminal Records Act* as only applying to “paid or volunteer” positions, by definition, when verifying a criminal record for adoption purposes, a “Vulnerable Sector” check is not completed. Nonetheless, the same search as a “Vulnerable Sector” search is completed by Ottawa, including a fingerprint search, which will verify if the person has a record suspension for sex offences, along with seeking approval from the Minister for disclosure.

The police agency’s response, issued on a cleared check, will indicate that the “Vulnerable Sector” check was not completed (though, in fact, a VS search has been conducted).

5

Self Declaration

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 the 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.

PIP

6 Police Information Portal

The Police Information Portal (PIP) will be used to process a Police Information Check or Police Information Check with Vulnerable Sector Screening. The PIP Policy and Procedure Manual was designed to include this function. Section 7.42 of the PIP manual states:

Queries for Non-Criminal Purposes

- 7.42 If the request for release of any PIP information is 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.

Proper use of information must be observed. For example, Extrajudicial 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 Police Agencies 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 and requesting a copy. This email address can also be used for any other PIP inquiries.

For a previous place of residence check, a written request (CPIC narrative message, v-mail or fax) must be sent to the previous police agency(s) of jurisdiction to request a local indices check even if they contribute to PIP, as private/invisible files are not visible on a PIP query.

To reduce the impact of such requests, conduct a PIP search and send a request only inquiring about investigations that may have been privatized and are not visible on PIP. Should an agency fail to acknowledge or deny such a request, this should be noted on the response portion of the form, "local indices from agency X, not available".

7

Refusal to Complete a Police Information Check and Exceptional Disclosure – Assessment and Authority to Disclose

As detailed in this Guideline, findings released in response to a PIC request do not routinely include the following information, as located in police databases, which documents that:

- ▶ the applicant was a suspect in an offence, but was not charged;
- ▶ the applicant is suspected of having committed an offence, the investigation is on-going, and a decision whether charges will be recommended has not yet been made;
- ▶ police recommended the applicant be charged with an offence, but Crown counsel has not yet decided whether to approve the charge(s);
- ▶ police recommended the applicant be charged with an offence, but Crown counsel decided not to approve the charge(s); and
- ▶ police have had adverse contact with the applicant specific to an incident involving the threat or actual use of violence directed at other individuals, regardless of the applicant's mental health status.

If information, as above, is located, a police agency retains the right to refuse to complete the PIC. If refusing to complete the PIC is determined not to be sufficient, because a risk to the public or organization exists, then alternatively, in exceptional cases the information may be disclosed, or may be required to be disclosed.

Right to refuse to complete a PIC:

As an alternative to disclosing additional information on the results form, or notifying the listed employer or volunteer agency, a police agency processing a submitted PIC request also retains the discretion to refuse completion of the PIC. A police agency may decide to refuse to complete a PIC, if it determines that it would be counter to the interests of the employer or volunteer agency listed on the submitted form, to receive PIC results that do not include additional information located by the police agency in databases.

Statutory Authority to release additional information:

Police agencies' authority to disclose additional information, about the applicant, is contained in the provincial or federal legislation detailed below, or derived from a common law duty to warn, rather than the applicant's consent. *Due to the need to interpret legislation and give consideration to legal precedent, in the course of determining whether disclosure is legally authorized and/or required, the decision maker may determine that it is necessary to obtain legal advice.*

How to Disclose:

An exceptional disclosure of information that is not otherwise routinely released would be effected by either including it as part of the PIC results that are reported on the form returned to the applicant, or by way of separate communication, from the police agency, to the employer or volunteer agency listed by the applicant on the form (or potentially by both methods).

Municipal police discretion to release additional information:

In accordance with the provincial Freedom of Information & Protection of Privacy Act, R.S.B.C., c. 165, (FIPPA), a municipal police agency may (discretionary) disclose additional information about an applicant, if it is determined that compelling circumstances exist that affect anyone's safety or health. The applicant is required to be provided with notice of such disclosure, unless doing so could harm someone's health or safety. The FIPPA states:

Disclosure inside or outside of Canada

33.1 (1) A public body may disclose personal information referred to in section 33 inside or outside Canada as follows:

(m) if

(i) the head of the public body determines that compelling circumstances exist that affect anyone's health or safety, and

(ii) notice of disclosure is mailed to the last known address of the individual the information is about, unless the head of the public body considers that giving this notice could harm someone's health or safety;

Municipal police requirement to release additional information:

Further in accordance with the FIPPA, a municipal police agency is required (mandatory) to disclose additional information about an applicant, if it determines that the information is about a risk of significant harm to the safety or health of others posed by the applicant. Again, the applicant is normally required to be provided with notice of such disclosure, and here the provincial Information and Privacy Commissioner must be notified as well. The FIPPA states:

Information must be disclosed if in the public interest

25 (1) Whether or not a request for access is made, the head of a public body must, without delay, disclose to the public, to an affected group of people or to an applicant, information

(a) about a risk of significant harm to the environment or to the health or safety of the public or a group of people, or

(b) the disclosure of which is, for any other reason, clearly in the public interest.

(2) Subsection (1) applies despite any other provision of this Act.

(3) Before disclosing information under subsection (1), the head of a public body must, if practicable, notify

(a) any third party to whom the information relates, and

(b) the commissioner.

(4) If it is not practicable to comply with subsection (3), the head of the public body must mail a notice of disclosure in the prescribed form

(a) to the last known address of the third party, and

(b) to the commissioner.

RCMP discretion to release additional information:

The disclosure of additional information by the RCMP is authorized under the federal Privacy Act, R.S.C., 1985, c. P-21, and the RCMP may disclose additional information about an applicant where the public interest in disclosure clearly outweighs any invasion of privacy that could result. The federal Privacy Commissioner must normally be notified in advance of the disclosure and the Privacy Commissioner may notify the applicant. The Privacy Act states:

Disclosure of personal information

8 (1) Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with this section.

Where personal information may be disclosed

(2) Subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed

(m) for any purpose where, in the opinion of the head of the institution,

(i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or

(ii) disclosure would clearly benefit the individual to whom the information relates.

Common law duty to warn:

Litigation in a small number of civil cases has established that, in certain circumstances police have a duty to warn those at risk, of the dangers presented by a particular situation or by a particular individual. The duty to warn has been found to manifest when the police have information establishing a foreseeable risk, and there exists a special relationship of proximity between the danger and those at risk.

While every situation will always be decided by a court on its own facts, it is reasonable to expect that police could be considered subject to a duty to warn when:

- ▶ information in police reviewed records establishes that an applicant poses a foreseeable risk;
- ▶ the risk is specifically to persons who would be exposed to the applicant, if he or she were to be employed or volunteering as indicated in the completed PIC form; and

- ▶ the basic premise of the PIC application is to allow for a determination of the applicant's suitability by the listed employer or volunteer agency.

No threshold of the degree of danger that the applicant would have to pose to engage the duty to warn, has been conclusively established at law; however, the greater the risk of harm to the physical or mental wellbeing of others, posed by an applicant, the greater the likelihood that a duty to warn could be considered to exist.

