



## Criminal Record Checks and Police Checks

In compliance with the RCMP ministerial directive, Ontario Provincial Police now provides two kinds of criminal background checks in addition to a vulnerable sector check:

### Criminal Record Check

This check is intended for applicants who are currently or will potentially be involved as a volunteer, employee or in any situation where a basic Criminal Record Check is requested. This search is **not** intended for applicants who are seeking volunteer and/or employment with vulnerable persons. This is a query based on name and date-of-birth, of active criminal files in the RCMP National Repository of Criminal Records.

The Criminal Record Check *will include* the following information as it exists on the date of the search:

- (a) Criminal convictions from the Canadian Police Information Centre, RCMP National Repository of Criminal Records and/or local police databases;
- (b) Outstanding entries, such as charges, warrants, judicial orders, Peace Bonds, Probation and Prohibition orders;
- (c) Absolute and Conditional Discharges (1-3 years), as set out in Section 730 of the Criminal Code of Canada (OPP Niche RMS Database only).

### Police Record Check

This check is intended for applicants who are seeking volunteer and/or employment with agencies who require a Criminal Record Check along with local police involvement. The **agency** has determined that a search of the Pardoned Sex Offender Database, or contacts relating to mental health apprehensions are not required (i.e.: Pharmacists, Bank Tellers etc.) therefore this search is not intended for applicants who are seeking volunteer and/or employment with vulnerable persons.

Applicants that require a **Police Record Check** must either provide a letter from the hiring Agency or the Agency must complete the “Purpose of the record check” section and affix their Agency stamp at the bottom of the LE219 consent form.

The most comprehensive collection of offence information, which includes convictions, and non-conviction information available from a local police agency's records management system, and other systems/records, where authorized. Based on the results of a Police Record Name Check, the disclosure of information from a local police agency's records management system is pursuant to local police agency policies and procedures.

The Police Record Check **will include** the following information as it exists on the date of the search:

- (a) Criminal convictions from the Canadian Police Information Centre, RCMP National Repository of Criminal Records and/or local police databases;
- (b) Outstanding entries, such as charges, warrants, judicial orders, Peace Bonds, Probation and Prohibition orders;
- (c) Absolute and Conditional Discharges (1-3 years), as set out in Section 730 of the Criminal Code of Canada (OPP Niche RMS Database only).
- (d) Family court restraining orders;
- (e) Criminal charges resulting in dispositions including, but not limited to, Stayed, Withdrawn, Dismissed, and cases of not criminally responsible by reason of mental disorder as listed on local indices;
- (f) Police contacts including, but not limited to theft, weapons, sex offences, or violent, harmful or threatening behaviour.

### **Vulnerable Sector (VS) Check (including Pardoned Sex Offender Database (PSOD))**

The vulnerable sector screening was established to provide screening of individuals who intend on working or volunteering with the vulnerable sector.

#### **A Vulnerable Person is defined as:**

All children who are less than 18 years of age,

**AND/OR** persons who, because of their age, a disability or other circumstances, whether temporary or permanent:

- (a) are in a position of dependence on others; or
- (b) are otherwise at a greater risk than the general population of being harmed by persons in a position of authority or trust relative to them.

RCMP Policy stipulates that the Vulnerable Sector Check **MUST** be completed by the police service of local jurisdiction **where the applicant resides and for each agency the applicant is working or volunteering for.**

**The Vulnerable Sector Check is an agency/organization driven request. In order to have this done you must have an agency/organization letter which explains that you need a vulnerable sector check. You will also need to give a detail description of the specific job you will be hired/ volunteer for as well as a hiring managers names and contact number.**

The Vulnerable Sector Check **will include** the following information as it exists on the date of the search:

- (a) Criminal convictions from the Canadian Police Information Centre, RCMP National Repository of Criminal Records and/or local police databases;
- (b) Outstanding entries, such as charges, warrants, judicial orders, Peace Bonds, Probation and Prohibition orders;
- (c) Absolute and Conditional Discharges (1-3 years), as set out in Section 730 of the Criminal Code of Canada (OPP Niche RMS Database only);
- (d) Family court restraining orders;
- (e) Criminal charges resulting in dispositions including, but not limited to, Stayed, Withdrawn, Dismissed, and cases of not criminally responsible by reason of mental disorder as listed on local indices;
- (f) Police contacts including, but not limited to theft, weapons, sex offences, or violent, harmful or threatening behaviour;
- (g) Police contacts including, but not limited to theft, weapons, sex offences, or violent, harmful or threatening behaviour, which may or may not have involved a Mental Health incident where no charges were laid;
- (h) Pardoned criminal convictions as per Schedule of the Criminal Records Act, including non-sex offences, identified as a result of VS verification search and authorized for release by the Minister of Public Safety and Emergency Preparedness.

