



BRANDON POLICE SERVICE

POLICE CRIMINAL RECORD CHECKS STANDARD OPERATING GUIDELINES



POLICE INFORMATION CHECK POLICE VULNERABLE SECTOR CHECK

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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. (CC 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 Criminal Record Check.
Alternative Measures	A lighter Court disposition regarding 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. (CC 717)
Ancillary Databank	One of four databanks of operational information within the CPIC system. It contains diverse files of information on subjects such as vehicle registered owners, drivers licences, wandering persons and penitentiary inmates. The information in the files is contributed and maintained by either non-Police agencies (e.g. Correctional Services of Canada for inmate data) or Police agencies (e.g. the RCMP). Only the owner of the information may grant access to the data.
Applicant	An individual undergoing a Police Criminal Record Check.
Best Practice	A procedural document researched and prepared by the Law Enforcement and Records Managers Network (LEARN). Also referred to as the LEARN Guideline.
Bill C7 (1999)	Proclaimed August 1, 2000 to amend the Criminal Records Act to permit the flagging of sex offenders with a Record Suspension.
Canadian Charter of Rights and Freedoms	Enacted in 1982, the Charter contains provisions protecting the rights of an individual.
Canadian Real Time Identification Services (CCRTIS)	Canadian Criminal Real Time Identification Services (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)	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. (YCJA 42(2))
Consent Form 1	A form to be signed by the applicant that allows Police services to conduct a query for sex offences with a Record Suspension for the purpose of Vulnerable Sector screening.
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	CPIC query function based on a fingerprint section ID number (FPS number). This query provides a listing of criminal dispositions found in the Identification Databank of the CPIC system.
(Self) 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 the CCRTIS Dissemination of Criminal Records Information Policy.
Dismissed	A Court disposition where the Court stops or interrupts criminal proceedings against the accused.
Diversion	A lighter disposition of a criminal charge regarding 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, Theft Under. *Also referred to as Hybrid Offences.
Exceptional Disclosure Assessment	A decision-making tool used to determine when non-conviction dispositions should be released on a PVSC.
Extra-Judicial Measures (EJM)	Extrajudicial Measures are actions other than judicial proceedings under the Youth Criminal Justice Act (YJCA)

	used to deal with a young person alleged to have committed an offence. Extrajudicial Measures include: Warning, Caution, Referral, 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)
Findings 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 730 CC.
Firearms Interest Police (FIP)	A category within the Investigative Databank on CPIC. 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 manual for further details.
Foreign Information	Information obtained via CPIC contributed by foreign countries.
Forensic Science and Identification Services	It 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 query.
Hybrid Offences	An offences that can be prosecuted either as 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, Theft Under. *Also referred to as Dual Procedure Offences.
Identification Databank	Within the CPIC system, contains criminal record information. The RCMP CCRTIS maintains 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 criminal record check.
Indictable Offence	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	Generally, an agreement to do something or to allow something to happen only after all the relevant facts are disclosed. Can be said to have been given based upon a clear appreciation and understanding the facts, implications, and future consequences of an action. In order to be considered

	valid, the subject must be competent and the consent must be given voluntarily.
Intelligence Databank	Contains criminal intelligence information within the CPIC system. The information is contributed and maintained by Members of the Police community responsible for gathering and analyzing criminal intelligence. Access to this databank is restricted.
INTERPOL	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.
Investigative Databank	Contains information, grouped into Person, Vehicles, Marine and Property files, on cases under investigation within the CPIC system. Includes details of wanted and missing persons, stolen vehicles, stolen boats and other stolen or lost property. The information in this databank is contributed and maintained by Police agencies.
Juvenile Delinquents Act (JDA)	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 Young Offenders Act which was then replaced by Youth Criminal Justice Act in 2003.
Law Enforcement and Records (Managers) Network (LEARN)	A sub-committee of the Ontario Association of Chiefs of Police (OACP).
LEARN Guideline	A procedural document, researched and prepared by LEARN. Also referred to as LEARN Best Practice.
Local Criminal Record	Criminal dispositions held by individual Police services, including those not supported by fingerprints.
Mental Health Act (MHA)	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.
Non-conviction	Criminal charges that did not result in a conviction in Court.
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. (CC 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.
Organization	An agency, company or bureau that would require the individual to obtain a Police Criminal Record Check.
Pardon	*See Record Suspension
Police Automated Registration Information System (PARIS)	An Ancillary Databank within the CPIC system containing 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 behaviour especially towards another person. It may also include a no contact condition.
Physical Verification	A process whereby the identity of an applicant is physically authenticated in support of a Police Criminal Record Check.
Police Information Check (PIC)	This level of screening is intended for applicants who are seeking volunteer and/or employment with agencies who require a criminal records 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.
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.
Police Vulnerable Sector Check (PVSC)	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 and non-convictions which have met the Exceptional Disclosure Assessment form a local Police agency's records management system and other system/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 (CRA 6.3(3))
Private Information	Anyone who has reasonable grounds to believe that a person has committed an offence may lay an information in writing and under oath before a Justice of the Peace. 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 then 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.
Pre-Charge Diversion	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.
Prohibition Orders	A Court Order that prohibits the subject from certain rights or behaviours. Eg. driving, hunting, firearms, parks, etc.
Provincial Offences Act (POA)	The provincial legislation governing the prosecution of provincial offences and municipal by-law infractions. Eg. Highway Traffic Act, Occupational Health and Safety Act, Environmental Protection Act.
Quashed	A Court disposition that generally means to reject as invalid, especially by legal procedure or “put an end to” or suppress.
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 Criminal Records Act, the National Parole Board may issue, grant, deny or revoke Record Suspensions for convictions under federal acts or regulations of Canada. (CRA 4.1)
Reprimand	A youth found guilty receives a lecture or warning from the Judge. Section 42.2(a) YCJA
Restraining Order	A Court Order that prohibits the subject from having direct or indirect contact with identified person(s).
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 Identification of Criminals Act 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. *See Identification Databank.
Special Interest Police (SIP)	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	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	Encompass minor offences in the Criminal Code (e.g. 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 the sentence had been suspended, then the offender may be sentenced for the original offence.
Unfit to Stand Trial	Unable on account of mental disorder to conduct a defence 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 his or her age, a disability or other circumstances, whether temporary or permanent, (a) is in a position of dependency on others; or (b) is otherwise at a greater risk than the general population of being harmed by a person in a position of trust or authority towards them. (CRA 6.3(1))
Withdrawn	The Crown stopping or interrupting criminal proceedings against the accused.
Young Offenders Act (YOA)	Replaced the Juvenile Delinquents Act in 1984. The YCJA 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 YCJA replaced the YOA on April 1, 2003.
Young Person	The YCJA defines a young person as someone 12 years of age or older, but less than 18 years of age at the time of committing an offence or alleged to have committed an offence. (YCJA 2(1))

FOREWORD

1. Standard Operating Guidelines Purpose and Principle

- a. Standard Operating Guidelines (SOG's) are written directives, issued on the authority outlined below, which provides the Administrative Support Unit – Criminal Record Check clerks with information and procedure on how to perform their duties.
 - i. Initial version of the SOG shall be approved by the Inspector of the Support Services Division.
 - ii. Amendments to the SOG shall be approved by the Staff Sergeant of the Support Services Division.
- b. The nature of the Police Service is such that it is impossible to develop a procedure or plan for every situation that might arise. Therefore, the ASU Supervisor, Support Services Staff Sergeant and Support Services Division Inspector have the duty of thoroughly reviewing the activities of the clerks as they shall assume responsibility for knowledge and performance gaps.