Relatively few cases have been litigated, so as to provide more definitive decision making guidance in relation to the duty to warn. Decision making about exceptional releases is further complicated by considerations of the following competing pressures:

- ▶ the potential of an allegation of misconduct for failure to discharge the duty to warn by making a proper notification;
- ▶ the potential of an allegation of misconduct based on a claim that a notification was improperly motivated;
- ▶ municipal employees being subject to the risk of committing a statutory offence, under the FIPPA, of "unauthorized disclosure";
- ▶ the risk of complaints to the provincial Information & Privacy Commissioner or federal Privacy Commissioner alleging improper release of information; and
- ▶ the potential for applications for judicial reviews of decisions to release information, constitutional challenges of decisions made, applications for injunctions, or civil claims, including allegations of misfeasance in public office.

Category examples of exceptional cases:

The information in each record concerning an applicant must be assessed on its own merit; however, an attempt to define categories of information, that would likely be released, yields the following:

- a. information establishing a foreseeable future risk of harm, to the physical or mental health or safety of others, posed by the applicant being in the environment of the listed employer or volunteer agency; and
- b. information about an applicant specific to criminal activity, where that activity tends towards destabilizing individuals' economic security, or the greater social or economic fabric and order, which could include, but is not limited to, single incidents or patterns of incidents of: fraud; criminal activity targeted at the same employment or volunteer sector; or affiliation with organized crime groups.

A police agency must assess the information, on a case by cases basis, and assess application of the FIPPA and the Privacy Act disclosure authorities and mandatory disclosure requirements, detailed above.

Exceptional release decision making:

The decision to release additional information in response to a PIC request is not to be made by the employee processing the record check. Instead, the employee must forward the information to a decision maker in a supervisory or managerial position, in order to determine if an exceptional disclosure is warranted. Agencies engaging in a disclosure subject to the FIPPA require approval by a delegate of the designated head of the agency.

Exceptional Disclosure Assessment

When applying the following assessment, care should be taken to not determine risk based on an attempted prediction of future behavior, but rather to identify whether an applicant demonstrates documented patterns of behavior that have put the safety, wellbeing or health of others at risk, or been aimed at destabilizing individuals' economic security, or destabilizing the social or economic fabric or order.

Step 1: Identify and Collect Records

- ▶ A search of national and local database reveals information that would be releasable pursuant to PIC-VS request or information that gives rise to a concern that the applicant, if s/he were to be engaged by the listed employer or volunteer agency, potentially presents a risk: to the safety, wellbeing or health of others; to individuals' economic security; or to the social or economic fabric or order.
- ▶ Prepare a list of the files containing the information and present for supervisory review.

Step 2: Review Records

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

- ▶ whether the behavior was specific to a targeted individual or individuals in the same or a similar employment or volunteer sector as listed in the PIC application;
- ▶ whether the listed employer or volunteer agency, and persons associated thereto, bear similar vulnerabilities as exploited by previous behavior;
- ▶ whether there is a pattern of repeated behavior;
- ▶ whether the behavior was towards more than a single person;
- ▶ when the incident(s) took place;
- ▶ the number of incidents; and/or
- ▶ the reason the incident(s) did not result in charges or a conviction.

Step 3: Disclosure Assessment

Decision making by the supervisor / manager, with recommendation to the head as applicable, as to whether:

- ▶ circumstances exist that affect anyone's safety or health (municipal agency);
- ▶ the applicant poses a risk of significant harm to the safety or health of others (municipal agency);
- ▶ the disclosure is, for any other reason, clearly in the public interest (municipal agency);
- ▶ the public interest in disclosure clearly outweighs any invasion of privacy that could result (RCMP); or
- ▶ the circumstances engage the common law duty to warn.

In the course of completing this step, the decision maker may determine that legal advice is necessary, in order to assist with the determination of whether disclosure is legally authorized and/or required.

The decision maker must also comply with the statutory requirements specific to notifying the applicant of the decision, i.e., the pending release of the additional information, and must determine whether the applicant is to be given an opportunity to respond, and if so, the timeframe for the same.

Step 4: Release Record(s)

Once the decision maker has determined that the additional records are to be released, then the additional non-conviction information can be released on the PIC results pages (for example, with a heading such as Non-Conviction Records Concerning Public Safety) or disclosed by standalone written notice to those at risk. Alternatively, the completion of the PIC can be refused.

As per PRIME policy, if the non-conviction records are from another police agency, release permission must be obtained from the agency.

Step 5: Reconsideration Process

Applicants may apply for reconsideration of this decision (see Reconsideration Process specific section of in the Guideline).

8 B.C. Human Rights Considerations

In determining what information should be included on a Police Information 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.

It is the responsibility of the organization/employer, not the police agency, to determine whether an applicant requires a Police Information Check (PIC) or a Police Information Check with Vulnerable Sector Screening (PIC-VS). To avoid potential discrimination under British Columbia's Human Rights Code, the organization/employer 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 organization/employer 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, referred to as the Meiorin* 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).

* *British Columbia (Public Service Employee Relations Commission) v. BCGSEU, [1999] 3 S.C.R. 3.*

If criminal charges have been laid and are still before the courts, the charges are to be listed on a PIC. If a criminal charge was laid, but did not result in a conviction, the charge(s) and status/disposition of each charge is to be listed on a PIC-VS.

If an investigation resulted in a criminal charge not being laid, the applicant is listed by role code, along with the incident type on a PIC-VS. The following factors should be considered by the police agency in deciding whether to release this information:

1. The report indicates the applicant's involvement as, but not limited to, suspect, accused, warned, cautioned.
2. Whether any actions by the applicant placed themselves or a member of the public at risk or harm.
3. Whether any weapon or force was used by the applicant.
4. How long ago the incident occurred.

9 Privacy Considerations

In order to engage in suitability assessments and conduct risk management, employers and volunteer organizations may determine that they require certain kinds of background information about prospective employees and volunteers. British Columbia police agencies offer two types of Police Information Checks: Police Information Check (PIC), and Police Information Check with Vulnerable Sector Screening (PIC-VS). If an organization determines that a check just for convictions is required, such a check can be obtained by submitting fingerprints to CCRTIS, either through the RCMP or an accredited private company. Police agencies play a neutral role in relation to such decisions regarding employment risk assessment. The PIC process formalizes and standardizes the information that organizations and public bodies obtain from a police agency, should a prospective employee or volunteer be required to provide the results of a PIC or PIC-VS. The PIC also acts to limit the amount of detail in the information released.

Businesses and non-profit organizations must comply with the Personal Information Protection Act ("PIPA"), and every public body must comply with the Freedom of Information & Protection of Privacy Act ("FIPPA"). These provincial Acts, and similar federal laws, contain rules governing how a business, non-profit or public body is allowed to collect, use or disclose information about a candidate for employment or a volunteer position.

Before requiring a potential volunteer or employee to attend a police agency for a police information check, every organization or public body is expected to be familiar, and ensure compliance, with the legal requirements concerning the collection, use and disclosure of the information obtained through such a check.

A police agency's disclosure of releasable information, concerning an applicant, is permitted, as the disclosure is at the request, and with the consent, of the applicant. Once released, the subsequent use or further disclosure of the information is beyond the police agency's control. Recognizing the potentially highly sensitive and personal nature of the police information, the PIC processes set out in this guideline include the following:

1. PIC or PIC-VS result are only disclosed to the applicant, and require confirmation of identity through the presentation of photo identification.
2. Due to the seriousness of the offence, and in accordance with the requirements of the federal Criminal Records Act, where an applicant consents to the release of a record concerning a sexual offence conviction for which a record suspension was granted, that record must be released directly to the potential employer or volunteer agency (as per the process in Form 2 - RCMP GRC 3924e).
3. Incident information contained in local police indexes will routinely only be disclosed on a PIC-VS if it has not yet reached the retention date set out in provincial PRIME-BC retention schedules.
4. In order to ensure the utmost accuracy of any information that is to be disclosed, if an applicant challenges the accuracy of the information provided to them, a formal reconsideration process is available, providing an internal supervisory level review of the information.

