



Volunteer Screening Tools

Police Records Checks

Why should my organization request police records checks for volunteers?

Organizations have a legal duty to provide a safe environment for their clients, members, participants, and staff. Directors who do not ensure this have failed to fulfill their responsibility under the Corporations Act. If a records check is not conducted on a volunteer who ends up causing harm to a member or participant, the organization can potentially become exposed to allegations of negligence.

Applicants with a history of abuse of vulnerable persons may go to great lengths to find ways to get involved with these groups and may target organizations that appear to have a weak screening process.¹ Police records checks can be a valuable risk management and liability-reduction tool; the fact that an organization requires police records checks may serve as a deterrent to some inappropriate or dangerous candidates.

Our organization is not a registered not-for-profit. Does this requirement for records checks apply to us?

If you are part of an unincorporated organization (i.e. a club) and do not have responsibilities under the Corporations Act, the safety of your members and participants is still important. If your organization is found liable for negligent hiring and screenings, it can be the individual leaders of the organization who will be held accountable for this, not the organization.

¹ Volunteer BC (www.volunteerbc.bc.ca/riskmanagement/pdf/fawpolicerecordscheck.pdf)

Should police records checks be used as the only screening tool for prospective volunteers?

No. A police records check will tell a manager of volunteers if the applicant has a record of police contact, but it will not tell you about that person's skills and abilities or the appropriateness of the applicant being a volunteer with your organization. Police records checks may not screen out potential volunteers about whom you are concerned. Conversely, it may cause you to miss out on a quality volunteer because that person has a record that is irrelevant to the volunteer position. Police records checks can be a very effective screening tool when applied in situations where volunteers will be working with vulnerable persons and when it is used in conjunction with other screening tools such as applications, interviews, and references.

Limitations of a police records check:

- ✓ A police records check will only report on convictions that a person has up until the point at which the check is performed. It does not provide ongoing information regarding future indiscretions of the applicant
- ✓ Applicants may have had police contact that falls under nondisclosure legislation
- ✓ Applicants may have committed crimes for which they have never been convicted
- ✓ Any convictions for which the applicant has received a records suspensions (ie. pardon) will not appear on the report (exception - if a vulnerable sector check is done, any sexually-based offences for which the applicant has received a records suspension will still be listed)
- ✓ Applicants may have a record of offenses committed under the age of 18 that is now sealed according to the Youth Criminal Justice Act
- ✓ If an applicant has resided outside of Canada during the past 5 years, no record of possible police involvement in those countries will be included

Should police records checks be required for all volunteer positions?

No. Police records checks are not needed for all volunteer positions. Organizations have certain responsibilities to protect the privacy of their volunteers and part of that is to not collect unnecessary information about the volunteer. Police records checks should only be requested if there is reasonable cause, related to the volunteer's job description. Your organization should be able and willing to explain why you are requesting a police records check from the applicant and this reason should be

rationally connected to the performance of that volunteer's job. Police records checks should be requested for volunteers who will:

- ✓ Work with individuals who are at greater risk of being harmed than the general population because of age (those under 18, and those 65 years of age and older) or disability (including a physical or mental disability, or a mental illness)

AND

- ✓ The individuals the volunteer engages with are in a position of dependence on others or in the care of a volunteer who is in a position of direct authority or trust, with the potential to cause harm, relative to them

What policies should an organization have in place regarding using police records checks as a screening tool?

Things to consider when drafting your policies:

- ✓ What other tools will be used to screen our volunteers?
- ✓ Which volunteer positions will require applicants to have a police records check completed?
- ✓ What type of result would exclude a volunteer from gaining a position with the organization?
- ✓ Will volunteers need to have the records check repeated? If so, how often?
- ✓ Will police records checks be kept on file? If so, how will the organization ensure that the information is kept confidential?