2. Standard Operating Guidelines Criteria

- a. Procedure is located in the SOG's when at least one of the following criteria is met:
 - i. It requires standardized performance by the clerks of only the Criminal Record Checks section.
 1. The lack of standardized performance will likely result in an unreasonable level of risk (e.g. threat of physical, financial or societal injury).
- b. It contains a detailed level of direction that clerks outside the Criminal Record Check section are not required to know.
- c. Harm (e.g. exposure to physical, mental or moral impairment) may result from not having an SOG.

3. Standard Operating Guidelines Content

- a. SOG's are important to achieve uniformity in the performance of specific functions, for successful quality control and for quality assurance.
- b. The SOG's are categorized into topics. Each topic contains detailed information and procedures for the daily administration of the section ensuring it does not contradict other directives/legislation (e.g. Brandon Police Service Policies, Collective Agreements, City of Brandon or Province of Manitoba directives).

REVISIONS

1. Maintenance and Amendments

- a. The maintenance of this SOG is the responsibility of the Court Services Sergeant in charge of the Criminal Record Check section.
- b. Amendments to SOG's are completed by the Administrative Support Unit Supervisor with the assistance of the Criminal Record Checks clerks.
- c. The process for making amendments to the SOG is determined by the Supervisor of the Criminal Record Checks section, based on the following:
 - i. Maintenance Process
 1. To correct oversights which do not impact any information or procedures and does not require a historical record (Revisions Log), such as:
 - a. Spelling mistakes,
 - b. Incorrect grammar,
 - c. Missing words and sentence structure,
 - d. Formatting issues,
 - e. Broken hyperlinks,
 2. Amendment Process
 - a. To make changes to procedures and information requiring a historical record (Revisions Log).
 3. Annual Review
 - a. To review all information and procedures and make the necessary maintenance and amendments.

MANDATE / CORE FUNCTION

1. Primary Mandate

- a. Committed to providing quality service to the public and support to the Police sector and maintain the records and reports within PROS and CPIC.

POLICE CRIMINAL RECORD CHECKS

1. Governance

- a. The Brandon Police Service Criminal Record Checks Office hereby adopts the procedure as detailed in the Ontario Association of Chiefs of Police (OACP) and the Law Enforcement and Records (Management) Network's (LEARN) Guideline for Police Record Checks.
- b. The Guideline follows the RCMP's Dissemination of Criminal Record Information policy.

2. Introduction

- a. The following SOG is intended to assist the Criminal Record Checks clerks to understand and apply relevant legislation, policies, procedures and directives to the processing of Police Criminal Record Checks. It is also intended to promote consistency in processing methods as well as terminology used. As such, the following terms are to be used when following this SOG:
 - i. Police Information Check (PIC),
 - ii. Police Vulnerable Sector Check (PVSC).
- b. This guideline incorporates provisions of the:
 - i. Criminal Records Act
 - ii. CPIC Policy and User Manual
 - iii. Freedom of Information and Protection of Privacy Act (FIPPA)
 - iv. Youth Criminal Justice Act
 - v. Ministerial Directive on the Release of Criminal Records (2010) (RCMP document)
- c. The following SOG is based on the LEARN publication.

3. Background

- a. All clerks of the Criminal Record Checks Office are to review this SOG in its entirety to educate themselves about what information is/is not included in a Police Criminal Record Check and that the decision to obtain these checks is solely that of the applicant and the requesting agency.
- b. The Brandon Police Service acknowledges that a "clean" criminal record check is not a guarantee of safety; database information may be incomplete or out of date, many individuals who commit crimes will have no criminal record, and not all Police

information will be released on a criminal record check (e.g. if release will compromise surveillance or an on-going Police investigation).

- c. The Brandon Police Service wishes to acknowledge the LEARN for its hard work in creating and publishing the LEARN Guideline as well as the Winnipeg Police Service for assisting our organization in creating our own SOG.
 - i. The Criminal Record Checks section's SOG are based on the information contained within the *LEARN Guideline for Police Record Checks* and *Winnipeg Police Service Police Record Checks Standard Operating Guidelines*.

4. Levels of Police Criminal Record Checks

a. Police Information Check (PIC)

- i. 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.
- ii. 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.
- iii. The PIC will include the following information:
 - i. Criminal convictions from CPIC and/or local databases,
 - ii. Summary convictions, for five years, when identified,
 - iii. Findings of Guilt under the Youth Criminal Justice Act within the applicable disclosure period.
 - iv. Outstanding entries, such as charges and warrant, judicial orders, Peace Bonds, Probation Orders and Prohibition Orders. As per CPIC policy, information obtained from the Investigative Databank must be confirmed and authorized for release by the contributing agency.
 - v. Absolute and Conditional Discharges for 1 or 3 years respectively,
 - vi. Orders issued under the *Domestic Violence and Stalking Act*,
 - vii. See Section on [Verification of a Criminal Record](#).
- iv. The PIC will NOT include:

- i. Convictions where a Record Suspension has been granted,
- ii. Convictions under provincial statutes,
- iii. Local Police contact,
- iv. Ministry of Transportation Information (PARIS),
- v. Special Interest Police (SIP) category of CPIC,
- vi. Foreign information,
- vii. A Vulnerable Sector 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),
- viii. Any reference to incidents involving mental health contact,
- ix. Diversions will not be released as Police contact and no reference to the occurrence is permitted, (CC S. 717.4)
- x. Custody Orders,
- xi. Youth Criminal Justice Act (YCJA) information beyond applicable disclosure period,
- xii. Any reference to contagious diseases,
- xiii. Dispositions including, but not limited to, Withdrawn, Dismissed, and cases of Not Criminally Responsible by Reason of Mental Disorder,
- xiv. Family Court Restraining Orders.

b. Police Vulnerable Sector Check (PVSC)

- i. 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 Exceptional Disclosure Assessment.
- ii. This PVSC will include the following information:
 - i. Criminal convictions from CPIC and/or local databases,
 - ii. Summary convictions, for five years, when identified,