Without the PIC process, employers and volunteer organizations seeking information from police, about an applicant's background, may consider it necessary to have applicants make requests for their personal information pursuant to the FIPPA or the federal Privacy Act, and then provide the records received, in some manner, to the employer or volunteer agency. Such a practice is undesirable as it could potentially result in the routine disclosure, to employers and other organizations, of records containing extremely detailed personal information.

It remains open to an applicant to make a FIPPA or Privacy Act request for records relating to any incident disclosed through the PIC process. An applicant may wish to make such a request in order to confirm the PIC results, or possibly to provide a potential employer or volunteer agency more detailed information about an event documented in the PIC results. Again, Police agencies play a neutral role in relation to employment practices, unless a situation exists in which a police agency has a duty to disclose information, due to circumstances that affect the health or safety of others.

10 Reconsideration Process

1. An applicant who had a Police Information Check with Vulnerable Sector Screening (PIC-VS) may wish to have information excluded from the results. This process is not suitable for the Police Information Check (PIC) because the process is for the purposes of non-convictions only. Individuals wishing to have information removed from their 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.
2. A reconsideration request MUST be made by the applicant in writing and submitted to:

The Authority Identified Within Your Agency

Unit Identified

Name of Police Agency
Street Address
City, Province
Postal Code

3. Requests for reconsideration should be made within 30 days of the completion of the applicant's Police Information Check with Vulnerable Screening (PIC-VS). Reconsideration requests will be processed as quickly as possible.
4. The reconsideration process will take into account the request of the applicant, and will include the following stages:
 - ▶ Check that all procedures in accordance with these guidelines have been followed;
 - ▶ Check that all disclosed offences or contacts are confirmed and releasable;
 - ▶ Consideration of the applicant's request for information to be excluded;
 - ▶ A written explanation of the final decision of the police agency.
5. The reconsideration request will be considered by an individual not involved in the original application, and senior to original processor. All decisions regarding the reconsideration application will be made in accordance with these guidelines.

Below are some further considerations when developing a reconsideration procedure.

To qualify for the reconsideration process:

- ▶ Process is only available for PIC-VS.
- ▶ Appeal should be made within 30 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 should 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 person in authority:

- 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.

Glossary

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. [CCC 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 Information Check.
Alternative Measures	A community supervision program that allows charges to be stayed after 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 or a Pre- Trial Diversion.
Ancillary Data Bank	The Ancillary Data Bank is one of four data banks of operational information within the CPIC system. It contains diverse files of information on subjects such as vehicle registered owners, driver's licenses, wandering persons and penitentiary inmates. The information in the files is contributed and maintained by either non-police agencies (i.e., Correctional Agencies of Canada for inmate data) or police agencies (i.e., the RCMP for Restricted Weapon Registration System (RWRS) data). Only the owner of the information may grant access to the data.
Applicant	An individual undergoing a Police Information Check.
Bill C7 (1999)	Proclaimed August 1, 2000 to amend the <i>Criminal Records Act</i> to permit the flagging of sex offenders with a record suspension.
British Columbia Association of Chiefs of Police BCACP	The objective of the BCACP is encouraging and developing co-operation among all its members in the pursuit of and attainment of their goals, Promoting a high standard of ethics, integrity, honour and conduct. Fostering uniformity of police practices. Encouraging the development and implementation of efficient and effective practices in the prevention and detection of crime and effectively communicating problems and concerns to appropriate levels of authority.

Canadian Charter of Rights and Freedoms	Enacted in 1982, the Charter contains provisions protecting the rights of an individual.
Canadian Criminal Real Time Identification Service CCRTIS	Canadian Criminal Real Time Identification Service (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. The CPI Centre manages the CPIC system as well as PIP and PSP.
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. [CCC 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 agencies to conduct a query for sex offences with a record suspension for the purpose of vulnerable sector screening. [CRA 63(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	Full criminal record, containing conviction history, a summary of police-related information and a list of agencies who have contributed information to the record.
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 CCRTIS Dissemination of Criminal Records Information Policy.
Dismissed	A court disposition where the court stops or interrupts criminal proceedings against the accused.
Diversion	A community supervision program that allows charges to be stayed after 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, and Theft Under. Also referred to as Hybrid Offences.
Extra-Judicial Measures EJM	Extrajudicial Measures are actions other than judicial proceedings under the <i>Youth Criminal Justice Act (YCJA)</i> used to deal with a young person alleged to have committed an offence. Extrajudicial Measures include: Warning, Caution, Referral, and 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 CC730.
Firearms Interest Police FIP	Firearms Interest Police (FIP) is a category within the Investigative Databank of the CPIC system. 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 User Manual for further details.
Foreign Information	Information obtained via CPIC contributed by foreign countries.
Forensic Science and Identification Services	Forensic Science and Identification Service (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 or police database 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, and Theft Under. Also referred to as Dual Procedure Offences.
Identification Data Bank	The Identification Data Bank within the CPIC system contains criminal record information. The RCMP Information and Identification Services maintain 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 CCRTIS Dissemination Policy requirements and applicable privacy laws that may be used to authenticate an Applicant's identity in support of a Police Information 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	<p>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.</p> <p>In order for informed consent to be considered valid, the subject must be competent and the consent must be given voluntarily.</p>
Intelligence Data Bank	<p>The Intelligence Data Bank 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 data bank is restricted.</p>
Interpol	<p>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.</p>
Investigative Databank	<p>The Investigative Data Bank within the CPIC system contains information, grouped into Persons, Vehicles, Marine and Property 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 data bank is contributed and maintained by police agencies.</p>
JUSTIN	<p>British Columbia's province wide justice information system; a single integrated database comprising almost every aspect of a criminal case.</p>
Juvenile Delinquents Act JDA	<p>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 <i>Young Offenders Act</i>.</p>
Local Criminal Record	<p>Criminal dispositions held by individual police agencies, including those not supported by fingerprints.</p>
Mental Health Act MHA	<p>The <i>Mental Health Act</i> in British Columbia 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.</p>

National Police Service	National Police Service (NPS) supports Canada's law enforcement community through service lines that provide: forensic analyses of criminal evidence; criminal records information; identification services; technological support; and enhanced learning opportunities and coordination of criminal information and intelligence.
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. [CCC 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.
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.
British Columbia Human Rights Code BCHR	British Columbia's Human Rights Code was enacted in 1973. The Code protects people in British Columbia 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 Information Check.
Pardon	See Record Suspension.

Police Automated Registration Information System PARIS	The Police Automated Registration Information System (PARIS) is an Ancillary Data Bank 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 behavior especially toward another person. It may also include a no contact condition. [CCC810]
Physical Verification	A process whereby the identity of an applicant is physically authenticated in support of a Police Information Check.
Police Information Check PIC	This level of screening is intended for applicants who are involved as a volunteer, employee or in any situation where a basic PIC 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 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.
Policing Support Services	Policing Support Services (PSS) is responsible for providing support services to front line police officers, including: service lines that interact with units internal to the RCMP; and service lines that provide services to external RCMP partners.
Police Information Check with Vulnerable Sector PIC-VS	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, non-convictions and other relevant police contact information available 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.

