

Police Record Check Reform Act **(PRCRA) Bill 113**



Presented to the Greater Sudbury Police Services Board
November 21, 2018



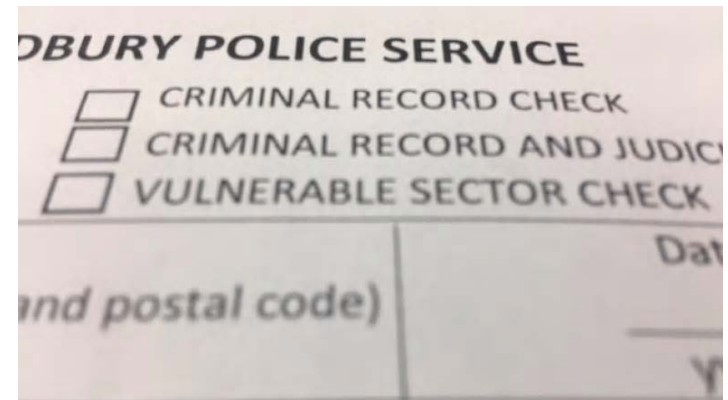
Agenda

- Background of Police Record Checks
- Police Record Check Statistics
- How were Police Record Checks previously processed?
- Overview of PRCRA
- Police Record Check Exemption Regulations
- Internal Training
- Website & Information Sheet
- Online Police Record Checks



What is a Police Record Check?

- A Police Record Check is a search of information in police databases about a particular individual
- Used to screen the individual
- Currently, information searched as part of a Police Record Check can range from convictions and findings of guilt to non-convictions and non-criminal information
 - When a person is charged but not found guilty
 - When a person has an interaction with police but is not charged



GRAND SUBURBY POLICE SERVICE

CRIMINAL RECORD CHECK

CRIMINAL RECORD AND JUDICIAL RECORDS CHECK

VULNERABLE SECTOR CHECK

Date

and postal code)



Why are Police Record Checks required?

- By law or organizational policy
- To help determine an individual's suitability for certain types of opportunities, including but not limited to:
 - Employment
 - Volunteer
 - School
 - License
 - Child Care
- More thorough background check



How were Police Record Checks previously processed?

- Police Services and other agencies offer multiple types of Police Record Checks and follow different standards for the type and range of information they search for each type of Police Record Check
 - GSPS follow the LEARN Guidelines prepared by the LEARN Sub-Committee prior to the enactment of Bill 113
 - Different forms for each type of Police Record Check
- Police Record Checks for youth applicants were processed for non-government agencies
 - Police Record Checks including a youth criminal record would be provided to the applicant, who would then provide same to the requesting agency – contrary to the *Youth Criminal Justice Act*



Police Record Check Statistics (2014-2018 YTD)

- VS- Vulnerable Sector Check
- PIC- Police Information Check
- PCRC- Police Criminal Record Check
- Clear- Clearance Record Check
- RS/RC- Record Suspension Record Check
- Other- Assisting other police services
- Exp- Expedited Police Record Checks
- Copy- Extra original copy of Police Record Checks

2014		2015		2016		2017		2018	
Total	14, 206	Total	13484	Total	14227	Total	12905	Total	10, 635
		VS	62.18%	VS	66.47%	VS	68.66%	VS	61.85%
		PIC	15.95%	PIC	13.50%	PIC	18.73%	PIC	16.41%
		CRC	1.18%	PCRC	1.01%	CRC	0.70%	CRC	0.89%
		Clear	0.55%	Clear	0.72%	RC	0.77%	RC	0.84%
		RS	0.51%	RS	0.44%	Other	2.67%	Exp	17.25%
		Other	5.15%	Other	3.56%	Exp	6.25%	Copy	2.76%
		Exp	12.33%	Exp	12.86%	Copy	2.23%		
		Copy RC	2.15%	Copy RC	1.45%				



Overview of PRCRA

- The purpose of the PRCRA is to ensure the province provides clear, consistent, and comprehensive standards to govern how Police Record Checks are conducted and disclosed in Ontario
 - Limit and standardize how information is disclosed in each Police Record Check
- Applies to all Police Record Check providers in Ontario
 - Municipal and Provincial Services
 - Non-Police Entities authorized to access police databases (typically government and public sector regulatory agencies)
 - Third Party Entities that do not have access to police databases (ex. Request intake, identity verification, disclosure)