- iii. Findings of Guilt under the Youth Criminal Justice Act within the applicable disclosure period,
 - iv. Outstanding entries, such as charges and warrant, judicial orders, Peace Bonds, Probation Orders and Prohibition Orders. As per CPIC policy, information obtained from the Investigative Databank must be confirmed and authorized for release by the contributing agency,
 - v. Absolute and Conditional Discharges for 1 or 3 years respectively,
 - vi. In very exceptional cases, where it meets the Exceptional Disclosure Assessment, non-conviction dispositions including, but not limited to, Withdrawn and Dismissed,
 - vii. Not Criminally Responsible by Reason of Mental Disorder,
 - viii. All Record Suspensions as authorized for release by the Minister of Public Safety,
 - ix. Orders issued under the *Domestic Violence and Stalking Act*,
 - x. See Section on [Verification of a Criminal Record](#).
- iii. The PVSC will NOT include:
- i. Convictions under provincial statutes,
 - ii. Local Police contact,
 - iii. Ministry of Transportation information (PARIS),
 - iv. Special Interest Police (SIP) category of CPIC,
 - v. Foreign information,
 - vi. Any reference to incidents involving mental health contact,
 - vii. Diversions will not be released as Police contact and no reference to the occurrence is permitted, (CC S. 717.4)
 - viii. Custody Orders,
 - ix. Youth Criminal Justice Act (YCJA) information beyond the applicable disclosure period,
 - x. Any reference to contagious diseases,
 - xi. Family Court Restraining Orders.
- iv. The Brandon Police Service recommends that applicants should obtain an Adult Abuse Registry and Child Abuse Registry Check with the Province of Manitoba.

5. Record Checks Release Criteria

a. Absolute Discharge – after July 24, 1992

i. Adult

- i. Dispositions of Absolute Discharge do not meet the (self) declaration qualifications and therefore shall not be released from the CRII; however, the related information may be released from your own local files without a (self) declaration on a PIC or PVSC. The information may be released from another Police service's local file with permission, using the role of "subject".
- ii. After one year, no reference to the occurrence shall be released.

ii. Youth

- i. Youth records and dispositions of Absolute Discharge do not meet the (self) declaration qualifications and therefore shall not be released from the CRII; however, the information may be released for one year after the guilty verdict from your own local files on a PIC or PVSC.
- ii. After one year, no information shall be released. (YCJA 119(2)(e))

b. Absolute and Conditional Discharge – prior to July 24, 1992

- i. Prior to July 24, 1992, discharges were considered a conviction, after this date it was changed to findings of guilt but not a conviction as per section 730 of the Criminal Code. It may still appear on the CRII. Applicants must write to the RCMP and request this to be removed from their record as the Record Suspension process does not apply.

ii. Adult

- i. Dispositions of Absolute and Conditional Discharge issued prior to July 24, 1992 shall not be released on any record check.

iii. Youth

- i. Dispositions of Absolute or Conditional Discharge issued prior to July 24, 1992 shall not be released on any record check.

iv. Acquittal/Not Guilty

- i. An Acquittal or finding of Not Guilty is a disposition rendered by a Judge. Non-convictions do not meet the (self) declaration qualifications.
- ii. Adult

a. Information relating to these Court dispositions shall not be released.

iii. Youth

a. Information relating to this Court disposition shall not be released unless it meets the Exceptional Disclosure Assessment within the applicable YCJA disclosure period (2 months). (YCJA 119(2)(b))

c. Appeals

i. 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. If the charge results in a non-conviction it can be considered for a PVSC in accordance with the Exceptional Disclosure Assessment.

d. Conditional Discharge – after July 24, 1992

i. Adult

i. Dispositions of Conditional Discharge do not meet the (self) declaration qualifications and therefore shall not be released from the CRII: however, the relating information may be released from your own local files on a PIC or PVSC. The information may be released from another Police service's local files with permissions, using the role of "subject". After three years, no reference to the occurrence shall be released.

ii. Youth

a. Youth records and dispositions of Conditional Discharge do not meet the (self) declaration qualifications and therefore shall not be released from the CRII; however, the information may be released for three years after the guilty verdict from your own local files on a PIC or PVSC. After three years, no information shall be released. (YCJA 119(2)(f))

e. Conviction, Suspended Sentence or Finding of Guilt (Dual/Indictable)

i. Criminal convictions, Suspended Sentence or Findings of Guilt that are included on the CRII shall be released on the PIC and PVSC.

- ii. Information may only be released from the Identification Databank through the submission of fingerprints to CCRTIS or if the Police service is satisfied the applicant's (self) declaration of a criminal record matches the information from the CRII (See [Verification of a Criminal Record](#) section) or confirmation can be made through your local in-house records.
- iii. If the applicant's (self) declaration of a criminal record does not match the information found on the CRII, the applicant must submit fingerprints.
 - i. Dispositions may be released from your local in-house records if you're satisfied with the identity of the applicant.
- iv. When information relating to these dispositions no longer appears on the CRII, the relating information should be released from your local database.
- v. Youth
 - i. 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 PVSC without the submission of fingerprints; however, if the information is confirmed through your own local database, the information may be released on a PIC or PVSC as follows:
 - ii. 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 PVSC for a period of three years after the youth sentence has been completed. (YCJA 119 (2)(g))
 - iii. If the young person is subsequently convicted of committing another criminal offence during the disclosure period of a preceding offence, the disclosure period for the prior offence becomes equal to that of the current offence/disposition. Additionally, if the subject commits 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. (YCJA 119(9))

f. Current Judicial Orders

- i. A query of the Investigative Databank of the Canadian Police Information Centre (CPIC system) should be conducted for PIC and PVSC, to identify any current Judicial Orders (e.g. Firearm Prohibition Orders, Probation Orders, Peace Bonds, etc.) held by any Canadian Police Service.

- ii. As per CPIC Policy Manual, hit confirmation MUST be conducted on all hits and permission to include the information must be obtained from the originator.
- iii. In Section 8.3, Release of Investigative and Ancillary Databank Information, the CPIC Policy Manual states:
 - i. CPIC Information from the Investigative Databank may be released for security and reliability clearances or for private employment purposes; however, no CPIC information shall be released for this purpose unless:
 - a. Confirmation and verification with the record owner (originating agency) has been carried out; and,
 - b. The originating agency has been notified of the reason for the check and has consented to the release; and,
 - c. Personal visual identification by the law enforcement agency of the subject of the check has taken place; and,
 - d. The results of the check are communicated directly to the subject of the check. The applicable information may be released verbally or in writing. However, printouts shall not be released.

g. Dismissed

- i. Adult
 - i. Dispositions of Dismissed shall not be released on a PIC. Dispositions of Dismissed do not meet the (self) declaration qualifications and therefore shall not be released from the CRII.
 - ii. For a PVSC, the information may be released from your own local files or another Police service's local file with permission, in exceptional circumstances, if it meets the Exceptional Disclosure Assessment.
 - iii. Youth
 - a. Information relating to this Court disposition shall not be released unless it meets the Exceptional Disclosure Assessment within the applicable YCJA disclosure period (2 months). (YCJA 119(2)(c))

h. Dispositions

- i. A query of the Identification Databank of the Canadian Police Information Centre (CPIC system) must be conducted to identify Court dispositions (e.g. convictions, Suspended Sentence, Conditional Discharge, etc.). These queries are generally referred to as a CNI and a CRII. Dispositions may also be found within local in-house records.
- ii. When foreign dispositions are included on a CRII, they must not be included on any level of Police record 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.
- iii. Information may only be released from the Identification Databank through fingerprint confirmation or if the Police service is satisfied the applicant's (self) declaration matches the information from the CRII (See [Verification of a Criminal Record](#) section).
- iv. Information relating to summary conviction offences for which fingerprints were not taken will only be available through local Police databases. This information should be included on a PIC and PVSC from your own local database.
- v. Querying Firearms Interest Police (FIP) database, the Police Information Portal (PIP) and your local occurrence database may also reveal criminal dispositions.
- vi. When (self) declaration is used instead of fingerprints to confirm information on the Identification Databank, the response must use the standard wording specified in Section 4, Verification of a Criminal Record, LEARN 16.