Private Information	<p>Anyone who has reasonable grounds to believe that a person has committed an offence may lay 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-Trial Diversion	<p>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. May also be referred to as Diversion or Alternative Measures.</p>
PRIME	<p>Police Records Information Management Environment. In February 2003 the BC government committed to connecting every law enforcement agency with one provincial records management system. Today, PRIME is shared by 14 municipal police agencies and 135 RCMP detachments across BC.</p>
Prohibition Orders	<p>A Court Order that prohibits the subject from certain rights or behavior. (Examples: driving, hunting, firearms, parks, etc.)</p>
Real Time Identification System RTID	<p>The RTID system is part of a major Crown project designed to improve the efficiency of Canada's national fingerprint and criminal record repository. It will replace outdated paper processes and legacy systems with re-engineered workflows and automation. Electronically accessed by authorized agencies based on fingerprint submissions.</p>
Record Suspension (formerly called Pardon)	<p>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 <i>Criminal Records Act</i>, the National Parole Board may issue, grant, deny or revoke record suspensions for convictions under federal acts or regulations of Canada. [CRA 4:1]</p>
Reprimand	<p>A youth found guilty receives a lecture or warning from the judge. Section 42.2(a) YCJA</p>
Restraining Order	<p>A Court Order that prohibits the subject from having direct or indirect contact with identified person(s).</p>

RCMP National Repository of Criminal Records	Canada's repository of criminal records relating to individuals that have been charged with indictable and/or hybrid offences. Since the <i>Identification of Criminals Act</i> 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
Special Interest Police SIP	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 User Manual for further details.
Stayed	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]
Summary Conviction Offence	Summary Conviction Offences encompass minor offences in the Criminal Code (i.e., 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.
Suspect	A person believed to have committed a crime or offence.
Suspended Sentence	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.[CCC731]

Unfit To Stand Trial	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]
Vulnerable Person	A person who, because of their age, a disability or other circumstances, whether temporary or permanent are (a) in a position of dependence on others or (b) are otherwise at a greater risk than the general population of being harmed by a person in a position of authority or trust relative to them. [CRA 63(1)]
Withdrawn	Withdrawn refers to the Crown stopping or interrupting criminal proceedings against the accused.
Young Offenders Act YOA	The <i>Young Offenders Act</i> (YOA) replaced the Juvenile Delinquents Act in 1984. The <i>Youth Criminal Justice Act</i> 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 <i>Youth Criminal Justice Act</i> (YCJA) replaced the <i>Young Offenders Act</i> on April 1, 2003.
Young Person	The <i>Youth Criminal Justice Act</i> 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

Please note that the Records Release Chart is intended to ensure that policies and practices align among police agencies in British Columbia so that citizens, employers and volunteer organizations receive consistent information on Police Information Checks. This chart balances public safety interests with the privacy and human rights of citizens.

OTHER LEGAL POWERS NOT AFFECTED

Nothing in this chart prevents a police agency from disclosing information under either a statutory or common law duty to provide warnings where the health, safety or well-being of an individual or individuals is at risk of significant harm.

At times, the Police Information Check service must be denied or refused; however, caution should be used in making the decision to refuse service and it is recommended that a person in a higher authority manage the decision making process.

Record Type	Police Information Check ADULT	Police Information Check YOUTH	Police Vulnerable Sector Check ADULT	Police Vulnerable Sector Check YOUTH
Current Judicial Orders (Peace Bonds, Restraining Orders, Criminal Code Prohibition Orders & Probation Orders)	✓	✓	✓	✓
FIP Firearms Interest Police	✗ FIP information is not released but can be used as a tool to identify reports or incidents held by other police agencies	✗ FIP information is not released but can be used as a tool to identify reports or incidents held by other police agencies	✗ FIP information is not released but can be used as a tool to identify reports or incidents held by other police agencies	✗ FIP information is not released but can be used as a tool to identify reports or incidents held by other police agencies
INTERPOL	Do Not Query	Do Not Query	Do Not Query	Do Not Query
NCIC	Do Not Query	Do Not Query	Do Not Query	Do Not Query
Outstanding Criminal Charges & Warrants	✓	✓	✓	✓
Motor Vehicle Branch	Do Not Query	Do Not Query	Do Not Query	Do Not Query

Record Type	Police Information Check ADULT	Police Information Check YOUTH	Police Vulnerable Sector Check ADULT	Police Vulnerable Sector Check YOUTH
PIP	<p>✓</p> <p>All information must be confirmed and authorized for release by the contributing agency (for convictions, outstanding charges, and warrants only – does not include local police information)</p>	<p>✓</p> <p>All information must be confirmed and authorized (for release by the contributing agency (for convictions, outstanding charges, and warrants only – does not include local police information)</p>	<p>✓</p> <p>All information must be confirmed and authorized for release by the contributing agency</p>	<p>✓</p> <p>All information must be confirmed and authorized for release by the contributing agency</p>
Mental Health Information	<p>✗</p>	<p>✗</p>	<p>Do not disclose apprehensions under the Mental Health Act or Suicide attempts.</p> <p>If applicant had police contact involving the threat or actual use of violence directed at <i>other individuals</i>, release the information without disclosing mental health status.</p>	<p>Do not disclose apprehensions under the Mental Health Act or Suicide attempts.</p> <p>If applicant had police contact involving the threat or actual use of violence directed at <i>other individuals</i>, release the information without disclosing mental health status.</p>
Police Information from Indices Query	<p>✗</p>	<p>✗</p>	<p>Any adverse contact with police may be released until the retention period has been met. For example - roles of Suspect, Suspect Chargeable, Accused, and Recommended Charges. Non-accusatory roles are not released except under exceptional circumstances. For example – roles of Victim, Witness or Subject of Complaint.</p> <p>Intelligence files are only released if approval is received from the investigating officer.</p> <p>Retention periods commence on the clearance date of the file (not the date of the offence).</p>	<p>Any adverse contact with police may be released until the retention period has been met, except if extrajudicial <i>measures</i> were taken (including no action, warning or police caution, referral to a community program.</p> <p>Incidents that resulted in extrajudicial <i>sanctions</i> (following Crown assessment that charges could have been laid) may be released for 2 years from the date the sanction was agreed to.</p> <p>Non-accusatory roles are not released except under exceptional circumstances.</p> <p>Intelligence files are only released if approval is received from the investigating officer.</p> <p>Retention periods commence on the clearance date of the file (not the date of the offence).</p>

British Columbia Guideline For Police Information Checks

Record Type	Police Information Check <i>ADULT</i>	Police Information Check <i>YOUTH</i>	Police Vulnerable Sector Check <i>ADULT</i>	Police Vulnerable Sector Check <i>YOUTH</i>
Police Information from Other Police Agencies	Query PIP and FIP on all applicants. NOTE: If applicant has resided in another jurisdiction in the past 5 years, contact police agency directly via CPIC. Non-responding agencies must be noted.	Query PIP and FIP on all applicants. NOTE: If applicant has resided in another jurisdiction in the past 5 years, contact police agency directly via CPIC. Non-responding agencies must be noted.	Query PIP and FIP on all applicants. NOTE: If applicant has resided in another jurisdiction in the past 5 years, contact police agency directly via CPIC. Non-responding agencies must be noted.	Query PIP and FIP on all applicants. NOTE: If applicant has resided in another jurisdiction in the past 5 years, contact police agency directly via CPIC. Non-responding agencies must be noted.
SIP Special Interest Police	✘	✘	SIP Information is not released, but can be used as a tool to identify reports/incidents held by other police agencies.	SIP Information is not released, but can be used as a tool to identify reports/incidents held by other police agencies.

