

Criminal Record Tip Sheet

FUNDED BY THE VICTORIA FOUNDATION



Introduction

Volunteer-led organizations assess potential new volunteers for a number of reasons, including:

- to ensure that the volunteer and volunteer position are a good fit
- as a part of an overarching strategy to ensure that organizations meet their duty of care, and
- to mitigate risks that impact participants and the quality of programs.

Duty of care is *“a legal principle which identifies the obligations of individuals and organizations to take reasonable measure to care for and to protect their clients to an appropriate level or standard. If the clients are vulnerable, if they cannot protect, defend, or assert themselves, permanently or temporarily, because of age, disability, or circumstances, then that duty becomes more intense and the standard higher.”* (2012 Screening Handbook <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/scrngng-hndbk/index-en.aspx>)

Along with application forms, interviews, and reference checks, many organizations require potential volunteer applicants to complete either a Police Information Check (PIC) or a Criminal Record Check (CRC), which may or may not include a Vulnerable Sector Check (VSC). Volunteers who do not have direct contact with vulnerable persons during their volunteering activities are not required to complete a Vulnerable Sector Check.

Volunteers must provide “consent for the release of information and acknowledgements.” Informed consent ensures that information about a volunteer is not shared with volunteer-led organizations without the volunteer’s implicit permission.

Why Complete a CRC?

People often ask Volunteer Victoria if volunteers have to complete a CRC? While it is common practice to complete CRC the short answer is: **It depends.**

Some organizations are legally or contractually obligated to require volunteers to complete a CRC. These organizations engage with vulnerable populations or in higher-risk activities. Other organizations choose to ask volunteers to complete CRC as part of their preferred volunteer assessment process. Other organizations don’t require their volunteers to complete CRC. To understand why your organization does or does not ask for CRC it may be helpful to have:

- an understanding of your organization’s risks and risk tolerances
- a copy of board or volunteer policies regarding CRC

Criminal Record Tip Sheet

- access to information about your insurance carrier's requirements, and
- information about your funders' or program partners' CRC requirements.

If a funder or program partner, such as Island Health, a local school board, or your insurance carrier requires that volunteers have a current CRC to participate in volunteerism, we recommend new volunteers require their approved CRC before participating in any program activities. Some organizations have more flexibility. They are able to mitigate risk by inviting volunteers to participate in no-contact volunteering, low risk volunteering activities, or in staff supervised activities. .

A CRC is normally one of the last steps in the volunteer assessment process and it answers the one question – **Does the volunteer have a conviction for a relevant offense or previous involvement with the police?**

A robust and respectful volunteer assessment process creates conditions and safe space for volunteer applicants to declare anything that is a potential barrier to a successful volunteer placement – including information about criminal convictions or police involvement.

A criminal conviction is not necessarily a barrier to volunteer engagement. Volunteer Victoria believes that everyone has the right to volunteer. But, not every volunteer position is right for every volunteer.

Common Types of Information Checks in British Columbia

• Police Information Check (PIC)

A PIC identifies an applicant's previous criminal convictions, upcoming criminal court appearances, and a scan of local police records to identify involvement with the police. It may include alleged crimes in which the person was not charged or convicted. The police department completing a Police Information Check will provide information to the organization about the applicant's involvement with the police, but do not approve or clear applicants to volunteer or make recommendations to organizations about an applicant's suitability to volunteer. In Greater Victoria a PIC with a vulnerable sector check is provided to volunteers free of charge.

• Criminal Record Check

A CRC identifies an individual's criminal convictions. Criminal convictions registered in other provinces, territories, or jurisdictions do not appear in 'real time' in the police databases in British Columbia. The police department or private company completing a Criminal Record Check will provide information to the organization about the applicant's convictions, but do not approve or clear applicants to volunteer or make recommendations to organizations about an applicant's suitability to volunteer.

Criminal Record Tip Sheet

- **Certified Criminal Record Check**

A Certified Criminal Record Check may be required for some employment opportunities, immigration purposes, records suspension or foreign work or travel. Applicants must submit a set of fingerprints.

- **Criminal Record Review Program**

The Criminal Records Review Act ensures that people who work or volunteer with – or may have potential for unsupervised access to children or vulnerable adults – undergo a criminal record check by the Criminal Records Review Program (CRRP). A person whose criminal record suggests they present a risk of physical or sexual abuse to children or a risk of physical, sexual or financial abuse to vulnerable adults will not have access to these groups.

The Province of British Columbia has an agreement with the RCMP's Criminal Records Review Unit (CRRU) to search RCMP/police databases for outstanding charges or convictions as part of the CRC process.

Potential volunteers apply for a CRC online, are assessed, and are rejected to volunteer or approved to volunteer with a vulnerable population for up to five years from the date of approval of the CRC. Volunteers are responsible for reporting any future convictions within the 5-year approval timeframe. Some sectors and organizations are legally obligated to clear volunteers through the Criminal Record Review Program.

Effective April 1, 2021, and as a result of an RCMP requirement, Criminal Records Review Act (CRRRA) checks may in certain instances be discontinued. In these instances, though no identified occurrence(s) resulted in a charge or conviction, the CRRU may assess that an applicant poses a public safety risk and advise Security Programs Division that it will terminate its check of law enforcement systems accordingly, with the result that the CRRRA check may not be concluded. Applicants who are not approved to volunteer with vulnerable populations may still volunteer in other non-contact positions.

- **Vulnerable Sector Check**

A Vulnerable Sector Check (VSC) is an enhanced criminal record check. It identifies people who have convictions for sex offenses. 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. It is recommended that any individual applying to volunteer with a vulnerable population complete a CRC or a PIC with a vulnerable sector check. An applicant cleared through a vulnerable sector check is not approved to volunteer by the police or private service provider, nor will they make recommendations to organizations about an applicant's suitability to volunteer.