i. Extrajudicial Measures

- i. Youth
 - i. Extrajudicial Measures refers to actions other than judicial proceedings under the YCJA. See Section 2(1) of the YCJA.
 - ii. Extrajudicial Measures include:
 - a. No further action
 - b. Warning
 - c. Police Caution
 - d. Crown Caution (post-charge the Crown may establish caution program)

e. Referral to community program or agency with consent of young person.

iii. 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 PVSC. (YCJA 9)

j. The Domestic Violence and Stalking Act Orders

i. Orders issued under this act are disclosable.

k. Finding of Guilt with Reprimand

i. Youth

i. Information relating to this Court disposition shall not be released unless it meets the Exceptional Disclosure Assessment within the applicable YCJA disclosure period (2 months). (YCJA 119(2)(c))

l. Firearms Interest Police (FIP)

i. A query of the Firearms Interest Police (FIP) databank should be done through a Canadian Police Information Centre (CPIC) query. An FIP query can be used as a tool to identify reports held by other Police services. Hit confirmation MUST be conducted on all hits and permission to include the information (not the FIP entry) on a PIC or PVSC must be obtained from the originator.

m. INTERPOL

i. INTERPOL must not be queried for any level of Police record checks as per Section 3.1 of the INTERPOL Charter.

n. Ministry of Transportation, Police Automated Registration Information System (PARIS)

i. Vehicle and driver information has been made available by the Ministry of Transportation to Category 1 Police Services through the Ancillary Databank to CPIC for investigative purposes only. The owner of the information has the authority to restrict both access and further dissemination. PARIS must not be queried for any level of Police record checks.

o. NCIC

i. NCIC must not be queried for any level of Police record checks as per the CPIC Policy and User Manuals.

p. Non-Convictions

- i. Suspect information, Victim/Complainant information and Witness information is not released.
- ii. Youth
- iii. Non-conviction records for PVSC should be considered for release if it meets the Exceptional Disclosure Assessment within the applicable YCJA disclosure period.

q. Not Criminally Responsible (NCR)

- i. Adult
 - i. Dispositions of NCR shall not be released on a PIC. Dispositions of NCR do not meet the (self) declaration qualifications and therefore shall not be released from the CRII.
 - ii. For a PVSC, the information may be released from your own local files or another Police service's local file with permission, for five years.
 - iii. 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 or SIP category.
 - iv. A disposition or a disposition order is a determination by the Manitoba Mental Health Review Board regarding a person who has been found NCR due to mental disorder of committing an offence or who has been found Unfit to Stand Trial. There are three types of final dispositions: Absolute Discharge, Conditional Discharge and Custodial.

r. Youth

- i. The only reference to disposition of Not Criminally Responsible within the YCJA can be found in Section 119(2)(b) which states:
- ii. "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."

- iii. 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 PVSC.

s. Outstanding Criminal Charges & Warrants

- i. A query of the Investigative Databank of the CPIC system should be conducted, for PIC and PVSC, to identify outstanding criminal charges and warrants held by any Canadian Police Service.
- ii. As per the CPIC Policy Manual, hit confirmation MUST be conducted on all hits and permission to include the information must be obtained from the originator.
- iii. Police Services do not have the authority to run a query of the investigative databank (10-29) for this level of check.
- iv. In Section 8.3, Release of Investigative and Ancillary Databank Information, the CPIC Policy Manual states:
 - i. CPIC information from the Investigative Databank may be released for security and reliability clearances or for private employment purposes; however, no CPIC information shall be released for this purpose unless:
 - ii. Confirmation and verification with the record owner (originating agency) has been carried out; and,
 - iii. The originating agency has been notified of the reason for the check and has consented to the release; and,
 - iv. Personal visual identification by the law enforcement agency of the subject of the check has taken place; and,
 - v. 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 shall not be released.

t. Police Information Portal (PIP)

- i. A query of the PIP database should be conducted. A PIP query can be used as a tool to identify reports held by other Police agencies. Hit confirmation MUST be conducted on all hits and permission to include the information on a PVSC must be obtained from the originator. If

indictable/dual criminal convictions are identified, they may also be released on a PIC. (See [PIP](#) section).

u. Prohibition Orders – Criminal Code

- i. Prohibition Orders will be identified through a query of the CPIC Investigative Databank. Criminal Code Prohibition Orders will include children, liquor, firearms, vehicle/driving (including boat operation), hunting or any other Court or statute-imposed prohibition such as those under the Aeronautics Act.
- ii. Once confirmed and permission from the originator is obtained, all Criminal Code Prohibition Orders should be released on a PIC or PVSC.

v. Provincial Offences

- i. Information relating to Provincial Offences (e.g. Speeding, Intoxicated in Public, Bylaw offences) will be available through in-house records management systems; however, they shall not be released on a PIC or PVSC. Information relating to the final Court disposition is not readily available to Police and therefore the information may not be current or appropriate for release.

w. Record Suspension

- i. Unless written authorization has been granted by the Minister of Public Safety and Emergency Preparedness, information relating to an offence and disposition for which a Record Suspension has been granted shall not be released on a PIC or PVSC. (See Record Suspensions – Sexual Offences).

x. Record Suspensions – Sexual Offences – Bill C7, Criminal Records Act 2000

- i. As a result of Bill C7 passed on August 1, 2000, the CRA was amended to permit the flagging of sex offenders with a Record Suspension. CPIC changes were made to permit CPIC agencies with law enforcement authority (Category 1 Agencies) to conduct queries using the CNI format screen and the “VS” keyword (Vulnerable Sector). This query searched the CPIC system for any flagged sex offenders with a Record Suspension for the purpose of conducting any level of Police record checks for persons wanting to work or volunteer in a position of authority of trust with the vulnerable sector.