Dispositions	Police Information Check <i>ADULT</i>	Police Information Check <i>YOUTH</i>	Police Vulnerable Sector Check <i>ADULT</i>	Police Vulnerable Sector Check <i>YOUTH</i>
Absolute Discharge (Prior to July 1992, this information was not automatically purged from the CRII. Therefore, it may be visible, but should not be released)	Shall not be self-declared and therefore not released from CRII. May be released from own local files without (self) declaration for 1 year. The information may be released from another police service's local file, for 1 year, with permission.	Shall not be self-declared and therefore not released from CRII. May be released from own local files for 1 year after disposition is rendered.	Shall not be self-declared and therefore not released from CRII. May be released from own local files without (self) declaration for 1 year. The information may be released from another police service's local file, for 1 year, with permission.	Shall not be self-declared and therefore not released from CRII. May be released from own local files for 1 year after disposition is rendered.
Acquittal / Not Guilty	✘	✘	Release from local files until retention period is met.	Release from local files until retention period is met.
Conditional Discharge (Prior to July 1992, this information was not automatically purged from the CRII. Therefore, it may be visible but should not be released)	Shall not be self-declared and therefore not released from CRII. May be released from own local files without (self) declaration for 3 years. The information may be released from another police service's local file, for 3 years, with permission.	Shall not be self-declared and therefore not released from CRII. May be released from own local files for 3 years after disposition is rendered.	Shall not be self-declared and therefore not released from CRII. May be released from own local files without (self) declaration for 3 years. The information may be released from another police service's local file, for 3 years, with permission.	Shall not be self-declared and therefore not released from CRII. May be released from own local files for 3 years after disposition is rendered.

Dispositions	Police Information Check ADULT	Police Information Check YOUTH	Police Vulnerable Sector Check ADULT	Police Vulnerable Sector Check YOUTH
Convictions (Indictable/Dual), Suspended Sentence OR Findings of Guilt Not Including Discharges	All released from CRII if self-declared or confirmed by fingerprints. 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 or confirmed by fingerprints. 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.
Convictions (Summary), Suspended Sentence OR Findings of Guilt Not Including Discharges	Not available on the CR therefore (self) declaration is not required. All Released for the retention period of the file.	Shall not be self-declared and therefore not released from CRII. Released for 3 years after the sentence has been completed.	Not available on the CR therefore (self) declaration is not required. All may be released from own local files without (self) declaration.	Shall not be self-declared and therefore not released from CRII. If a young person has been found guilty of a summary offence, the information should be released from your own local database on a PIC or PIC-VS for a period of three years after the youth sentence has been completed. See Section 119(2)(g) of the YCJA
Dismissed	x	x	Release from local files until retention period is met.	Release from local files for a period of 2 months.
Extrajudicial Measures (Before or after court) YOUTH Only	Not Applicable	x	Not Applicable	x
Finding of Guilt with Reprimand YOUTH Only	Not Applicable	x	Not Applicable	May be released from local files for a period of 2 months.
Not Criminally Responsible (NCR)	x	x	Release from local files until retention period is met.	Release from local files until retention period is met.
Prohibition Orders – Criminal Code	✓	✓	✓	✓
Prohibition Orders – Non-Criminal (Driving)	x	x	x	x
Provincial Offences	x	x	May be released if a person was charged by way of an RCC, until the retention period has been met.	May be released if a person was charged by way of an RCC, until the retention period has been met.
Record Suspensions (Pardons)	x	Not Applicable	Released If Approved By Minister of Public Safety	Not Applicable

British Columbia Guideline For Police Information Checks

Dispositions	Police Information Check <i>ADULT</i>	Police Information Check <i>YOUTH</i>	Police Vulnerable Sector Check <i>ADULT</i>	Police Vulnerable Sector Check <i>YOUTH</i>
Stay of Proceedings	x	x	Release from local files until retention period is met.	Release from local files for a period of 1 year.
Withdrawn	x	x	Release from local files until retention period is met.	Release from local files for a period of 2 months.
Diversion Alternative Measures	x	x	Release from local files until retention period is met with no reference to the court.	x
Withdrawn – Extrajudicial Sanctions YOUTH Only	Not Applicable	x	Not Applicable	May be released from local files for two years after the youth consented to the sanction.
Expired Peace Bonds (Also See Current Judicial Orders)	x	x	Release from local files until retention period is met.	Release from local files until retention period is met.

Appendix B: PRIME Role Codes

Code #	Translation	Definition (greyed role codes are not subject to release in a Police Information Check)
1	Other	Non Accusatory
2	Charged	Charges have been approved by Crown Counsel
3	Complainant	A subject requesting the Services of a law enforcement body
4	EDP	Emotional disturbed person - a person who appears to be mentally unstable and who might use a threat to an investigator/himself or others **MAY OR MAY NOT BE DISCLOSE ABLE -Requires follow-up**
11	Suspect	A subject that is believed to be involved in a commission of a crime or statute breach but charges have not been laid
10	Street Check	A mandatory code for street check subjects, indicates that the subject came to the attention of a law enforcement agency as a result of a self-generated check. Not due to an investigation or occurrence.
12	Victim	A subject that has suffered as a result of the commission of an offence or the breach of a statute (all 1000 UCR series)
14	Witness	A subject who is observed or has some knowledge relating to a crime or statute breach, or incident
34	Suspect Chargeable	A subject for whom grounds exist to support the recommendation of a charge but police choose against this course of action.
39	Recommend Charges	use of this code is mandatory when a police agency has submitted a report to Crown Counsel who has either not yet approved or not approved changes. Once charges are approved this role code is changed to "charged".
92	Subject of Complaint	Non Accusatory, subject that is being complained about or a subject in relation to whom a call for service was received.
102	Youth Charged	An Information or Summary offence Ticket has been laid or issued against the subject by the unit or agency with jurisdiction
139	Youth Recommended Charges	Mandatory when the agency has submitted a RCC against a juvenile subject, but Crown has either not yet laid charges or has not approved charges. (Some agencies elect to use "charged" in the first instance, and then change to "charges recommended" if Crown Counsel does not approve charges)
134	Youth Suspect Chargeable	A subject for which grounds exist to support the recommendation of a charge but police choose against this course of action
111	Youth Suspect	A subject that is believed to be involved in the commission of a crime or statute breach but charges have not been laid.
112	Youth Victim	A subject that has suffered as a result of the commission of an offence or the breach of a statute (all 1000 UCR series)
202	Youth Non-Disclosure	System generated, not to be disclosed
239	Youth Non-Disclosure	System generated, not to be disclosed

Appendix C: Applicant Fact Sheet

An employer or a volunteer organization has requested that you obtain a Police Information Check, as part of determining your suitability for employment or volunteer duties, as well as, possibly, because the position is responsible for children or vulnerable persons. At your request and with your permission, the “insert name” Police Agency (the Agency) will complete a Police Information Check about you for employment or volunteer duties.