Generally, records checks should be the last step in the recruitment process and should only be requested after the candidate has been offered the volunteer position. A recommended practice is to offer the position to applicants who have a successful interview on a conditional basis, pending a satisfactory police records check. If the check is satisfactory, the offer of acceptance is automatic²

Should organizations store police records checks for their volunteers?

There is no legal right or wrong answer to this question, however organizations are responsible for the protection of the privacy of their volunteers. Wherever possible,

² Linda Graff (Beyond Police Checks: The Definitive Volunteer and Employee Screening Guidebook)

organizations should limit the amount of personal information they retain on-site about their volunteers, including police records checks. Many organizations opt to designate a person to sign off that they have seen the applicant's volunteer check and that it was satisfactory. If you do decide to retain the police records check, you should keep a

photocopy in the volunteer's file and return the original report to the applicant as this is their personal property. It is often wise to have the volunteer sign a form to indicate that you have returned their check to them. If you are going to keep these reports on file, you need to ensure that you are taking proper security measures to keep this information confidential and that neither you nor any other staff or board members are disclosing information to third parties.³

For how long is a police records check valid?

Police records checks will only include information pertaining to the applicant up until the day the check is performed. Furthermore, they will include all convictions (unless the applicant has a suspended the record but they will only include other offences (i.e. Provincial offences, local involvement with the police, etc.) for the past 5 years. This should factor into your organization's policies pertaining to using police records checks as a screening tool, requesting follow-up checks for long-term volunteers, and accepting police records check reports that were processed prior to the volunteer pursuing an opportunity with your organization.

³ Linda Graff (Beyond Police Checks: The Definitive Volunteer and Employee Screening Guidebook)

Police Records Checks Frequently Asked Questions

What is a police records check?

A police records check involves checking the applicant's name against the CPIC (Canadian Police Information Centre) database to determine if the applicant has been convicted for any crimes in Canada under the Criminal Code of Canada. Local checks will also be conducted in the municipalities in which the applicant has resided within the past 5 years to determine if they have had any other police involvement that did not result in a conviction.

It is important to understand that a police records check is a process, not an actual object. What the applicant receives at the end of the process is a summary of findings from the check. Anyone requesting a police records check will have their name run through the CPIC database. However, the process that varies among municipalities is the scope of the search into local records performed and what type of information other than CPIC search results will be included in the final report.

What is a vulnerable sector check?

A vulnerable sector check involves checking the applicant's name against the 'Registered Sex Offenders' database. If an applicant has been convicted of a sexual offence and has applied for and received a pardon, information pertaining to this offence will not show up on a CPIC search. However, this information will show up on a vulnerable sector check as this person will still be listed in this database.

Under the Criminal Records Act, vulnerable sector checks will only be performed on applicants who will be volunteering for an organization that puts them in contact with "vulnerable persons". (A vulnerable person is considered to be children less than 18 years of age, seniors, and mentally and physically handicapped persons). Please note that animals do not count as "vulnerable persons" and thus a police records check including a vulnerable sector check cannot be requested for volunteers who will be working with animals. Other screening tools must be used in this case.

Note - persons convicted of a sexual offence must wait 10 years before they can apply for a pardon. Therefore, vulnerable sector checks are not done on persons younger than 18 years of age as it is not possible for them to have been pardoned for any offence at their age.

