

# INFORMATION FOR ORGANIZATIONS/EMPLOYERS

## **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/topics-and-resources/screening/10-steps-screening>

By performing a Police Record Check, The Delta Police Department 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 Delta Police Department 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**

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, for the retention period of the file, 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) **Adverse contact with police.**
- (d) Ministry of Transportation information (PARIS).
- (e) Special Interest Police (SIP) category of CPIC.
- (f) **Family Court restraining orders.**
- (g) Foreign information.
- (h) A Vulnerable Sector (VS) Query to ascertain if the applicant has been convicted of and granted a record suspension for any of the sexual offences that are listed in the schedule to the Criminal Records Act (CRA).
- (i) Any reference to incidents involving mental health contact.
- (j) Diversions will not be released as police contact and no reference to the occurrence is permitted (CC S. 717.4).
- (k) Youth Criminal Justice Act (YCJA) information beyond applicable disclosure period.
- (l) Any reference to contagious diseases.
- (m) **Dispositions including, but not limited to, 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 discharges, for a period of one year from the date the applicant was found guilty, and conditional discharges, for a period of three years from the date the applicant was found guilty.
- (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) BC Motor Vehicle Branch information (PARIS), such as traffic violations or roadside driving 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 Delta Police Department 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 Delta Police Department will confirm if the information matches a criminal record contained within the RCMP National Repository of Criminal Records. If we are 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 Delta Police Department 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 Delta Police Department 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 Delta Police Department and will include the record suspension sexual offence information. At this point the Delta Police Department 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 Delta Police Department 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 Delta Police Department website at <http://deltapolice.ca/services/infocheck/> for further information regarding the Police Check process.