The organization/employer you are applying to is expected to:

- ▶ have completed an initial review of your suitability and to be considering you for employment or a volunteer opportunity; and
- ▶ understands 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.

In order for us to complete the Police Information Check, you must reside within the jurisdiction of this police agency, and have signed the required consent form.

The “insert name” Police Agency offers two types of record checks:

1. Police Information Check (PIC)
2. Police Information Check with Vulnerable Sector Screening (PIC-VS)

Police Information Check (PIC)

This check is intended for applicants who are seeking volunteer and/or employment with agencies requiring a review of warrants, outstanding charges and convictions about an applicant. The organization/employer has determined that a search of record suspensions (formally known as Pardons) is not required; therefore, this information check is NOT intended for applicants who are seeking volunteer and /or employment with vulnerable persons.

A Police Information Check will include:

- a) Criminal convictions from CPIC and/or local databases.
- b) Summary convictions, 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.

A 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) Traffic violations, including roadside suspensions.
- 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, Stay of Proceedings, Withdrawn, Dismissed, Not Criminally Responsible by Reason of Mental Disorder, Acquittals and Not Guilty findings.

Police Information Check with Vulnerable Sector Screening (PIC-VS)

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. With your consent, a query of sex offences for which a record suspension (formerly known as a Pardon) has been granted will be conducted in compliance with the *Criminal Records Act* (CRA).

Police Information Check with Vulnerable Sector Screening will include:

- a) Criminal convictions (summary and indictable) from CPIC and/or local databases.
- b) Outstanding judicial orders, 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.
- c) Absolute and conditional discharges for 1 or 3 years respectively.
- d) Charges recommended and/or processed by other means.

- e) Dispositions listed in the CPIC Identification Databank or CRII under non-convictions including, but not limited to, withdrawn, dismissed, and cases of not criminally responsible by reason of mental disorder.
- f) Any additional information recorded in police databases documenting the applicant to have been a suspect in an offence (whether or not charged), subject to provincial retention periods specific to the offence type.
- g) Adverse contact involving the threat or actual use of violence directed at other individuals, regardless of, but without disclosing, mental health status.
- h) As authorized for release by the Minister of Public Safety all record suspension criminal convictions, including non sex offences, identified as a result of a VS query.

PIC with Vulnerable Sector Screening will NOT include:

- a) Convictions where a record suspension has been granted (except for sexual offences)
- b) Convictions under provincial statutes unless under exceptional circumstances.
- c) Traffic violations, including roadside suspensions.
- d) Suspect information that would hinder an ongoing investigation or where the suspect has not been spoken to may result in the record check being delayed or terminated.
- e) Youth Criminal Justice Act (YCJA) information beyond applicable disclosure period.
- f) Special Interest Police (SIP) category of CPIC.
- g) Information gathered outside formal occurrence reports, e.g., street checks or CAD, except under exceptional circumstances.
- h) Any reference to contagious diseases.
- i) Victim/Complainant information unless under exceptional circumstances.
- j) Foreign information for applicants who have resided outside of Canada.
- k) Mental Health Act information.

Self-Declaration

Self-declaration of a criminal record is a process where you may declare your adult criminal record convictions to the police agency. This may allow the police agency to assess the accuracy of your criminal record information without taking your fingerprints and without the delay formal fingerprinting would cause.

Do NOT declare:

- ▶ A conviction for which you have received a record suspension (formerly known as a pardon).
- ▶ A finding of guilt when you were a “young person”.
- ▶ Absolute or Conditional Discharges.

- ▶ Any offences where you were not convicted (i.e. stays of proceedings, dismissed charges)
- ▶ Provincial or municipal offences.
- ▶ Any charges dealt with outside of Canada.

The police agency will verify if the information matches a criminal record contained within the RCMP National Repository of Criminal Records. If the police agency 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 agency 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 applying to work in a paid or volunteer position where you will be responsible for children or vulnerable persons you may be required to submit fingerprints to verify whether you have received a record suspension for a sexual offence contained within the RCMP National Repository of Criminal Records.

Release of Completed Police Information Check

Police Information Check

The police agency will provide the results of a completed Police Information Check ***only to you, the applicant.***

It is your decision to discuss the results of a Police Information Check with the organization/employer where you want to work or volunteer. The role of the police agency is to provide you with the results of the Police Information Check. The hiring organization is responsible to determine your suitability for the position.

If you have questions regarding the results of your PIC or PIC-VS you should contact the police agency that conducted the check for further information and directions.

Police Information Check with Vulnerable Sector Screening

The police agency will complete a Vulnerable Sector Check based on your name and date of birth. If no record is found a completed Police Information Check with Vulnerable Sector Screening will be provided ***only 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 record suspension for a 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 your file. When the information is authorized for disclosure by the Minister, the criminal record associated with your fingerprints will be returned to the police agency and will include the sexual offence information for which you received a record suspension. At this point the police agency 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 police agency must forward the information to the requesting agency (employer or volunteer agency).

If you choose not to disclose your record(s), the police agency must contact the requesting agency in writing and advise that they are unable to complete the Police Vulnerable Sector Check.

Reconsideration Request Process

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

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

Appendix D: Organization/Employer Fact Sheet

Police Information Checks for Employment or Volunteer Opportunities

Police Record Checks are performed only with the written consent of the applicant for employment or a volunteer position, and only by the police agency for the area where the applicant lives. The applicant must attend in person at the police agency to request the police information check.

The organization/employer plays an integral role in the initial stages of the hiring process. Before an individual applies for a Police Record Check the organization/employer 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) Understand the legal rules concerning the collection, use, security and any further disclosure of the information obtained through a police information check, as contained in the Personal Information Protection Act (for businesses and non-profit organizations) and in the Freedom of Information & Protection of Privacy Act (for public bodies).
- d) Determine whether a Police Vulnerable Sector Check is required, as this type of information check is designed to assist the organization/employer in determining the suitability of potential employment/volunteer candidates whose duties will include responsibility 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 at <http://volunteer.ca/content/screening-10-steps>

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

The “insert name” Police Agency provides two types of Police Information Checks:

1. Police Information Check (PIC)
2. Police Information Check with Vulnerable Sector Screening (PIC-VS)

Police Information Check (PIC)

This check is intended for applicants who are seeking volunteer and/or employment with agencies requiring a review of warrants, outstanding charges and convictions about an applicant. The organization/employer has determined that a search of record suspensions (formally known as Pardons) is not required; therefore, this information check is NOT intended for applicants who are seeking volunteer and /or employment with vulnerable persons.

A Police Information Check will include:

- a) Criminal convictions from CPIC and/or local databases.
- b) Summary convictions 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.

A 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) Traffic violations, including roadside suspensions.
- 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, Stay of Proceedings, Withdrawn, Dismissed, Not Criminally Responsible by Reason of Mental Disorder, Acquittals and Not Guilty findings.

Police Information Check with Vulnerable Sector Screening (PIC-VS)

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*. With your consent, a query of sex offences for which a record suspension (formerly known as a Pardon) has been granted will be conducted in compliance with the *Criminal Records Act* (CRA).