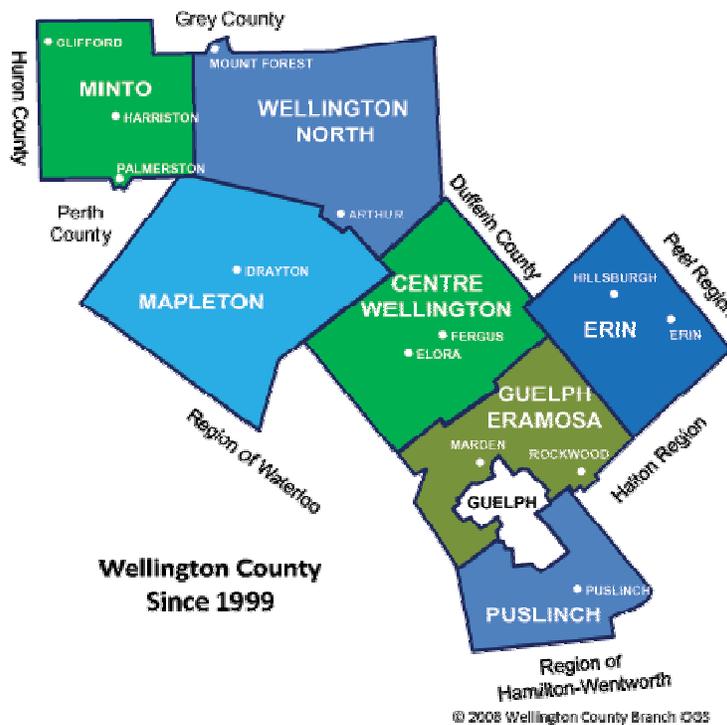
Can a police records check be performed for volunteers younger than 18 years of age?

Yes, however a vulnerable sector check will not be done for anyone younger than 18 years of age (see above).

Where do volunteers go to have the check done?

Checks must be conducted in the municipality in which the volunteer lives, not in the municipality in which the volunteer work will be done. Use the table below to determine where volunteers should go to have their checks done in the City of Guelph and Wellington County.

| Area of Residence | Police Service |
|--------------------------------|------------------------------------|
| City of Guelph | Guelph Police Services |
| Puslinch Township | Rockwood OPP |
| Town of Erin (East Wellington) | Rockwood OPP |
| Guelph-Eramosa Township | Rockwood OPP |
| Centre Wellington | Fergus OPP |
| Wellington North | Mount Forest OPP |
| Mapleton Township | Palmerston OPP or Mount Forest OPP |
| Town of Minto | Palmerston OPP |



Guelph Police Services
15 Wyndham Street South

Rockwood OPP
5145 Wellington Road 27

Fergus OPP
470 Wellington County Rd. 18

Mount Forest OPP
630 Main Street North

Palmerston OPP
250 Daly Street

To whom is the record check report returned?

The report of the completed police records check will be returned to the applicant directly, not to the organization. The applicant must then decide whether they will share this document with the organization. Organizations should put their own policy in place regarding what to do with applicants who refuse to share the results of a police records check.

Will the final report include local records for applicants who have resided in municipalities outside of Guelph/Wellington County?

Records check applicants must list all addresses at which they have resided within the last 5 years. The local police service will contact the police services of those municipalities to have their local records checked as well. Please note that if the prospective volunteer has resided outside of Canada within the past 5 years, information pertaining to their other countries of residence will not be included.

How long does a police records check take to complete?

Guelph Police Service and Wellington County OPP report that it will take 2-6 weeks to conduct the search and generate the report. Checks for applicants who have resided in other municipalities within the last 5 years will take longer because the local police service must contact the services of the other municipalities in order to complete the full check.

Recent Changes to Vulnerable Sector Checks by the RCMP

As of August 2010, the RCMP has implemented a new policy regarding the use of fingerprint verification in vulnerable sector checks. If anyone requesting a police records check has the same gender and birth date (including year) as a person in the records of pardoned sex offenders, they will need to have their fingerprints taken by their local police service in order to verify their identity. The reason for implementing this policy is to prevent pardoned sex offenders from changing their name as a means to gain access to vulnerable persons. Please see below for more information pertaining to the local process in your area.

