FACT SHEET

New Policy for Criminal Record Checks and Vulnerable Sector Verifications

The RCMP has made changes to its policy regarding Criminal Record Checks and Vulnerable Sector Verifications (also known as Vulnerable Sector Checks) through the Canadian Police Information Centre (CPIC) system.

Effective August 4, 2010, The Minister of Public Safety's new *Ministerial Directive Concerning the Release of Criminal Record Information by the Royal Canadian Mounted Police (RCMP)* governs the use and disclosure of criminal record information maintained by the RCMP. This new directive replaces the previous ministerial directive, which was in effect since 1987.

In support of the new directive, the RCMP, in consultation with a federal, provincial and territorial working group, has created a [new policy][i] to govern the release of criminal record information obtained through the CPIC system.

Highlights of the New Policy:
- New safeguards on Vulnerable Sector Verifications and the release of criminal record information.

- Option for individuals to self-declare criminal records for name-based Criminal Record Checks and Vulnerable Sector Verifications.

- Standardized responses for all name-based Criminal Record Checks and Vulnerable Sector Verifications completed by police services.

- Standardized processes for releasing criminal record information to individuals.

- Enhanced requirements for police services that are engaged with private and/or public organizations (including background screening companies) for conducting name-based Criminal Record Checks and Vulnerable Sector Verifications.

- Requirements for fingerprints for certified RCMP records checks when name-based Criminal Record Check or Vulnerable Sector Verifications are incomplete.

There are two types of RCMP Criminal Record Checks and Vulnerable Sector Verifications:

1) Name-Based Checks - A query based on name and date of birth of the RCMP National Repository of Criminal Records. Generally used to determine the possible existence of a criminal record. "Incomplete" query results will prompt for a Fingerprint-Based Criminal Record Check.

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2) Fingerprint-Based Checks - A fingerprint-based search of the RCMP National Repository of Criminal Records. The results of the search may produce a Certified Criminal Record Check product.

There are two main types of certified RCMP Criminal Record Check products:

- **Certified Criminal Record Check Product** - A summary 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 Check.

- **Certified Vulnerable Sector Verification Product** - A summary of an individual's offence convictions, non-convictions (where authorized) and sexual offence convictions for which the individual has received a pardon (where authorized) that are releasable in accordance with federal laws. Pursuant to the *Criminal Records Act*, the product applies to individuals that intend to work and/or volunteer with vulnerable person(s). Based on the results of a Fingerprint-based Vulnerable Sector Verification.

Questions and Answers

Q: **What is a Criminal Record Check**?

A: A Criminal Record Check is a search used to determine whether an individual has a criminal record. The search is based on an individual's name and date of birth of the RCMP National Repository of Criminal Records. A Criminal Record Check may also include a search of a Canadian police service's local records, which may reveal criminal record information that has not been reported to the RCMP.

Q: What criminal information is contained in the RCMP National Repository of Criminal Records?

A: The RCMP National Repository of Criminal Records is a database of approximately 4.2 million criminal records. It is searched when a Criminal Record Check and Vulnerable Sector Verification is requested. The RCMP National Repository of Criminal Records is fingerprint-based and contains information relating to indictable or hybrid 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.

Q: What is the connection between CPIC and the RCMP National Repository of Criminal Records?

A: The Canadian Police Information Centre (CPIC) is a system that transmits requests by authorized police services to several data banks primarily for law enforcement purposes. One of

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those data banks is the Identification Data Bank which contains criminal record data, and is maintained by the RCMP Canadian Criminal Real Time Identification Services (CCRTIS). The Identification Data Bank is commonly referred to as the RCMP National Repository of Criminal Records. An RCMP criminal record file consists of an individual's criminal charges and their dispositions, including convictions and discharges that are supported by fingerprint information. Please visit the [RCMP - Criminal Real Time Identification Services](#)[ii] for more information.

