



Canadian Criminal Real Time Identification Services

Introduction

Individuals may be required to obtain a criminal record check for employment, volunteer work or other civil screening processes. In order to complete these checks, a search may be conducted against various police databases, including the Royal Canadian Mounted Police (RCMP) National Repository of Criminal Records. At present, searches of the National Repository of Criminal Records may be done either by name and date of birth, or fingerprints.

National Repository of Criminal Records

The RCMP's Canadian Criminal Real Time Identification Services (CCRTIS) maintains the National Repository of Criminal Records. Information in this database includes biographic information, charges, and dispositions, supported by fingerprints taken in accordance with the *Identification of Criminals Act (ICA)*. Since the ICA only allows the taking of fingerprints for indictable (or hybrid) offences the information in this database is limited primarily to these types of offences. Straight summary offences not contained in the National Repository include but are not limited to sex, drug, and theft offences.

With the exception of "young person" information, police agencies are not required by law to report offences to the RCMP. A search of local police records may reveal criminal record information that has not been reported to the RCMP.

Name-based Criminal Record Check

A name-based criminal record check is completed by searching a subject's name and date of birth against the active files contained in the National Repository of Criminal Records. The check is used to determine the possible existence of a criminal record. Prior to completing the search, applicants are required to consent to a search of databases based on the subject's name, date of birth and declared criminal record history (if it exists and is provided).

With a name-based search, criminal record information will not be released from the National Repository of Criminal Records. Rather, one of three standard responses will be issued. A "Negative" response is used where no match to a record in the database is identified. A "Confirmation of Criminal Record" may be issued where the declared criminal history matches the contents of the National Repository of Criminal Records. Finally, an "Incomplete" response is issued where there is a potential match. In the case of an incomplete response fingerprints are

required to complete the verification. Additional information may be released from police local records.

Name-based criminal record checks may be completed either by police agencies or third party companies. Where the search is to be completed by the third party company, an agreement exists between the police agency and the company. The company will handle the coordination of consent and results; however, all searches must be conducted by a police agency. Third party agencies are not provided with access to Police Databases to complete these searches.

While this process provides a quick and easy means of verifying criminal record information, there are some limitations to the use of name-based searches. The use of only names and dates of birth to complete a search may result in false positives and false negatives resulting from incorrect information being provided, spelling errors, or name changes.

Certified Criminal Record Check

The RCMP Certified Criminal Record product is issued based on the submission of fingerprints to CCRTIS for search against the National Repository of Criminal Records. Fingerprints for these searches may be submitted by either police agencies, or third party companies accredited to submit fingerprints to the RCMP's CCRTIS.

A Certified Criminal Record Check is a point in time search only. This means that it will only contain the information held within the National Repository of Criminal Records at the time the search is completed. Unlike a name based search, where a paper product is issued and outstanding updates are identified at the time of the request, CCRTIS will update the subject's criminal record file to ensure information released is up to date in accordance with the requirements under the *Privacy Act*. The release of information will be done in accordance with Federal Laws (e.g. *Privacy Act*, *Criminal Records Act*, *Youth Criminal Justice Act*), and established internal policies (e.g. Dissemination of Criminal Record Information Policy).

The use of fingerprints is the only means to provide positive identification of a criminal record held in the National Repository of Criminal Records for a given subject; however, there are still limitations to this process. With the exception of 'young persons', there is no requirement for police agencies to send information to the RCMP for inclusion on the National Repository; therefore, local records may contain information that CCRTIS does not yet have access to such as strictly summary offences, provincial offences, or adverse information. If the hiring agencies deem this information to be important, additional searches may be requested from the police of local jurisdiction.

Vulnerable Sector Check

Vulnerable Sector Checks provide hiring individuals and organizations with essential information that is used to assess the suitability of individuals to work or interact with vulnerable members of society such as children, the elderly and persons with disabilities. Not only does this process include a search of active files in the National Repository of Criminal Records, but also searches of other police databanks and local police records.

The basic requirements to complete a vulnerable sector check are found in the *Criminal Records Act* (CRA). Under section 6.3(3) of the CRA only a police force or other authorized body may verify if there is a notation on a subject's file indicating a record suspension exists for an identified sexually based offence. They further may only verify if this notation exists where:

1. The check is requested by the hiring person or organization;
2. There is a paid or volunteer position;
3. The position is one of trust or authority over a child or vulnerable person; and,
4. The applicant provides written consent for the verification.

Where these requirements are met, the Minister of Public Safety may disclose that record to the police force or authorized body, who in turn will disclose the information to the hiring person or organization on the consent of the applicant. It is important to note that casual contact with an individual will not be sufficient to create a position of trust or authority for the purposes of completing this check.

In addition to the CRA, the *2010 Ministerial Directive Concerning the Release of Criminal Record Information by the Royal Canadian Mounted Police* provides further direction to the process. It provides that Vulnerable Sector Checks are to be completed by the police of local jurisdiction and to include information contained on a variety of police databanks. These requirements were identified in recognition of the fact that the police of local jurisdiction will have the most up to date information available, and no one database will contain all of the required information.

Questions

For further information on these, or other Criminal Record Check processes please contact CCRTIS-SCICTR@rcmp-grc.gc.ca.