Guelph: Individuals will be notified by the Guelph Police Service if a potential vulnerable sector match has been flagged. Individuals then need to call the police service to make an appointment to have their fingerprints taken. The police service will then send this information to the RCMP who will send their results back to the Guelph Police Service when completed. The individual will be notified when the results of their fingerprinting have been returned to the Guelph Police Service. This service is free for volunteers. For more information see <http://guelphpolice.com/records-check/>

Wellington County: Individuals will be notified by their local OPP detachment if a potential vulnerable sector match has been flagged. They will need to return to the detachment to have their fingerprints taken. The OPP will submit the fingerprints to the RCMP and the results of the query will be sent directly to the detachment. Volunteers must bring a letter from the organization indicating they are a prospective volunteer in order to have the fingerprinting fee waived. For more information see <http://www.rcmp-grc.gc.ca/cr-cj/vulner/index-eng.htm>

Guelph

What type of information will be on the report that is returned to the individual?

If no records are found pertaining to the applicant, the report will indicate that a check has been conducted and that the results of the check were “negative”. If records are found in CPIC pertaining to the applicant, the report will list all offenses and the date of the charges. The report will also include any information pertaining to police involvement not resulting in a charge from local police records for the past 5 years.

Do applicants need a letter of confirmation from the organization that implicates their prospective volunteer role?

Applicants will be asked to provide the name of the organization, but do not require a letter of confirmation from the organization. If volunteers wish to have police records checks completed because they could be volunteering for multiple organizations, they are asked to list at least one prospective organization. This gives the representative performing the check an indication of the nature of the work that the volunteer will be doing. This will determine the scope of the search that will be conducted. Those volunteers intending to use an authorization number issued by the Volunteer Centre of Guelph/Wellington to receive a free Police Records Check will require a letter from the organization with which they are volunteering.

Can University of Guelph students have police checks completed in Guelph?

Technically, University of Guelph students whose permanent address is in another municipality should have the records check conducted in their home municipality. However, Guelph Police Services will allow students to have the check done in Guelph if they produce photo ID listing their permanent address as well as their student ID card as proof that they reside temporarily within the City of Guelph.

If a prospective volunteer has been apprehended under the Mental Health Act, will this be included in the records check report?

The Guelph Police Service follows the guidelines outlined by LEARN (Guideline for Police Records Checks). For more information, visit:

http://www.oacp.ca/upload5/news/GUIDELINES_FOR_RECORD_CHECKS_FINAL.pdf

It is important to note that if someone has been apprehended under the Mental Health Act, they must have posed a serious threat to the safety of themselves or others.

Under Section 17 of the Act, a police officer can bring someone to a facility for an examination if the officer has "reasonable and probable grounds" to believe a person has acted in a "disorderly manner" (meaning irrational but not necessarily illegal) as long as the person "apparently" has a mental disorder and has threatened or attempted to harm themselves, or has behaved violently or caused someone to fear bodily harm, or has shown a lack of competence to care for themselves.

(From the Queen Street Outreach Society: Ontario Mental Health Act). For more information on this, see: <http://www.qsos.ca/mha.html>

Wellington County OPP feels that therefore, this is information that is important to include in a police records check.

Are there any special considerations for organizations that will be requesting police records checks as a large group?

Yes. Organizations can opt to set up a third party form. A set form is provided to all prospective volunteers and an authorized individual from the organization will submit the completed forms to the Guelph Police Service Police Clearance area. If no records are found for the prospective volunteers, the authorized individual will pick up the complete records check reports from the Guelph Police Service and return them to the organization. If records are found for a prospective volunteer, that individual will be contacted directly by the Guelph Police Service and will have to come in to collect their completed records check report in person.

Is there a fee for having a police records check completed?

As of September 2013, the Guelph Police Service will start to charge fees for volunteers requesting Police Records Checks.

Wellington County

Do applicants need a letter of confirmation from the organization that implicates their prospective volunteer role?

Yes. Applicants need a letter completed by the volunteer organization along with their application.

What type of information will be on the report that is returned to the individual?