Criminal Record Tip Sheet

Proof of Identity

In some cases, a volunteer applying for a PIC or a CRC with the VSC may be asked to provide proof of identity which requires a volunteer applicant to visit a police station to provide their fingerprints. The fingerprints are compared with the National Sex Offender Registry. This database, administered by the Royal Canadian Mounted Police (RCMP), provides police with rapid access to current vital information on convicted sex offenders to assist in the prevention or investigation of sexual offences. If a potential volunteer has the same birthdate within 5 years of a registered sex offender or has a similar name as a registered sex offender, they may be asked to provide proof of identity.

Volunteers can be upset or confused when asked to provide proof of identity. It is important that volunteer-led organizations support and coach volunteer applicants through the process. It can take several weeks to several months to clear an applicant when proof of identity is required.

In some cases, volunteer applicants will be charged a fee for fingerprints. This added cost, on top of the anxiety of being asked for proof of identity, can be a barrier for volunteerism.

What Constitutes a Criminal Conviction?

The British Columbia Criminal Record Review Act defines a “conviction” as anything that includes:

- a conviction for an attempt to commit a relevant offence or specified offence,
- a conditional discharge,
- a conviction for which a pardon has been granted by the National Parole Board, continued under the Corrections and Conditional Release Act (Canada),
- a disposition, made before April 1, 2003, under the Young Offenders Act (Canada) as it then was,
- a sentence under the Youth Criminal Justice Act (Canada),
- the use of alternative measures under section 717 of the Criminal Code to deal with an alleged commission of a relevant offence or specified offence, and
- an order under sections 810, 810.1 and 810.2 of the Criminal Code;

Accommodations

Many organizations establish a review process or a review committee to evaluate applications from individual volunteers who do not meet program entry requirements or ask for a review. The review is based on risk assessments and clearly defined and applied criteria.

Instead of saying no to volunteers with criminal convictions, an organization can establish timeframes for conditions that must be met before a volunteer is approved for a specific volunteer placement.

Criminal Record Tip Sheet

For example, a volunteer convicted of fraud may not be approved to volunteer directly with vulnerable seniors for a minimum of 10 years post conviction, but they could be approved to volunteer in a position with no contact with vulnerable people 2 years post conviction.

It is important that accommodations are made, that standards are applied equitably, and there are no unfair or prejudicial practices in the assessment of volunteer applicants. It is also important for volunteers to be invited to apply again once they meet the criteria to hold a specific volunteer position.

Service Providers

In 2021 many processes to submit an application for a CRC or PIC changed. Unless completing an application through the Criminal Record Review Program, volunteers still need to connect to the police service provider online or in person in the municipality where they live, and provide a letter from the organization where they plan to volunteer. The letter must be on the organization's letterhead, be signed by a representative of the organization, and must provide the title of the volunteer position and whether the applicant will be involved with or responsible for children or vulnerable people.

Here are the current service providers offering services in Greater Victoria.

- RCMP – for residents in View Royal and the Westshore and anyone needing fingerprints for an application submitted through the Criminal Record Review Program.
- Saanich Police – for residents in Saanich, and for anyone needing fingerprints.
- Victoria Police – for residents in Victoria
- Esquimalt Police – for resident in Esquimalt
- Oak Bay Police – for residents in Oak Bay
- Central Saanich Police Services – for residents of Central Saanich
- The Criminal Record Review Program provide a CRC for registered organizations that require volunteers to complete a CRC with a VSC. The organization is given an application number to share with potential volunteers. The applicant completes the process online. There is no fee for the volunteer or the organization.

Most police departments do not charge volunteers for a CRC or PIC. The RCMP charge volunteers for fingerprinting services.

Private service operators charge a fee to volunteers and organizations to process a CRC, with or without a VSC. In most cases the application process is completed online after proof of identification is provided. Some in person services are available. Examples of private service operators include:

- The Commissionaires
- Back-check
- My CRC

Criminal Record Tip Sheet

Additional Resources

- 2012 Edition of The Screening Handbook. Prepared by Volunteer Canada for Public Safety Canada Community Safety and Partnerships Branch March 2012. https://volunteer.ca/vdemo/researchandresources_docs/2012%20Edition%20of%20the%20Screening%20Handbook.pdf
- Criminal Record Review Program <https://www2.gov.bc.ca/gov/content/safety/crime-prevention/criminal-record-check/online-service-information>
- RCMP Criminal Record Checks <https://bc-cb.rcmp-grc.gc.ca/ViewPage.action?siteNodeId=29&languageId=1&contentId=218>

About Volunteer Victoria

The Greater Victoria Volunteer Society, more commonly known as Volunteer Victoria, is a volunteer centre and hub to assist volunteers, volunteer managers, and volunteer-led organizations.

Volunteer Victoria's mission is to *inspire and empower volunteerism!*

Volunteer Victoria:

- Assists volunteers and volunteer-led organizations
- Builds and shares knowledge through the delivery of professional development, training, learning and networking opportunities
- Offers specialized services and resources that advance the quality of volunteer programs and builds capacity
- Treats all members, volunteers, partners, staff and stakeholders with fairness, dignity, and respect
- Provides welcoming spaces that embrace diverse ideas, knowledge, cultures, and experiences

Contact Us

Volunteer Victoria
602-620 View Street
Victoria, BC V8W 1J6

Phone: 250.386.2269

Email: volvic@volunteervictoria.bc.ca

Web: volunteervictoria.bc.ca