- ii. Police Services are encouraged to work with organizations in their jurisdiction to educate them on the legislation and the applicable processes. The organizations are responsible for advising the Police service 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.
- iii. For instructions see [Vulnerable Sector CPIC Query](#).

y. Special Interest Police (SIP)

- i. A query of CPIC may reveal a SIP hit. When foreign information is entered in the SIP category (e.g. foreign warrants) the information must not be included on any level of Police record checks as per Section 3.1 of the INTERPOL Chapter.

z. Stayed

- i. Adult
 - i. Dispositions of Stayed shall not be released on a PIC. Dispositions of Stayed do not meet the (self) declaration qualifications and therefore shall not be released from the CRII.
 - ii. For a PVSC, the information may be released from your own local files or another Police service’s local files with permission, in exceptional circumstances, if it meets the Exceptional Disclosure Assessment.
- ii. Youth
 - a. Information relating to this Court disposition shall not be released unless it meets the Exceptional Disclosure Assessment within the applicable YCJA disclosure period (1 year). (YCJA 119(2)(d))

aa. Withdrawn

- i. Adult
 - i. Dispositions of Withdrawn shall not be released on a PIC. Dispositions of Withdrawn do not meet the (self) declaration qualifications and therefore shall not be released from the CRII.
 - ii. For a PVSC, the information may be released from your own local files or another Police service’s local files with permission, in

exceptional circumstances, if it meets the Exceptional Disclosure Assessment.

ii. Youth

- i. Information relating to this Court disposition shall not be released unless it meets the Exceptional Disclosure Assessment within the applicable YCJA disclosure period (2 months). (YCJA 119(2)(c))

bb. Withdrawn – Diversion (Alternative Measures) (Adult)

- i. Dispositions of Withdrawn – Diversion shall not be released from local files in any manner. (CC S 717.4)

cc. Withdrawn – Diversion (Youth)

- i. Dispositions of Withdrawn – Diversion shall NOT be released on a PIC or PVSC.

dd. Withdrawn – Extrajudicial Sanction (Youth)

- i. Information relating to this Court disposition shall not be released unless it meets the Exceptional Disclosure Assessment within the applicable YCJA disclosure period (2 years). (YCJA 119(2)(a))

ee. Withdrawn – Peace Bond

i. Adult

- a. Dispositions of Withdrawn – Peace Bond shall not be released on a PIC. Dispositions of Withdrawn – Peace Bond do not meet the (self) declaration qualifications and therefore shall not be released from the CRII. *Note: if the order is active, see [Current Judicial Orders](#).
- b. For a PVSC, the information may be released from your own local files or another Police service's local file with permission, in exceptional circumstances, if it meets the Exceptional Disclosure Assessment.

ii. Youth

- a. Information relating to this Court disposition shall not be released unless it meets the Exceptional Disclosure Assessment within the applicable YCJA disclosure period (2 months). (YCJA 119(2)(c))

6. Vulnerable Sector CPIC Query

- a. As part of the PVSC, a vulnerable sector 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.
- b. Section 6.3(3) of the CRA places the responsibility on the employer (whether that be an individual or organization) or volunteer agency to determine the need for a PVSC. However, Police services are prohibited from conducting VS checks if they do not feel the positions meet the requirement 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.
- c. 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:
 - i. The position is one of trust or authority towards that child or vulnerable person; and
 - ii. The applicant has consented in writing to the verification.

d. Definitions

- i. **Child** means: a person who is less than 18 years of age.
- ii. **Vulnerable Persons** means: a person who, because of his or her age, a disability or other circumstances, whether temporary or permanent, is:
 1. in a position of dependency on others; or
 2. otherwise at a greater risk than the general population of being harmed by a person in a position of trust or authority towards them.
- iii. **Position of Trust** means: a position of trust or authority is created when an individual's relationship with someone else has any of the following characteristics:
 1. Decision-making power
 2. Unsupervised access
 3. Closeness inherent in the relationship

4. Personal nature of the activity itself.

e. A query of Sex Offenders with a Record Suspension will be conducted through CPIC if:

- i. 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,
- ii. The applicant is a resident of the local Police Service's jurisdiction (as per the RCMP Dissemination of Criminal Record Information Policy); and,
- iii. The applicant provides identification; and,
- iv. The applicant completes the RCMP Vulnerable Sector Consent FORM 1 or the Police Service's application with equivalent wording incorporated into the form.

f. Matching

- i. Possible matches are based on name, gender and date of birth. When the VS flag is set on a CPIC query, the computer application first 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.
- ii. 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.
- iii. If no possible hits were returned from the initial surname query, a subsequent query (the enhancement from July 2010) will search for an exact match on sex (male, female or unknown) and date of birth only.
- iv. If the VS flag was set and one or more records were returned, the VS message is returned.

g. Necessity for Fingerprints

- i. 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."
 1. 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.

- ii. If the above message is received, fingerprints are mandatory to complete a PVSC.
- iii. 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.

h. Refusal to submit fingerprints

- i. If the applicant refuses to submit fingerprints, the PVSC application process must be discontinued.

i. Fingerprinting for a possible VS match

- ii. If the applicant elects to continue the process, the Police Service must submit the following package to Canadian Criminal Real Time Identification Service (CCRTIS).
 - 1. Ensure that the mandatory fields are complete on the C-216 Form (paper or electronic).
 - a. Clearly identify that the fingerprints are being submitted for the purpose of a VS check, the position applied for and the return address of the Police service.
 - 2. The mandatory signed RCMP Vulnerable Sector Consent FORM 1.
 - a. The completed FORM 1 must indicate if the VS check is required for employment or volunteer position relates to vulnerable persons, and the name of the organization that determined the requirement for a VS check. If using the LEARN Record Check form, the consent from RCMP FORM 1 is included.
 - 3. For volunteers, a letter on letterhead from the volunteer organization confirming that a VS check is a requirement. A letter is required for the submission of volunteer VS fingerprints.
- iii. For non-volunteer PVSC checks the RCMP charges a fee. For applicable fees and mailing addresses, see the RCMP website at <http://www.rcmp-grc.gc.ca/en/processing-times-and-fees>

- iv. If the RCMP returns the fingerprints with no disclosed sexual offence convictions for which a Record Suspension was granted, the Police service will complete the search using the PVSC guidelines.
- v. 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.
- vi. If the applicant chooses not to sign RCMP Form 2, the Police Service will contact the requesting person (employer) or volunteer agency in writing indicating that the Police Service was unable to complete the PVSC.

j. Disclosure of Information

- i. 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 with a Record Suspension for a sex offence, do not transcribe the record, release the RCMP product as authorized by the Minister.
- ii. If CCRTIS returns the opened criminal record and sex offender with a Record Suspension record, the Police Service will then obtain the applicant's consent in writing for disclosure on RCMP Form 2.
- iii. 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. 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."
- iv. 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.
- v. If the information is not authorized for disclosure, no reference is to be made to the information.
- vi. Fingerprints returned from CCRTIS should be returned to the applicant.

k. Fingerprinting for an Adoption application

- i. Although the VS search for adoption does not fall within the CRA requirements, it is recommended that fingerprints be submitted to the RCMP for all adoption record checks. When fingerprints are submitted for adoption purposes CCRTIS will conduct a query of sex offenders with a record suspension records.
- ii. Returned fingerprints will indicate that a VS search was not requested.

7. Verification of a Criminal Record

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

1. (Self) Declaration of a Criminal Record; either through the submission of fingerprints or by (self) declaration.
2. Declaration MUST include:
 - a. All convictions for offences under Federal Law.
3. 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.
4. 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.

b. Name-Based Criminal Record Check Responses

1. Negative – Standard Response

a. When the CNI/CRS query does not identify any possible criminal record associated to the applicant, the following standard response is to be used:

1. “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 National Repository of Criminal Records”.

