

# 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.<sup>1</sup> 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.

## **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 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 record suspension (i.e. 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 record 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 automatic<sup>2</sup>

## **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, organizations should limit the amount

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

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.<sup>3</sup>

## **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. <sup>3</sup>

<sup>3</sup> 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).

“The Youth Criminal Justice Act has complex rules about who can access certain youth records. In many cases, while a young person can request his or her own record, it is illegal for the youth to pass that information on to employer or volunteer organization. Employers should not ask youth to provide these records.”  
On The Record, John Howard Society of Ontario.

## 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.**

<b>Area of Residence</b>	<b>Police Service</b>
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**  
Mount Forest OPP

**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 approximately 3 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.