Q: What is the difference between a Criminal Record Check and a Vulnerable Sector Verification?

A: A Vulnerable Sector Verification is used to verify the possible existence of a criminal record and a sexual offence conviction for which an individual has received a pardon. In addition to a query of the RCMP National Repository of Criminal Records, a Vulnerable Sector Verification also includes:

- A query of pardoned sex offender records in the National Repository of Criminal Records.

- A query of investigative and intelligence records via the CPIC Investigative Data Bank and the CPIC Intelligence Data Bank.

- A query of local police records where the applicant resides.

- A requirement for the verification to be conducted by a police service of local jurisdiction where the applicant resides.

The verification and disclosure of pardoned sex offender records is pursuant to the *Criminal Records Act.* In some cases, fingerprints may be required if a name-based query is inconclusive as to the existence of a pardoned sex offender record.

Q: Why are there so many queries involved with a Vulnerable Sector Verification?

A: A Vulnerable Sector Verification is completed to protect persons who, because of age, disability, or other circumstances, whether temporary or permanent are (a) in a position of dependence on others or (b) are otherwise at a greater risk than the general population of being harmed by a person in a position or authority or trust relative to them. Multiple checks are done to ensure that screening measures are as comprehensive as possible.

Q: What types of positions involve the Vulnerable Sector?

A: Types of positions involving members of the vulnerable sector are: teachers, social workers, day-care workers, sport coaches, and other organizations where paid employees or volunteers may come into contact with members of the vulnerable sector.

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Q: What is a Local Indices Check?

A: A Local Indices Check is a review of local police files and occurrence reports in the area where the individual resides that may provide additional/supporting information in addition to CPIC information. A Local Indices Check is required when conducting a Vulnerable Sector Verification to ensure that the results are as comprehensive as possible.

Q: What are the general results of a Name-Based Criminal Record Check or Vulnerable Sector Verification for police agencies conducting checks?

A: Based on the results of a name-based Criminal Record Check or Vulnerable Sector Verification, a police service will provide the applicant (or authorized third party) with one of three standard responses. It should be noted that for a Vulnerable Sector Verification, results are only provided to the applicant and/or authorized Vulnerable Sector organization that requested the verification.

1.Negative – Based on the query, the RCMP did not identify any records for a person with the name(s) and date of birth of the applicant.

2.Records Match – Based on the query, the RCMP identified a possible match to a registered RCMP criminal record that matches the name(s), date of birth, and criminal record information declared by the applicant. The applicant will only receive a standard response identifying that a possible match to an RCMP criminal record exists. The applicant may also receive a copy of his/her adult criminal convictions directly from the police service.

3.Incomplete – Based on the query, the results are inconclusive as to the existence of a registered RCMP criminal record, and/or a pardoned sex offender record for vulnerable sector purposes. In order to complete the verification, the applicant is required to have fingerprints submitted to the RCMP National Repository of Criminal Records. The submission of fingerprints will result in a Certified Criminal Record Check or Vulnerable Sector Verification Product.

Q: Why would a Name-Based Criminal Record Check or Vulnerable Sector Verification be "incomplete"?
A: In some cases, an individual may declare criminal record information that does not match the information found during a Name-Based Verification, and/or query results may be inconclusive as to the verification of an RCMP pardoned sex offender record for vulnerable sector purposes. In these instances, submission of fingerprints to the RCMP National Repository of Criminal Records is required to complete the verification.

Q. Where Can I go for additional information on Vulnerable Sector Verifications?

A: Please visit the RCMP – Vulnerable Sector Checks[iii] for more information.

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[i] http://www.cpiccipc.ca/English/index.cfm?CFID=5408860&CFTOKEN=29503767&jsessionid=bc302028571361256378500

[ii] http://www.rcmp-grc.gc.ca/cr-cj/index-eng.htm

[iii] http://www.rcmp-grc.gc.ca/cr-cj/vulner/index-eng.htm