2. Confirmation of a Criminal Record – Standard Response

a. 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 base query may be released using the following standard response:

1. “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”.

3. Incomplete – Standard Response

a. 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:

1. “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”.

c. Name-Based Vulnerable Sector Check Responses

1. Negative – Standard Response

a. When the CNI/CRS query does not identify any possible criminal record associated to the applicant AND the scoring criteria have not been met for Flagged Suspended Sex Offender Records (VS:Y), the following standard response is to be used:

1. “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”.

2. Confirmation of a Criminal Record (Active criminal record only) – Standard Response

a. 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:

1. “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”.

3. Incomplete – Standard Response

- a. 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:
- b. 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.

8. Non-Jurisdictional Residents

The Ministerial Directive Concerning the Release of Criminal Record Information by the Royal Canadian Mounted Police defines the basic authorities for doing criminal record checks using the Identification Databank. The CCRTIS Policy on the Dissemination of Criminal Record Information provides the detailed policies for implementing the ministerial directive.

The Ministerial Directive Concerning the Release of Criminal Record Information by the Royal Canadian Mounted Police states under Section 1 of 'Reporting with Respect to Criminal Records':

- a. Where a Confirmation of a Criminal Record has been sought by an applicant, a Police Service of local jurisdiction where the applicant resides may release to the applicant a report, in a form to be established by the RCMP, of the applicant's adult convictions and associated criminal record information from the RCMP National Repository of Criminal Records.

This paragraph prohibits the release of criminal record (CRII) information by a Police Service outside of the jurisdiction where the applicant lives. It permits the release of criminal record (CRII) conviction information within the jurisdiction where the applicant lives.

For individuals residing outside of the Police Service's jurisdiction, in accordance with the Ministerial Directive and CPIC Policy, a Police Service can only verify the information claimed on the (self) declaration.

To clarify, when dealing with an applicant who resides outside of the Service's jurisdiction, the Service responds using one of the three standard responses (Negative, Incomplete, or Confirmation of a Criminal Record).

If the applicant HAS (self) declared:

1. If the Police Service is satisfied that the declared criminal record information is a match to the registered (CRII) information, Confirmation of a Criminal Record standard response is checked and the Verification of a Criminal Record form is included.
2. If the Police Service is not satisfied, then the Incomplete standard response should be checked, and the Verification of a Criminal Record form not included.

If the applicant HAD NOT (self) declared:

1. If no Criminal Record exists, reply using the standard Negative response.
2. If a Criminal Record does exist, respond using the Incomplete Standard Response requiring the applicant to submit fingerprints. Fingerprint results will be mailed directly to the applicant from the RCMP. Again, no information is to be released by the Police Service.

9. PIP – Police Information Portal

1. The Police Information Portal should be searched to process a PIC to locate possible indictable/dual convictions that are not on CPIC. PIP should be searched to process PVSC to locate possible indictable convictions and non-convictions to determine if it meets the Exceptional Disclosure Assessment.

2. A direct quote from Section 6.36 – 6.39 of the manual follows:

a. Queries for Non-Criminal Purposes

6.36 If there is a request for release of any PIP information 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. This information must be verified as per PIP policy.

6.37 PIP can be utilized for Vulnerable Sector checks, accreditation for special events, high risk government positions or locations (ie. airports, marine ports, etc.) and Police personnel. In order to complete these checks, written consent of the subject of query must be obtained.

6.38 Victim Services workers shall not have direct access to PIP and all request for indices checks shall be performed by CPIC Category 1 Agency personnel. Information obtained from the PIP, where the victim's consent has been obtained, will be vetted to ensure that only information directly related to the victim is released.

6.39 PIP information will not be shared with or made available to any third party.

3. Proper use of information must be observed. For example, Extra Judicial Measures under the YCJA may be used for Police investigative purposes but shall not be used for non-investigative such as background checks. All information must be confirmed and authorized for release by the contributing agency.

4. List of Services currently publishing to PIP

a. 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 be used for any PIP questions.

10. Reconsideration Process

1. An applicant, who has had a Police Vulnerable Sector Check (PVSC) completed, 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. It is recommended that each Police Service have a process in place to provide reconsideration of non-conviction information.
3. When processing a reconsideration request, the Police Service should take the following criteria into consideration:
 - a. Date of incident.
 - b. Age of the applicant at the time of the incident.
 - c. All information available to the Police Service that relates to the applicant including Crown notes.
 - d. Details of the incident including any written information provided by the applicant including Crown notes.
4. The Reconsideration Process should be clear, transparent, and available to the public in areas such as the front counters of police divisions, web-site, etc.
5. The applicant should be informed in writing of the final decision of the Police Service and be provided a general reason if denied.

6. Requests for reconsideration should be made within 60 days of the completion of the applicant's PVSC. Reconsideration requests should be processed within 30 days.
7. The Reconsideration Request Panel should consist of at least three members. An uneven and manageable number of members are required to ensure reconsideration requests are reviewed on a regular and timely basis. An example of a reconsideration panel would be:
 - a. Court Services Sergeant;
 - b. Support Services Division Inspector; and
 - c. Major Crime Staff Sergeant or designate.
8. Police Services may also wish to invite Legal Counsel to the panel meetings in order to ensure that the legal interests of the Police Service are protected; however, this individual should not be involved in the final decision as it could be construed to be a conflict of interest should Legal need to become involved in the matter at a future date.
9. Below are some further considerations when developing a Reconsideration Process:
 - a. To qualify for the reconsideration process:
 - i. Process is only available for PVSC.
 - ii. Appeal must be made within 60 days upon receipt.
 - iii. Can only appeal entries that appear on the record check.
 - iv. Convictions will not be eligible for reconsideration.
 - v. Outstanding Judicial Orders or cases that are before the courts are not eligible for reconsideration.
 - vi. Youth Criminal Justice Act entries are not eligible for reconsideration.
 - vii. If any of the above qualifications are not met, the application will be rejected upon receipt and the applicant will be notified in writing.
10. To apply for reconsideration:
 - a. Applicant submits letter or form designed by Police Service for reconsideration.
 - b. Applicant must include a copy of their current record check.
 - c. Applicant may include any documents they feel may support their request.
 - d. Police Service may wish to limit the length of written representation to one or two pages.
11. The Reconsideration Panel:
 - a. Reviews submissions and responds in writing to the applicant.
12. Considerations during the review:
 - a. Whether the incidents target a vulnerable person.
 - b. Whether there is repeated behavior towards more than one person.

- c. When the incidents took place.
- d. The number of incidents.
- e. Whether there is a pattern of incidents.
- f. The reason the incident did not result in a conviction.

