

Applicant Fact Sheet

An employer or a volunteer organization has requested that you obtain a Police Information Check, as part of determining your suitability for employment or volunteer duties, as well as, possibly, because the position is responsible for children or vulnerable persons. At your request and with your permission, the Oak Bay Police Department will complete a Police Information Check about you for employment or volunteer duties. The organization/employer you are applying to is expected to have:

- completed an initial review of your suitability and to be considering you for employment or a volunteer opportunity; and
- an understanding its obligation under the Human Rights Code with respect to evaluation, hiring and training volunteers or employees and what constitutes a bona fide reason for refusing to hire any individual or volunteer.

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

The Oak Bay Police Department offers only one type of record check, the PIC-VS. For a Police Information Check (PIC) for positions outside the vulnerable sector please contact the Corps of Commissionaires at 250-727-7755 local 100 or contact Backcheck at www.backcheck.ca.

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

This check is restricted to applicants seeking employment and/or volunteering in a position of authority or trust relative to vulnerable persons *in Canada only*. With your consent, a query of sex offences for which a record suspension (formerly known as a Pardon) has been granted will be conducted in compliance with the *Criminal Records Act* (CRA).

Police Information Check with Vulnerable Sector Screening will include:

- a) Criminal convictions (summary and indictable) from CPIC and/or local databases.
- b) Outstanding judicial orders, such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders. As per CPIC policy, information obtained from the Investigative Databank must be confirmed and authorized for release by the contributing agency.
- c) Absolute discharges, for a period of one year from the date the applicant was found guilty, and conditional discharges, for a period of three years from the date the applicant was found guilty.
- d) Charges recommended and/or processed by other means
- e) Dispositions listed in the CPIC Identification Databank or CRII under non-convictions including, but not limited to, withdrawn, dismissed, and cases of not criminally responsible by reason of mental disorder.
- f) Any additional information recorded in police databases documenting the applicant to have been a suspect in an offence (whether or not charged), subject to provincial retention periods specific to the offence type.
- g) Adverse contact involving the threat or actual use of violence directed at other individuals, regardless of, but without disclosing, mental health status.

h) As authorized for release by the Minister of Public Safety all record suspension criminal convictions, including non sex offences, identified as a result of a VS query.

PIC with Vulnerable Sector Screening will NOT include:

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

Self-Declaration

Self-declaration of a criminal record is a process where the applicant may declare his/her adult criminal record convictions to the police agency. This may allow the police agency to assess the accuracy of the applicant's criminal record information without taking fingerprints and without the delay that a fingerprint comparison would cause.

Applicants are NOT required to declare:

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

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

Requirement for Fingerprints

Criminal Record:

If the police agency is not satisfied that the applicants self-declaration is a match to a criminal record held at the Criminal Record Repository, fingerprints must be submitted to the RCMP.

Vulnerable Sector:

If the applicant is being considered to work in a paid or volunteer position where they will be in a position responsible for children or vulnerable individuals they may be required to submit fingerprints to verify whether there is a criminal record including the existence of any sex offences for which they received a record suspension contained within the RCMP National Criminal Records Repository

Release of Completed Police Information Check with Vulnerable Sector

The police agency will complete a Vulnerable Sector Check based on the applicant's name and date of birth. If no record is found, a completed Police Information Check with Vulnerable Sector will be provided to the applicant.

If the Vulnerable Sector Search is inconclusive a fingerprint based search will be required. If the RCMP confirms that the applicant has a record suspension for a sex offence, the information will be forwarded to the Minister of Public Safety to authorize disclosure of all or part of the information contained in the file. When the information is authorized for disclosure by the Minister, the criminal record associated with the applicant's fingerprints will be returned to the police agency and will include the record suspension sexual offence information. At this point the police agency will be required to obtain the applicant's consent in writing for disclosure of the record(s). When the applicant has signed the form giving consent to release the record(s) the police agency must forward the information to the requesting organization/employer. If the applicant chooses not to disclose their record(s) the police agency must contact the requesting organization/employer in writing indicating that they were unable to complete the Police Vulnerable Sector Check.