



WEST VANCOUVER POLICE DEPARTMENT

Operational Policy

OC1600: Police Information Checks

1.0 PURPOSE

- 1.1 The purpose of this policy is to align the Department with the BC Provincial Policing Policy Guidelines published by Police Services with respect to provision of Police Information Checks and to ensure that the Department response to requests for Police Information Checks balances public safety concerns with privacy interests.

2.0 DEFINITIONS

- 2.1 For the purposes of this policy, the following definitions will apply:

"Adverse Contact" means incidents where an individual has been a suspect in an offence (whether or not charged), subject to provincial PRIME retention periods specific to the offence type.

"CPIC" means the Canadian Police Information Center.

"Department" means the West Vancouver Police Department.

"Employee" means any Employee of the Board.

"JUSTIN" means the province wide courts information system; a single integrated database comprising almost every aspect of a criminal case.

"MHA" means the Mental Health Act of BC, [RSBC 1996], Chapter 288 as amended from time to time.

"PIP" means the Police Information Portal, which provides access to local police records across Canada.

"Police Information Checks" means a comprehensive check by name and date of birth of a local police agency's records management system, queries of the CPIC

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Identification, Investigative and Intelligence databanks. The query may also include a search of court records and a query of records management systems in other police jurisdictions.

“PRIME” means the Police Records Information Management Environment.

"Vulnerable Person" means a person who, because of their age, a disability or other circumstances, whether temporary or permanent is:

- a) in a position of dependence on others; or
- b) is otherwise at a greater risk than the general population of being harmed by a person in a position of authority or trust relative to them, as defined by the Criminal Records Act.

“Vulnerable Sector Checks” means a level of screening that is designed to protect vulnerable persons from dangerous offenders by uncovering the existence of a criminal record, adverse police contact, and/or pardoned (or record suspension) sexual offence conviction. This level of screening is restricted to applicants seeking employment and/or volunteering with vulnerable persons.

“YCJA” means the Youth Criminal Justice Act, (S.C. 2002, c. 1), as amended from time to time.

3.0 POLICY

- 3.1 The Department will respond to requests for Police Information Checks in a manner that is consistent with the Model Policy Guidelines established by Police Services and published by the Ministry of Justice. The Department will ensure that citizens, employers and volunteer organizations receive consistent Criminal and Police Information Checks.

4.0 PROCEDURES

General

- 4.1 Employees receiving a Police Information Check application will inform the applicant about the expected processing time and provide information on how the applicant may make inquiries about their application.
- 4.2 Police Information Check applications will be processed within 30 days. In circumstances where due to the complexity of the background investigation or delays from responding agencies extend the processing time past 30 days, the Records Section Supervisor will be advised.

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- 4.3 Police Information Check applicants must be informed of any delays in the processing of their application.

Vulnerable Sector Checks

- 4.4 Job applicants who work with the Vulnerable Sector will, at the request of their employer, require a Police Information Check. Employees completing a Police Information Check for such an applicant will provide a check that:
- a) includes a search of, at a minimum, CPIC, PIP, JUSTIN, and PRIME records;
 - b) discloses to the applicant all warrants, outstanding charges, convictions and Adverse Contact;
 - c) does not include the disclosure of apprehensions under S. 28 of the MHA;
 - d) includes Adverse Contact involving the threat or actual use of violence directed at other individuals, regardless of, but without disclosing, mental health status;
 - e) does not include youth offences unless provided for under the YCJA; and
 - f) includes information on a sexual offence conviction where a record suspension (formerly known as a pardon) has been granted.

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- 4.5 Job applicants that will not be working with the vulnerable sector may also require a Police Information Check from their prospective employer. Employees completing a Police Information Check for such an applicant will provide a check that:
- a) includes a search of, at a minimum, CPIC, PIP, JUSTIN, and PRIME records;
 - b) discloses to the applicant all outstanding warrants, charges, and convictions;
 - c) does not disclose Adverse Contact;
 - d) does not include calls related to mental health including apprehensions under the MHA; and
 - e) does not include youth offences unless provided for under the YCJA.

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* In cases where non-disclosable information indicates a significant threat to public safety, police agencies may either refuse to complete the check or take action under their duty to warn responsibilities noted below.

Other Legal Powers Not Affected

4.6 Nothing in this policy prevents the Department from disclosing information under either a statutory or common law duty to provide warnings where the health, safety or wellbeing of an individual or individuals is at risk of significant harm.

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