



Exhibition Place

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November 30, 2016

To: Business Development Committee

ACTION REQUIRED

From: Dianne Young
Chief Executive Officer

Subject: **Vulnerable Sector Checks**

Summary:

A Vulnerable Sector Check is an enhanced criminal record check used to verify if an individual has a record of suspensions (formerly pardon) for sex offences. They also include checks of national data bases maintained by the RCMP and local police records where the applicant lives. Attached as Appendix A to this report is RCMP Website information relating to Vulnerable Sector Checks.

Recommendation:

It is recommended that the Business Development Committee receive this report for information.

Financial Implications:

There are no financial implications to this report.

Decision History:

The Exhibition Place 2014 – 2016 Strategic Plan had a Safety & Security Goal to *ensure a safe and secure environment for employees, guests, and for our property and assets*, and as a strategy to support this goal *we continue to review our policies, processes and procedures to ensure we are following the most current Safety & Security practices relevant to the events taking place at Exhibition Place*.

At its meeting of August 29, 2016, the Business Development Committee deferred the report entitled “Request for Proposal – Preferred Security Provider”, and requested staff, in a supplementary report, to report back on the percentage of employees that have been through a vulnerable criminal check for events that occur at Exhibition Place.

Issue Background:

Typically, a Vulnerable Sector Search may be required by an organization when an employee, in the course of their job functions, comes into contact with more vulnerable individuals including minors.

Comments:

At present, there are no Exhibition Place position that have been determined to require a Vulnerable Sector Search and no Exhibition Place employee (unionized or non-unionized) has been through a vulnerable criminal check (Vulnerable Sector Search).

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Appendix "A"

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Frequently asked questions about vulnerable sector checks

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What are vulnerable sector checks?

A vulnerable sector check is an enhanced criminal record check. This type of record check was created in 2000 to protect children and vulnerable persons and is governed by section 6.3(3) of the *Criminal Records Act* (<http://laws-lois.justice.gc.ca/eng/acts/C-47/FullText.html>). Policies and procedures related to vulnerable sector checks can be found in the *Dissemination of Criminal Record Information policy* (<http://www.rcmp.gc.ca/en/dissemination-criminal-record-information-policy>) and the *Ministerial Directive Concerning the Release of Criminal Record Information by the Royal Canadian Mounted Police*.

Vulnerable sector checks are used to verify if an individual has a record suspension (formerly pardon) for sex offences. They also include checks of national data bases maintained by the RCMP and local police records where the applicant lives.

What sources of information are used in a vulnerable sector check?

Some of the sources of information for vulnerable sector checks are:

- The National Repository of Criminal Records
- Investigative Data Bank on CPIC
- Police Information Portal (PIP)
- Local police records

Who conducts a vulnerable sector check?

Vulnerable sector checks must be conducted by the local Canadian police service where an applicant lives or by an authorized body. (*The British Columbia Criminal Records Review Program is the only authorized body in Canada for conducting vulnerable sector checks.*)

Who decides who needs a vulnerable sector check?

It is the responsibility of the organization or person responsible for the vulnerable person/people to request a vulnerable sector check. Equally, it is the person or organization responsible for the vulnerable person/people who decides how often a vulnerable sector check must be repeated.

Public Safety Canada's Screening Handbook, 2012 Edition

(<http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/scrngng-hndbk/index-eng.aspx>) provides organizations with guidance on what level of criminal record screening they require and how to determine their screening requirements.

Why can't I use the results of a vulnerable sector check for more than one position?

The *Criminal Records Act* requires that vulnerable sector checks be conducted for individual positions. For this reason, an individual may be required to submit fingerprints in support of subsequent requests for vulnerable sector checks.

Who can get a vulnerable sector check?

People who volunteer or have jobs where they are in positions of trust or authority over children or vulnerable persons can be asked to obtain a vulnerable sector check. (*Being in a position of trust or authority is more than just having contact with children or vulnerable persons. To meet the legal requirements for a vulnerable sector check the nature of the position – not the person – must cause the person to have authority over, or trust of, children or vulnerable persons.*)

Children are defined as being anyone under the age of 18. Vulnerable persons are people who, because of their age, disability or other circumstance, are more vulnerable than others.

What is the process for obtaining a vulnerable sector check?

The initial decision to request a vulnerable sector check is made by the hiring company or volunteer organization. If they determine that a position is one of trust or authority over children or vulnerable persons, they can request that an applicant for the position obtain a vulnerable sector check.

If the vulnerable sector check is being done by the British Columbia Criminal Records Review Program, the applicant must follow the procedures outlined on its website (<http://www.pssg.gov.bc.ca/criminal-records-review/>).

In all other cases, the applicant applies to the police service where he/she lives. The applicant will be required to provide the police service with the following information:

- A description of the position
- The name of the organization staffing the position
- Details regarding the children or vulnerable persons

The police service conducting the vulnerable sector check may ask for more information. The police service will use this information to determine if the position meets the legal requirements to conduct a vulnerable sector check. If the position does not meet the requirements of the *Criminal Records Act* for a vulnerable sector check, it is illegal for the police service to conduct one.

The police service will conduct name based checks of all of the data bases. In some cases the applicant will be required to submit fingerprints for identity confirmation. The use of fingerprints ensures the accuracy of the identification process.

Once the vulnerable sector check is completed, the police services completing the vulnerable sector check will send the results to the applicant or to the requesting organization.

Can an organization outside Canada request a vulnerable sector check?

Vulnerable sector checks can only be done for organizations in Canada. The position itself can be outside of Canada, but the results of the vulnerable sector check must stay within Canada.

Can a vulnerable sector check be completed for an adoption?

Adoptions do not meet the legal requirements for vulnerable sector checks; however, the *Criminal Records Act* has a different process that allows the RCMP's Canadian Criminal Real Time Identification Services (CCRTIS) to determine if adoptive parents have record suspensions for sex offences. The RCMP's CCRTIS encourages police agencies to conduct fingerprint based criminal record checks for all applications related to adoptions to ensure that they are screened for record suspensions for sex offences.

Who can I contact for more information?

Questions concerning vulnerable sector checks should be directed to your local police services. In British Columbia they can be forwarded to the Criminal Records Review Program.

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