11. Exceptional Disclosure Assessment

1. Non-conviction records are not released on a PIC. In exceptional circumstances, non-convictions may be considered for release on a PVSC.
2. There may be specific, exceptional cases where a non-conviction record gives rise to a concrete and compelling concern for the safety of vulnerable persons. Concerns were expressed with two categories of predatory crimes: child sexual predators and fraud schemes targeting the elderly or other vulnerable persons.
 - a. Non-conviction records that shows either a single event or a pattern of alleged predation of vulnerable persons, sexually or financially, may meet the threshold for disclosure.
3. The focus of this assessment should not be based on general behavior prediction, but rather identifying those who knowingly targeted vulnerable persons to facilitate the commission of these types of criminal acts.
 - a. Police interaction information, including suspect information, may appear as a specific notation on a completed check that is descriptive of specific concerning behaviours, e.g., violent or threatening behaviour.
4. The decision to release non-conviction information should not be made by the member processing the record check. When applicable, the member will forward the information to a decision maker who is another member in a supervisory or managerial position, in order to determine if the Exceptional Disclosure Assessment has been met.

5. Exceptional Disclosure Assessment Tool

1. Step 1: Collect Records

1. Search for non-conviction information from national and local databases.
2. Based on the agency and position description determine which schedule(s) from the list of offences to use:

1. Schedule 1 of the Criminal Records Act is for sexual offences for positions involving all vulnerable persons and will be used as a guideline.
2. Schedule 3 of the British Columbia Criminal Records Review Act is for theft/fraud offences for positions involving adult vulnerable persons.
 1. Although the British Columbia Criminal Records Review Act does not apply in Manitoba, it will be used as a guideline.
3. Check if any of the non-convictions match the list of offences.
 1. If NO (does not meet the assessment) then do not release.
 2. If YES
 1. Is there more than one incident or do the circumstances warrant concern?
 2. Do the victim(s) meet the definition of a vulnerable person?
 1. If NO (does not meet the assessment) then do not release.
 2. If YES – provide occurrences to decision maker.

2. Step 2: Review Records

1. The following are factors for the decision maker to consider for the review:
 1. Whether there is repeated behaviour towards more than one person.
 2. When the incidents took place.
 3. The number of incidents.
 4. Whether there is a pattern of incidents.
 5. The reason the incident did not result in a conviction.
 6. Where there is a known incident and the allegations are serious and credible.

2. As determined by the Staff Sergeant of Brandon Police Service, in consultation with City of Brandon Legal Counsel.
3. If charges have been stayed, resulting in a non-conviction record, consult with the Crown.

3. Step 3: Release Record(s)

1. Once the decision maker has determined to release the records, the non-conviction should be released on the Police Criminal Records Check Supplementary Information page with the heading of Non-Conviction Records of Public Safety with the following definition.

4. Non-Conviction Records of Exceptional Disclosure

1. Non-convictions are criminal charges that did not result in a conviction in court. However, the information meets the Exceptional Disclosure Assessment and is being released under the authority of the Police Services Act.
2. If the non-conviction records are from another Police Service, permission must be granted for release.

5. Step 4: Reconsideration Process

1. Applicants may apply for reconsideration of this decision, see Section 8, Reconsideration Process.









APPENDIX A – RECORDS CHECK RELEASE CHART

See: Records Check Release Criteria for further details.

X	Do not release
✓	Release
✎	Only released when it meets the Exceptional Disclosure Assessment

Record Type	PIC Adult	PIC Youth	PVSC Adult	PVSC Youth
Attempt Suicides	X	X	X	X
Current Judicial Orders (Peace Bonds, Restraining Orders, Criminal Code, Prohibition Orders & Probation Orders)	✓	✓	✓	✓
FIP	✓	✓	✓	✓
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
Non-Criminal Incidents (Including mental health related contact)	X	X	X	X
Outstanding Criminal Charges & Warrants (Excluding Private Information)	✓	✓	✓	✓
PARIS	Do not query	Do not query	Do not query	Do not query
PIP	✓	✓	✓	✓
Police Involvement Criminal Incidents (Non-Convictions)	X	X	✎	✎
SIP	X	X	X	X
Absolute Discharge	Shall not be self-declared and not released from CRII. May be released from own local files without	Shall not be self-declared and not released from CRII. May be released from own local files for 1 year	Shall not be self-declared and not released from CRII. May be released from own local files	Shall not be self-declared and not released from CRII. May be released from own local files for 1 year

	<p>declaration for 1 year.</p> <p>Information may be released from another Police agency's local file for 1 year, with permission.</p>	<p>after disposition is rendered.</p>	<p>without declaration for 1 year.</p> <p>Information may be released from another Police agency's local file for 1 year, with permission.</p>	<p>after disposition is rendered.</p>
Acquittal / Not Guilty	X	X	✋	X
Conditional Discharge	<p>Shall not be self-declared and not released from CRII.</p> <p>May be released from own local files without declaration for 3 years.</p> <p>Information may be released from another Police agency's local file for 3 years, with permission.</p>	<p>Shall not be self-declared and not released from CRII.</p> <p>May be released from own local files for 3 years after disposition is rendered</p>	<p>Shall not be self-declared and not released from CRII.</p> <p>May be released from own local files without declaration for 3 years.</p> <p>Information may be released from another Police agency's local file for 3 years, with permission.</p>	<p>Shall not be self-declared and not released from CRII.</p> <p>May be released from own local files for 3 years after disposition is rendered</p>
<p>Convictions (Indictable/Dual), Suspended Sentence OR Findings of Guilt</p> <p>(Not including Discharges)</p>	<p>All released from CRII if self-declared.</p> <p>All may be released from own local files without declaration.</p>	<p>Shall not be self-declared and not released from CRII.</p> <p>From local database – 5 years for indictable offences after completion of most recent sentence.</p>	<p>All released from CRII if self-declared.</p> <p>All may be released from own local files without declaration.</p>	<p>Shall not be self-declared and not released from CRII.</p> <p>From local database – 5 years for indictable offences after completion of most recent sentence.</p>
<p>Convictions (Summary), Suspended Sentence OR Findings of Guilt</p> <p>(Not including Discharges)</p>	<p>Not available on the CR therefore, self-declaration is not required.</p> <p>All released for 5 years when identified.</p>	<p>Shall not be self-declared and not released from CRII.</p> <p>Released for 3 years.</p>	<p>Not available on the CR therefore, self-declaration is not required.</p> <p>All released for 5 years when identified.</p>	<p>Shall not be self-declared and not released from CRII.</p> <p>Released for 3 years.</p>
Dismissed	X	X	✋	✋

Extrajudicial Measures (Before or after Court) YOUTH ONLY	N/A	X	N/A	X
Finding of Guilt with Reprimand YOUTH ONLY	N/A	X	N/A	
NCR	X	X	May be released from own local files for 5 years. The information may be released from another Police agency's local file with permission.	Shall not be self-declared and not released from CRII. May be released from own local files for 5 years.
Prohibition Orders – CC	✓	✓	✓	✓
Prohibition Orders – Non-Criminal (Driving)	X	X	X	X
Provincial Offences	X	X	X	X
Record Suspensions (Pardons)	X	N/A	Released if approved by Minister of Public Safety	N/A
Stayed	X	X		
Withdrawn	X	X		
Withdrawn – Diversion (Alternative Measures including Mental Health Diversion)	X	X	X	X
Withdrawn – Extrajudicial Sanctions YOUTH ONLY	X	X	X	
Withdrawn – Peace Bond Also see Current Judicial Orders	X	X		