Police Information Check with Vulnerable Sector Screening will include:

- a) Criminal convictions (summary and indictable) from CPIC and/or local databases.
- b) Outstanding judicial orders, 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.
- c) Absolute and conditional discharges for 1 or 3 years respectively.
- d) Charges recommended and/or processed by other means
- e) Dispositions listed in the CPIC Identification Databank or CRII under non-convictions including, but not limited to, withdrawn, dismissed, and cases of not criminally responsible by reason of mental disorder.
- f) Any additional information recorded in police databases documenting the applicant to have been a suspect in an offence (whether or not charged), subject to provincial retention periods specific to the offence type.
- g) Adverse contact involving the threat or actual use of violence directed at other individuals, regardless of, but without disclosing, mental health status.
- h) As authorized for release by the Minister of Public Safety all record suspension criminal convictions, including non sex offences, identified as a result of a VS query.

PIC with Vulnerable Sector Screening will NOT include:

- a) Convictions where a record suspension has been granted (except for sexual offences)
- b) Convictions under provincial statutes unless under exceptional circumstances.
- c) Traffic violations, including roadside suspensions.
- d) Suspect information that would hinder an ongoing investigation or where the suspect has not been spoken to may result in the record check being delayed or terminated.
- e) Youth Criminal Justice Act (YCJA) information beyond applicable disclosure period.
- f) Special Interest Police (SIP) category of CPIC.
- g) Information gathered outside formal occurrence reports, e.g., street checks or CAD, except under exceptional circumstances.
- h) Any reference to contagious diseases.

- i) Victim/Complainant information unless under exceptional circumstances.
- j) Foreign information for applicants who have resided outside of Canada.
- k) Mental Health Act information.

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 agency. This may allow the police agency to assess the accuracy of the applicant's criminal record information without taking fingerprints and without the delay that a fingerprint comparison would cause.

Applicants are NOT required to declare:

- ▶ A conviction for which the applicant has received a record suspension.
- ▶ A finding of guilt when the applicant was a "young person" under the YCJA.
- ▶ Absolute or Conditional Discharges.
- ▶ Any offences for which the applicant was not convicted, e.g., stay of proceedings or dismissed charges.
- ▶ Provincial or municipal offences.
- ▶ Any charges dealt with outside of Canada.

The police agency will confirm if the information matches a criminal record contained within the RCMP National Repository of Criminal Records. If the police agency 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 agency 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 they will be in a position responsible for children or vulnerable individuals they may be required to submit fingerprints to verify whether there is a criminal record including the existence of any sex offences for which they received a record suspension contained within the RCMP National Criminal Records Repository.

Release of Completed Police Information Check

Police Information Check

The police agency will provide the results of a completed 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 Information Check with the requesting organization/employer. The role of the police agency is to provide the applicant with the results of the Police Information Check. The hiring organization/ employer is responsible for determining the suitability of the applicant for the position. The result of any Police Information Check is just one component of the information available to and evaluated by the organization/employer.

Police Information Check with Vulnerable Sector

The police agency will complete a Vulnerable Sector Check based on the applicant's name and date of birth. If no record is found, a completed Police Information Check with Vulnerable Sector 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 suspension for a 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 police agency and will include the record suspension sexual offence information. At this point the police agency 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 police agency must forward the information to the requesting organization/employer.

If the applicant chooses not to disclose their record(s) the police agency must contact the requesting organization/employer in writing indicating that they were unable to complete the Police Vulnerable Sector Check.

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

Appendix E:
Police Information Check & Police
Information Check Vulnerable Sector
Application, Waiver, Release and Consents

XXXX Police Use Only

Log:
 Receipt:
 Received at:

XXXXX Police Department

Police Information Check

IDENTIFICATION – one form must be photo ID (office use only).

Type of ID Produced:	Number:
Type of ID Produced:	Number:

INSTRUCTIONS FOR COMPLETION

(PERSONAL INFORMATION ON THIS FORM IS COLLECTED UNDER THE AUTHORITY OF THE BC FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT & FEDERAL PRIVACY ACT)

Please complete clearly in ink

You must apply in person at the Police Agency in the jurisdiction you reside. At the time of application you must present:
 Any applicable fee (see website for costs and payment options).
 One piece of current, government-issued photo identification and one piece of identification verifying name and date of birth.
 If you are unable to provide proper identification the police agency cannot complete your check.

Your Police Information Check will review all available law enforcement systems, including any local police records. This check will NOT include: overseas or US records, traffic tickets, or municipal bylaw offences.

The results of this check will not be forwarded to a third party
 (with the exception of confirmed positive Vulnerable Sector responses, or if a "Duty to Warn" arises).

PART I – PERSONAL INFORMATION (COMPLETED BY APPLICANT)

LAST NAME	FIRST NAME	MIDDLE NAME(S)	
PREVIOUS NAMES (including name changes and birth/maiden name)		SEX (circle one) M F	
DATE OF BIRTH (YYYY/MM/DD)	PLACE OF BIRTH:		
ADDRESS (Apartment, street # and name)	CITY	PROV	POSTAL CODE
PHONE NUMBER (residence)	PHONE NUMBER (cell)		

PREVIOUS ADDRESS (LIST ALL ADDRESSES WITHIN THE LAST FIVE YEARS)

*Check Completed (office use only)

STREET NAME: _____	CITY: _____	PROVINCE: _____	<input type="checkbox"/> yes <input type="checkbox"/> no
STREET NAME: _____	CITY: _____	PROVINCE: _____	<input type="checkbox"/> yes <input type="checkbox"/> no
STREET NAME: _____	CITY: _____	PROVINCE: _____	<input type="checkbox"/> yes <input type="checkbox"/> no
STREET NAME: _____	CITY: _____	PROVINCE: _____	<input type="checkbox"/> yes <input type="checkbox"/> no
STREET NAME: _____	CITY: _____	PROVINCE: _____	<input type="checkbox"/> yes <input type="checkbox"/> no

REASON FOR APPLICATION (check appropriate): Volunteer (attach letter) - Employment Other (specify below)

Key Contact Name: _____

Volunteer Agency/Employer Name: _____

Volunteer Agency/Employer Address and Phone Number: _____

IS YOUR REQUEST RELATED TO WORK/VOLUNTEERING WITH VULNERABLE PERSONS: YES NO

(if yes – please complete Vulnerable Sector Search Consent FORM 1 on page 2)

Applicant Name	Applicant DOB
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SEARCH AND DISCLOSURE CONSENT, AND LIABILITY RELEASE

I request and consent to the _____ POLICE DEPARTMENT and its employees searching any policing agency or court databases, based on the information I have provided, in order to locate any records and information in which I am referred to, and to report, by way of this form, any formal criminal records or pending charges that I am the subject of. If I have indicated that I will be working with the vulnerable sector, I also request and consent to the reporting of any documented adverse contact with police, any incident in which no charges were laid, or any matter regulated by provincial statutes, that I am the subject of. I understand that records may continue to exist even if they are no longer listed in particular records database indices.

I understand that information collected as a result of this Police Information Check will only be released **directly to me and not to any third party**; however, I specifically intend to provide the reported information to the employer or volunteer agency that I have listed. I understand that they alone, and not the police, will determine the impact of any reported search results, on whether I obtain the position for which I am being considered. I understand that the accuracy of the reported information, to be disclosed to me, is not and cannot be guaranteed, and may include errors or omissions.

By my signature below, and for and in consideration of this Police Information Check being completed for me, the receipt and sufficiency of which I hereby acknowledged, I agree not to bring any legal actions, claims or demands, for losses or damages, including indirect or consequential, that I might sustain by reason of the Police Information Check being performed for me, against the Municipality / Corporation of _____, its associated Police Board and any employees thereof, and to release them each from any and all liability and any actions, claims or demands, even if arising from their negligence or even gross negligence.