CONSISTENCY
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Overview of PRCRA (continued)

- Standardized 3 levels of Police Record Checks
 - **Level 1:** Criminal Record Check (formerly the Police Criminal Record Check)
 - **Level 2:** Criminal Record and Judicial Matters Check (formerly the Police Information Check)
 - **Level 3:** Vulnerable Sector Check (formerly the Vulnerable Sector)
- Standardized Response and Supplementary Information
- Police Record Check providers will be responsible for complying with this *Act* when conducting a majority of Police Record Checks requested



Benefits of PRCRA

- 3-in-1 Police Record Check Application
 - Standardized Forms
- Ensure results from Police Record Check application is provided directly to the applicant – not the requesting organization
 - Exception – youth convictions for government purposes
- Compliance with the *Youth Criminal Justice Act*



What information does a Police Record Check include?

Level 1: Criminal Record Check

- Criminal convictions from the Canadian Police Information Centre “CPIC” and/or local databases and
- Summary convictions for the past five (5) years, when identified
- *Youth Criminal Justice Act* findings of guilt will be released on applications to government institutions/organizations



What information does a Police Record Check include? (continued)

Level 2: Criminal Record and Judicial Matters Check

- Level 1 information
- Outstanding entries such as charges and warrants, judicial orders, Probation
- Prohibition Orders – as per CPIC policy, information obtained from the Investigative Databank must be confirmed and authorized for release by the contributing agency
- Absolute and Conditional Discharges within the applicable retention period



What information does a Police Record Check include? (continued)

Level 3: Vulnerable Sector Check

- Level 1-2 information
- In very exceptional cases where it meets the Public Safety Test, non-conviction dispositions including but not limited to Withdrawn and Dismissed charges
- Not Criminally Responsible by Reason of Mental Disorder
- All Record Suspensions for release by the Minister of Public Safety



Disclosure of Youth Records

Disclosure to Non-Government Agencies:

- Applicants under 18 can no longer apply for a Police Record Check
- Applicants 18 and over will only have adult records disclosed
- Applicant who want youth record for their own purpose may obtain this information through privacy requests by submitting digital fingerprints (as per section 119(a)(a) of the *Youth Criminal Justice Act*)



Disclosure to Government Agencies:

- Applicants under 18 can only apply for a Police Record Check if they will be working within a municipal, provincial, or federal government agency (as per section 119(1)(o))
- This does not include organizations who receive government funding



Exemptions Regulation (O. Reg. 347/18)

EXEMPTIONS FROM ENTIRE ACT

1. Adoption, residential and foster care under Child, Youth and Family Services Act, 2017
2. Electricity Generation Facilities
3. Ontario Securities Commission
4. Correctional institutions, parole offices, etc.
5. Police services
5. Police services
6. Office of Provincial Security Advisor
7. Administration of justice sector
8. Inspectors, investigators, etc.
9. Special Investigations Unit
10. Independent Police Review Director
11. Adjudicative Tribunals
12. Lottery, Gaming, etc.
13. Office of Public Guardian and Trustee and of Children's Lawyer
14. Office for Victims of Crime
15. Crown Attorneys on fee for service
16. Criminal Injuries Compensation Board
17. Child and Parent Resource Institute
18. Financial services

EXEMPTIONS FROM SECTION 9 OF THE ACT

19. Schools and child care providers

EXEMPTIONS FROM SECTION 12 OF THE ACT

20. Agencies with access to CPIC
21. Securities markets
- 21.1 Exemption, certain police record checks

- Specific situations in which a Police Record Check will not have to comply with one or more requirements under the PRCRA