### **Pardoned Sex Offender Database Hits**

On 19 July 2010, the RCMP announced changes to the way that Pardoned Sex Offender Database checks would be conducted.

Previously, a Vulnerable Sector (VS) query would only hit to a potential match based on an applicant's name and date of birth. Now, the Pardoned Sex Offender Database (PSOD) search is conducted two ways. First, it is queried against a potential name hit. Secondly, it is checked against a date of birth and gender match only, regardless of the name. The purpose of the RCMP making this change is to capture during a Vulnerable Sector search any pardoned sex offenders who have subsequently obtained a legal name change.

The result of this is that a person who has the same date of birth and gender as a pardoned sex offender will also get a potential hit to the PSOD. Those people will also be required to submit fingerprints for processing, in order to confirm whether or not there is a pardoned sex offence on file.

Applicants that are under the age of 18 years *do not qualify* to have a search of the Pardoned Sex Offender Database so in this case a Vulnerable Sector form is filled out but the section with results for PSOD will be marked to say that a search of the PSOD was not conducted

## **Acceptable Identification:**

Two (2) pieces of identification are required to complete any of the checks, one of which must be government-issued and include the Applicant's name, date of birth, signature and photo of the Applicant.

## **Acceptable Forms of Photo Identification**

- Driver's Licence
- BYID (Bring Your Identification, issued by the Liquor Control Board of Ontario (LCBO))
- Military Employment Card
- Canadian Citizenship Card
- Indian Status Card
- Passport
- Permanent Resident Card
- PAL (Possession & Acquisition Licence issued by the Chief Firearms Office)
- CNIB (Canadian National Institute for the Blind) Card
- Ontario Photo ID Card (issued by the MTO)
- NEXUS Card
- FAST Pass

## **Acceptable Forms of Non-Photo Identification**

- Birth Certificate
- Baptismal Certificate
- Hunting Licence
- Outdoors Card
- Canadian Blood Donor Card
- Immigration Papers

## **Young Person Consent**

The O.P.P. takes the position that individuals under the age of 16 cannot provide consent, and consent must therefore be provided by a parent or legal guardian. The parent or legal guardian of this young person must sign, date and indicate their relationship to the young person on the bottom of applicable consent form. The parent or legal guardian must supply two pieces of identification as well

**Use of Ontario Health Cards and Social Insurance Number (SIN) Cards as Identification is *not permitted* due to legislative restrictions.**

## **Release of Information**

The Freedom of Information and Protection of Privacy Act of Ontario, or in the case of a young person, the Youth Criminal Justice Act (YCJA), applies at all OPP locations in the protection of personal information used at any stage in the process of releasing CPIC information to recipients. Individuals requesting a Record check *must accurately complete the applicable consent form*, as required by the circumstance, and provide at least two pieces of identification before a search can be made and police information released. If the consent form is not filled out completely or two pieces of identification not supplied this could result in unnecessary delays in the searches to be completed.

## **Declaration of Criminal Record (LE229)**

If an applicant has a criminal record and wants to process the check in a quick manner they may fill out the Declaration of a Criminal Record form. Declaration of Criminal Record (LE229) is a process whereby the applicant must declare all of their adult criminal convictions to the Police Service in accordance with CPIC policy requirements and federal laws.

### **Self Declaration should NOT include:**

- Conviction for which a pardon has been received
- Youth Convictions (YCJA)
- Absolute/Conditional Discharges
- Offences where there were no convictions
- Provincial/Municipal Offences
- Charges dealt with outside of Canada

In order to release criminal convictions identified through a name based query, the Police Service must be satisfied that the applicant's declared criminal record information is a match to their registered criminal record held at the RCMP National Repository of Criminal Records. If the declared criminal record is not a match with the applicants criminal record the applicant will be required to submit fingerprints which would result in a delay with the check being completed.

### **Fees/times of service:**

Please contact your local detachment for the fees/times of service that they are available when a check can be completed.

### **For more information, visit:**

- Royal Canadian Mounted Police (RCMP)
- Canadian Police Information Centre (CPIC)