SCHEDULE 1 – CRIMINAL RECORDS ACT

SCHEDULE 1 (Subsections 4(2), (3) and (5))

1. Offences

a. Under the following provisions of the *Criminal Code*:

- i. section 151 (sexual interference with a person under 16),
- ii. section 152 (invitation to a person under 16 or more but under 18),
- iii. section 153 (sexual exploitation of a person 16 or more but under 18),
- iv. subsection 160(3) (bestiality in the presence of a person under 16 or inciting a person under 16 to commit bestiality),
- v. section 163.1 (child pornography),
- vi. section 170 (parent or guardian procuring sexual activity),
- vii. section 171 (householder permitting sexual activity),
 1. paragraph 171.1(1)(a) (making sexually explicit material available to child under 18 for purposes of listed offences),
 2. paragraph 171.1(1)(b) (making sexually explicit material available to child under 16 for purposes of listed offences),
 3. paragraph 171.1(1)(c) (making sexually explicit material available to child under 14 for purposes of listed offences),
- viii. section 172 (corrupting children),
- ix. section 172.1 (luring a child),
 1. paragraph 172.2(1)(a) (agreement of arrangement – listed sexual offence against child under 18),
 2. paragraph 172.2(1)(b) (agreement or arrangement – listed sexual offence against child under 16),
 3. paragraph 172.2(1)(c) (agreement or arrangement – listed sexual offence against child under 14),
- x. subsection 173(2) (exposure)
- xi. [Repealed, 2014, c. 25, s. 35]
- xii. [Repealed, 2014, c. 25, s. 35]
- xiii. [Repealed, 2014, c. 25, s. 35]
- xiv. paragraph 273.3(1)(a) (removal of child under 16 from Canada for purposes of listed offences),
- xv. paragraph 273.3(1)(b) (removal of child 16 or more but under 18 from Canada for purposes of listed offences),
- xvi. paragraph 273.3(1)(c) (removal of child under 18 from Canada for purposes of listed offences),
 1. section 279.011 (trafficking – person under 18 years),
 2. subsection 279.02(2) (material benefit – trafficking of person under 18 years),
 3. subsection 279.03(2) (withholding or destroying documents – trafficking of person under 18 years),
 4. subsection 286.1(2) (obtaining sexual services for consideration from person under 18 years),
 5. subsection 286.2(2) (material benefit from sexual services provided by person under 18 years),
 6. subsection 286.3(2) (procuring – person under 18 years),

- xvii. paragraph 348(1)(a) with respect to breaking and entering a place with intent to commit in that place an indictable offence listed in any of subparagraphs (i) to (xvi), and
 - xviii. paragraph 348(1)(b) with respect to breaking and entering a place and committing in that place an indictable offence listed in any of subparagraphs (i) to (xvi);
 - b. under the following provisions of the Criminal Code, R. S. C. 1970, c. C-34, as that Act read before January 1, 1988:
 - i. subsection 146(1) (sexual intercourse with a female under 14),
 - ii. subsection 146(2) (sexual intercourse with a female 14 or more but under 16),
 - iii. section 151 (seduction of a female 16 or more but under 18),
 - iv. section 166 (parent or guardian procuring defilement), and
 - v. section 167 (householder permitting defilement);
 - 1. under the following provisions of the Criminal Code, as they read from time to time before the day on which this paragraph comes in to force:
 - a. subsection 212(2) (living on the avails of prostitution of person under 18 years),
 - b. subsection 212(2.1) (aggravated offence in relation to living on the avails of prostitution of person under 18 years), and
 - c. subsection 212(4) (prostitution of person under 18 years);
 - c. that are referred to in paragraph (a) and that are punishable under section 130 of the National Defence Act;
 - d. that are referred to in paragraph (b) and that are punishable under section 120 of the National Defence Act, R.S.C. 1970, c. N-4; and
 - e. of attempt or conspiracy to commit an offence referred to in any of paragraphs (a) to (d).
2. Offences
- a. involving a child under the following provisions of the Criminal Code:
 - i. section 153.1 (sexual exploitation of a person with a disability),
 - ii. section 155 (incest),
 - iii. section 162 (voyeurism),
 - iv. paragraph 163(1)(a) (obscene materials),
 - v. paragraph 163(2)(a) (obscene materials),
 - vi. section 168 (mailing obscene matter),
 - vii. subsection 173(1) (indecent acts),
 - viii. section 271 (sexual assault),
 - ix. subsection 272(1) and paragraph 272(2)(a) (sexual assault with firearm),
 - x. subsection 272(1) and paragraph 272(2)(b) (sexual assault other than with firearm),
 - xi. section 273 (aggravated sexual assault),
 - xii. paragraph 348(1)(a) with respect to breaking and entering a place and committing in that place an indictable offence listed in any of subparagraphs (i) to (xi);
 - b. involving a child under the following provisions of the Criminal Code, R. S. C. 1970, c. C-34, as that Act read before January 1, 1988:

- i. section 153 (sexual intercourse with stepdaughter, etc., or female employee), and
 - ii. section 157(gross indecency):
 - c. involving a child under the following provisions of the Criminal Code, R. S. C. 1970, c. C-34, as that Act read before January 4, 1983:
 - i. section 144 (rape),
 - ii. section 145 (attempt to commit rape),
 - iii. section 149 (indecent assault on female),
 - iv. section 156 (indecent assault on male),
 - v. section 245 (common assault), and
 - vi. subsection 246(1) (assault with intent to commit an indictable offence);
 - d. that are referred to in paragraph (a) and that are punishable under section 130 of the National Defence Act;
 - e. that are referred to in paragraph (b) or (c) and that are punishable under section 120 of the National Defence Act, R. S. C. 1970, c. N-4; and
 - f. of attempt or conspiracy to commit an offence referred to in any of paragraphs (a) to (e),
- 3. [Repealed, 2012, c. 1, s. 133]
 - 2010, c. 5, s. 9;
 - 2012, c. 1, ss. 49, 131 to 133;
 - 2014, c. 25, s. 35.

SCHEDULE 3 – BRITISH COLUMBIA CRIMINAL RECORDS REVIEW ACT

Schedule 3 – (Section 1, definition of “specified offence”)

1. The following sections of the Criminal Code (Canada) are designated as specified offences:
 - section 162: (Voyeurism)
 - section 241: (Counseling Suicide)
 - section 334: (Theft)
 - section 336: (Criminal Breach of Trust)
 - section 342: (Theft, Forgery of Credit Card)
 - section 344: (Robbery)
 - section 346: (Extortion)
 - section 348: (Breaking and Entering)
 - section 349: (Unlawfully in a Dwelling)
 - section 351: (Possession of Break-in Instrument)
 - section 355: (Possession of Stolen Goods)
 - sections 362, 363: (False Pretences)
 - section 367: (Forgery)
 - section 368: (Uttering Forged Documents)
 - section 372: (Harassing Calls)
 - section 380: (Fraud)
 - section 423: (Intimidation)
 - section 430: (Mischief Endangering Life)
 - section 433: (Arson – Disregard for Human Life)