
POLICE RECORD CHECK APPLICANT FACT SHEET

FOR INDIVIDUALS SEEKING EMPLOYMENT OR VOLUNTEER OPPORTUNITIES

The Smiths Falls Police Service (the Service) will complete a Police Record Check on a potential candidate for employment or volunteer duties when:

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

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

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

The Smiths Falls Police Service offers three levels of record checks:

1. Criminal Record Check
2. Criminal Record and Judicial Matters Check
3. Vulnerable Sector Check

Criminal Record Check

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

The Criminal Record Check will include the following information:

- (a) Criminal convictions from CPIC and/or local databases.
 - (b) Summary convictions, for five years, when identified.
 - (c) Findings of Guilt under the *Youth Criminal Justice Act* within the applicable disclosure period.
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The Police Criminal Record Check WILL NOT include:

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

Criminal Record and Judicial Matters Check

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

The Criminal Record and Judicial Matters Check will include the following information:

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

The Criminal Record and Judicial Matters Check WILL NOT include:

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

Vulnerable Sector Check

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

The Vulnerable Sector Check will include the following information:

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

The Vulnerable Sector Check WILL NOT include:

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

Verification of Criminal Record

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

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

Do NOT declare:

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

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

Requirement for Fingerprints

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

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

Release of Completed Police Record Check

Criminal Record Check and Criminal Record and Judicial Matters Check

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

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

Vulnerable Sector Check

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

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

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

Youth Records

PRC's will only be conducted for paid or unpaid positions with the federal, provincial or municipal government. This is because non-government agencies are not authorized to receive any results. To require applicants to apply and pay for a PRC when no results will be released is not in the best interest of applicants, the police service and the community.

If you receive a copy of a PRC provided to a government agency, dispositions from the *Youth Criminal Justice Act* will be noted on a page separate from the remainder of your police record check, regardless of what level of search you have applied for. The page will provide instruction advising you that the *Youth Criminal Justice Act* restricts you from sharing the information contained on the page and that no one may require you to provide it.

PRC's with disclosable youth records will be mailed directly to the government by the police service. It will be important for you to obtain contact and mailing information prior to filling out your consent form.

Applications for paid or unpaid positions with the federal, provincial or municipal government will receive your police record check directly, with all youth records that are permitted to be disclosed under the *Youth Criminal Justice Act*.

Reconsideration Request Process

If you wish to request reconsideration on any non-conviction information disclosed on the Vulnerable Sector Check you may apply in writing to Smiths Falls Police Service, 7 Hershey Dr., P.O. Box 818, Smiths Falls, ON K7A 4W7.

You may also refer to the Smiths Falls Police Service website at www.sfps.ca for further information regarding the Police Record Check process.