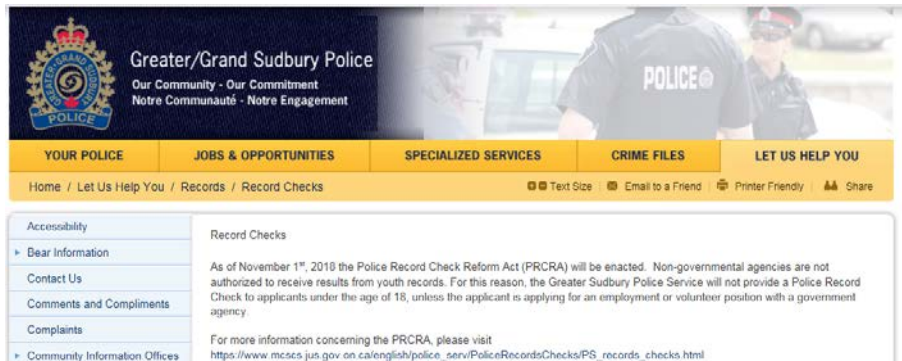
Internal Training

- Customer Service training relative to enactment of the PRCRA
 - 3-in-1 Police Record Check Application
- Direct training to staff processing Police Record Checks
- Regular consultation with members of LEARN sub-committee to ensure compliance with *Act*



Public Education and Awareness

- GSPS website has been updated to keep public updated with changes
- Information sheets have been developed to explain changes in disclosure of youth records relative to non-government agencies requesting Police Record Checks
- CBC Radio interview – discussed changes in record check process



The screenshot shows the Greater/Grand Sudbury Police website. The header includes the police crest and the text: "Greater/Grand Sudbury Police", "Our Community - Our Commitment", and "Notre Communauté - Notre Engagement". Below the header are navigation tabs: "YOUR POLICE", "JOBS & OPPORTUNITIES", "SPECIALIZED SERVICES", "CRIME FILES", and "LET US HELP YOU". The breadcrumb trail reads: "Home / Let Us Help You / Records / Record Checks". There are also links for "Text Size", "Email to a Friend", "Printer Friendly", and "Share".

Record Checks

As of November 1st, 2010 the Police Record Check Reform Act (PRCRA) will be enacted. Non-governmental agencies are not authorized to receive results from youth records. For this reason, the Greater Sudbury Police Service will not provide a Police Record Check to applicants under the age of 18, unless the applicant is applying for an employment or volunteer position with a government agency.

For more information concerning the PRCRA, please visit https://www.mcscs.jun.gov.on.ca/english/police_serv/PoliceRecordsChecks/PS_records_checks.html

Important Notice Regarding Disclosure of Youth Records

Effective November 1, 2010, the Police Record Check Reform Act was enacted. This legislation ensures clear, consistent and comprehensive standards to govern how Police Record Checks are conducted and disclosed in Ontario.

As a result the most significant change is the disclosure of youth records. Youth records are only permitted to be disclosed in two circumstances:

1. To the young person to whom the record relates, as per the Youth Criminal Justice Act (YCJA) s19(1)(a) or
2. To the Government of Canada or the government of a province or a municipality for purposes of employment or the performance of services, with or without remuneration, as per the YCJA s19(1)(o).

Previously, police services have released Police Record Checks containing youth records directly to the applicant who then would provide the Police Record Check to the organization or volunteer agency. The federal and provincial government has found this approach to be contrary to the YCJA. The YCJA prevents youth from sharing these records with any other potential employer or volunteer agency. Therefore, in accordance with the YCJA, the Greater Sudbury Police Service will only conduct Police Record Checks for individuals 18 years of age and older unless the individual will be working or volunteering with a municipal, provincial, or federal government agencies, and releasable youth records will only be provided to the applicable government agencies. Non-government agencies are not permitted to ask for or to receive any results under the YCJA.

Individuals under 18 years of age, can gain access to their own record through the Access to Information Act process, but this record is not a Police Record Check and is not allowed to be shared with any other agency.

It is important to note the change for the community – to require applicants to apply and pay for a Police Record Check when no results will be released is not in the best interest of applicants, the police service and the community.

For further information please refer to the Youth Criminal Justice Act and the Police Record Check Reform Act.



Online Police Record Checks

- Increased demand for online Police Record Checks
- Customers can apply for a Police Record Check from the comfort of their own homes
- Identification is confirmed online
- Completed record checks will be sent via mail directly to the applicant's home address
- Program can be tailored to GSPS
- Program efficiency increases as it organizes incoming applications



Questions