I have read and understood this form, and in particular this section, and by signing below I am consenting to the above terms. By signing, I also certify that the information that I have provided is true and correct to the best of my knowledge and belief.

Signature of Applicant

Date Signed

*******FOR OFFICE USE ONLY*******

QUERY TYPE	Queried by:	Negative	Attached	Date
CPIC				
PRIME				
PIP/LEIP				
JUSTIN				
VS – FP REQ.				

NOTES (office use only):

XXXXX Police Department Police Information Check

(The completed application pages to this form have been retained by the issuing agency.)

This is page 1 of 3 pages making up the complete results form; an embossed XXXXX Police Department seal is required on all pages.

Applicant Name	Applicant DOB
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Position and Volunteer Agency, Group or Employer:

RESULTS OF CRIMINAL CONVICTION CHECK

Records of criminal conviction for which a record suspension (formally pardon) has not been granted, obtainable through the Canadian Police Information Centre (CPIC) National Repository for Criminal Records Identification Data Bank.

RESULTS: CRIMINAL RECORD CHECK INFORMATION IS BASED ON NAME AND DATE OF BIRTH ONLY

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 **did not identify any records** for a person with the name(s) and date of birth of the applicant. **Positive identification that a criminal record may or may not exist at the RCMP National Repository for Criminal Records can only be confirmed by fingerprint comparison.** Not all offences are reported to the RCMP National Repository of Criminal Records. A local police indices check may or may not reveal criminal record convictions that have not been reported.

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 **could not be completed.** In order to complete the request, the applicant is required to have fingerprints submitted to the RCMP National Repository of Criminal Records by an authorized police service or accredited private fingerprint company. **Positive identification that a criminal record may or may not exist at the RCMP National Repository for Criminal Records can only be confirmed by fingerprint comparison.** Not all offences are reported to the RCMP National Repository of Criminal Records. A local police indices check may or may not reveal criminal record convictions that have not been reported.

POSSIBLE MATCH - *SEE LIST BELOW OF SELF DECLARED CONVICTIONS*

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 may or may not exist at the RCMP National Repository for Criminal Records can only be confirmed by fingerprint comparison. The declared criminal record does not constitute a *certified* criminal record by the RCMP and may not contain all criminal record convictions.** Not all offences are reported to the RCMP National Repository of Criminal Records. A local police indices check may or may not reveal criminal record convictions that have not been reported.

BASED ON COMPARISON SEARCH WITH THE NATIONAL REPOSITORY OF CRIMINAL RECORDS:

- NOT APPLICABLE** – NO FINGERPRINT SEARCH CONDUCTED
- NEGATIVE** – CERTIFIES THAT OUR SEARCH DID NOT IDENTIFY ANY RECORDS ASSOCIATED WITH THE APPLICANT THAT MAY BE DISCLOSED IN ACCORDANCE WITH FEDERAL LAW.
- MATCH** – A SEARCH IDENTIFIED THAT THE FINGERPRINTS SUBMITTED BY THE APPLICANT WERE CERTIFIED AS IDENTICAL TO THE FINGERPRINTS REGISTERED IN THE REPOSITORY – SEE ATTACHED RECORD OF CONVICTIONS FROM RCMP OTTAWA.

DISCLOSURE OF CRIMINAL CONVICTIONS

DATE	OFFENCE	LOCATION

DELAYS MAY EXIST BETWEEN A CONVICTION BEING RENDERED IN COURT AND THE DETAILS BEING ACCESSIBLE ON THE RCMP NATIONAL REPOSITORY OF CRIMINAL RECORDS

Applicant Name	Applicant DOB
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RESULTS OF VULNERABLE SECTOR CHECK FOR SEXUAL OFFENCES WHERE A RECORD SUSPENSION WAS GRANTED

- A vulnerable sector check was not requested.
- A vulnerable sector check for record suspensions (formerly pardons) for sexual offences has been conducted based on a name, gender and date of birth and was met with negative results.
- A vulnerable sector check was verified by fingerprints and name could not be associated to any records that may be disclosed in accordance with Federal Laws.
- A vulnerable sector check was verified by fingerprints and a record suspension (formerly pardon) for a sexual offence was disclosed to the requesting employer/agency as per Form 2 Consent.
- A vulnerable sector check was requested but can't be processed as the hiring agency is outside Canada.
- A vulnerable sector check was requested but is not applicable as the applicant is too young to have been granted a record suspension (formerly pardon)

RESULTS OF INVESTIGATIVE DATA BANK, COURT & LOCAL POLICE INDICES CHECK

<p>Outstanding Charges: Records of outstanding criminal charges and warrants which the police agency is aware of or are indicated within the Investigative Data Bank of CPIC or any other available police computer systems (e.g. BC PRIME, CPIC, JUSTIN and PIP)</p>	<input type="checkbox"/> negative – no information that can be disclosed according to federal laws and policies	<input type="checkbox"/> see below disclosure
<p>Other Court Findings: Records of court findings that resulted in conditional or absolute discharges, stays of proceedings, Peace Bonds, or other dispositions or criminal information, as located on police computer systems (e.g. BC PRIME, CPIC, JUSTIN, PIP or other systems).</p>	<input type="checkbox"/> negative – no information that can be disclosed according to federal laws and policies	<input type="checkbox"/> see page 3 disclosure
<p>Adverse Contact: Information located on police computer systems (e.g. BC PRIME, CPIC, JUSTIN and PIP) and through local indices checks, <u>including incidents where no charges were laid, adverse contact with police, or breaches of provincial statutes.</u></p>	<input type="checkbox"/> negative – no information that can be disclosed according to federal laws and policies <input type="checkbox"/> Search not permitted – applicant does not work with vulnerable sector	<input type="checkbox"/> see page 3 disclosure

******If the position involves operation of a motor vehicle, obtain a BC Driver's Abstract from the Superintendent of Motor Vehicles. This Police Information Check does not indicate traffic violation tickets, Motor Vehicle Act or Municipal Bylaw offences******

DISCLOSURE OF OUTSTANDING CHARGES/WARRANTS INFORMATION (if applicable)

DATE	CHARGE & COURT FILE #	POLICE AGENCY	STATUS

Applicant Name		Applicant DOB	
DISCLOSURE OF CONVICTIONS NOT ON LISTED ON CPIC/CONDITIONAL/ABSOLUTE DISCHARGES/STAY OF PROCEEDINGS /PEACE BOND INFORMATION (if applicable)			
DATE	CHARGE & COURT FILE #	POLICE AGENCY	DISPOSITION/RESULT
DISCLOSURE OF LOCAL POLICE INDICES (ONLY FOR VULNERABLE SECTOR APPLICANTS)			
POLICE AGENCY/ FILE NUMBER	APPLICANT'S ROLE	OFFENCE	STATUS

The XXXXXX Police Department will not be responsible for determining whether the results are relevant to any proposed employment or volunteer position. This determination must be made by the employer or volunteer organization in accordance with human rights legislation and employment law.

NOTE: These results do NOT include checks of U.S.A or other foreign jurisdiction records, traffic violations or municipal bylaw offences.

This applicant has indicated addresses outside of Canada in the previous 5 years – the results of this check are for Canada only.

 XXXXXX Police Department
 Authorized Signature

 PIN Number

 Date



XXXXX Police Department seal