The Vulnerable Sector Check will include criminal convictions and local police involvement. A Vulnerable Sector Check will be conducted on everyone, provided that the organization fills out and signs the application. If the check is performed and no information is found on the applicant, the report will indicate that a check has been conducted and that the results of the check were “negative”. If records are found in CPIC on the applicant, the report will include a list specifying all the convictions against that person. The report will also list any apprehensions under the Mental Health Act. If records are found pertaining to the applicant, the applicant will need to come into the detachment and produce fingerprints. The fingerprints are submitted to the RCMP to verify that the records do, in fact, pertain to the applicant and not to someone else with the same name as the applicant. If the applicant is required to undergo the fingerprinting process, this can delay the records check process by up to 6 months.

If a prospective volunteer has been apprehended under the Mental Health Act, will this be included in the records check report?

Mental Health related occurrences may or may not be released on the Vulnerable Sector Check – it depends on each individual situation and the circumstances surrounding the incident.

It is important to note that if someone has been apprehended under the Mental Health Act, they must have posed a serious threat to the safety of themselves or others.

Under Section 17 of the Act, a police officer can bring someone to a facility for an examination if the officer has "reasonable and probable grounds" to believe a person has acted in a "disorderly manner" (meaning irrational but not necessarily illegal) as long as the person "apparently" has a

mental disorder and has threatened or attempted to harm themselves, or has behaved violently or caused someone to fear bodily harm, or has shown a lack of competence to care for themselves.

(From the Queen Street Outreach Society: Ontario Mental Health Act). For more information on this, see: <http://www.qsos.ca/mha.html>

Wellington County OPP feels that therefore, this is information that is important to include in a police records check.

Are there any special considerations for organizations that will be requesting police records checks as a large group?

For organizations with large groups of volunteers, an appointed person may gather all of the volunteer's applications, organizations letters and identification and drop them off in a package to the OPP Detachment, but only if the OPP has a contract with the organization stating so. When the vulnerable sector checks are complete, the applicants will be called directly. Nobody is allowed to pick them up on their behalf, not the organization or any family members.

Is there a fee for having a police records check completed?

Fees are currently waived for police records checks for volunteer positions.

Family & Children's Services Checks

A Family & Children's Services check is another screening tool that is available to volunteer managers in both Guelph and Wellington County. Organizations whose volunteers will work directly with children can establish a protocol with Family & Children's Services to have their volunteers screened in this manner. There is currently no fee to the organization or the volunteer for having this check completed.

The value of having this check completed is that it could include information about a potential volunteer that the police do not have in their records. The police do not have the same records because Family & Children's Services has records that include suspected child abuse that did not result in a criminal charge, whereas the police will only have a record for offenses for which the applicant was charged and convicted.

Family & Children's Services will supply organizations with a form which must be filled out and signed by the prospective volunteer. If a check is completed and no records come back for the applicant, Family & Children's Services will send a letter to the organization indicating that that individual has been cleared to work with children. If the check is performed and a record is found for that individual, Family & Children's Services will contact the applicant directly to discuss the matter with them. Please note that they will not contact the organization at all as it is the applicant's decision as to whether or not they would like to share information about this record with an organization or remove themselves as a prospective volunteer because of this record. Records pertaining to victims of abuse will not be shared with organizations and will not prevent a volunteer from receiving a clear Family & Children's Services check.

Please be aware that Family & Children's Services of Guelph and Wellington County will only be able to access local records pertaining to a prospective volunteer. Therefore, a limitation of this screening tool is that it will not include all information for volunteers who have resided outside of Guelph and Wellington County.

Additional Resources

Guelph Police Service

<http://guelphpolice.com/records-check/>
519-824-1212 x359

Ontario Provincial Police

<http://www.opp.ca/ecms/index.php?id=499>
519-856-1506 (Rockwood Headquarters)

Beyond Police Checks: The Definitive Volunteer & Employee Screening Guidebook

Linda Graff (1999)

Safe Steps: A Volunteer Screening Process

Volunteer Canada (2001)

Best Practice Guidelines for Screening Volunteers

Public Safety Canada (2008)

The Screening Handbook- Protecting Clients, Staff and the Community

Canadian Association of Volunteer Bureaux and Centres (1996)