WINNIPEG POLICE SERVICE

POLICE RECORD CHECK / POLICE VULNERABLE SECTOR CHECK POLICY

The Winnipeg Police Service (the Service) provides the following Police Checks:

1. Police Record Check.
2. Police Vulnerable Sector Check. The Service will only complete Vulnerable Sector Checks for applicants who reside in Winnipeg. Proof of Winnipeg address is required.

The process is initiated by properly completing and submitting Form P-612 Police Record Check/Police Vulnerable Sector Check.

The Police Record Check and Police Vulnerable Sector Check are not a recommendation in respect of the suitability or character of an applicant. The Police Record Check and Police Vulnerable Sector Check are simply the disclosure of specific and limited information available from the Canadian Police Information Centre (CPIC), RCMP National Repository of Criminal Records, and the Service database. If there are concerns regarding the authenticity of the Police Record Check or Police Vulnerable Sector Check contact the Winnipeg Police Service Records Compilation Unit at 204 986-7456.

Identification

For a Police Record Check or Police Vulnerable Sector check online or in person at Service Headquarters an applicant must provide two (2) current pieces of identification, one of which must be government-issued and include the applicant's name, date of birth, signature (where applicable), photo, and expiry date.

Below are the identifications accepted by the Service:

Must be one of the following:	May be one of the following:
• Driver's License • Manitoba Identification Card (issued by Manitoba Public Insurance) • Photo ID card issued by province or territory in Canada • Passport • Single Journey Travel Document issued by the Government of Canada • Permanent Resident Card • Certificate of Indian Status Card • Refugee Protection Claimant Document	• Health Insurance card (issued by a province in Canada) • Birth Certificate • Citizenship Card (or Citizenship Certificate) • Confirmation of Permanent Residence • Work Permit or Study Permit issued by the Government of Canada • Social Insurance Card (or SIN Confirmation Letter) • Firearms License for Possession & Acquisition • Military Service Identification Card (CFOne Card or Veteran's Service Card) • Nexus Card • Fast Card (Canada Border Service Agency) • Manitoba Metis Federation Card

**** NO EXCEPTIONS****

1. Police Record Check

This check is NOT for applicants who are seeking volunteer and/or employment in a position of authority or trust relative to vulnerable persons.

The Police Record Check will only include the following information:

1. Convictions and sentences pursuant to federal legislation, including the *Criminal Code, Controlled Drugs and Substances Act, Cannabis Act, Immigration and Refugee Protection Act* (and its predecessor) unless a record suspension has been granted by the National Parole Board of Canada and is in effect. The existence of a conviction under subsection 4(1) of the *Controlled Drugs and Substances Act* will be excluded two years after conviction or the expiry of any sentence, whichever is later. A record suspension allows people who were convicted of a criminal offence to have their criminal record kept separate and apart from other criminal records. Under the *Criminal Records Act*, the National Parole Board of Canada may issue, grant, deny or revoke a record suspension for criminal convictions. (CRA 4.1) Where a record suspension is in effect criminal convictions from CPIC, the RCMP National Repository of Criminal Records and the WPS database will not be disclosed on a Police Record Check. This information will be disclosed on one or more of the following: Form P-612A Declaration of Criminal Record; Form P-612B Police Records Check/Police Vulnerable Sector Check Results; Form P-612F Police Records Check/Police Vulnerable Sector Check Results; RCMP C-480 Document and Certified Criminal Record Check.
2. Summary convictions and sentences pursuant to federal legislation including the *Criminal Code, Controlled Drugs and Substances Act, Cannabis Act, Immigration and Refugee Protection Act* (and its predecessor) for five years from date of conviction, when identified by the Service in the Service database. This information will be disclosed on Form P-612B Police Record Check/Police Vulnerable Sector Check Results or the Form P-612F Police Records Check/Police Vulnerable Sector Check Results.
3. Convictions and sentences specified in (1) and (2) above in respect of the *Youth Criminal Justice Act* where the CPIC record states ****This Criminal History contains Youth Justice Court Entries which are retainable as per Section 119(9) of the Youth Criminal Justice Act (2003) ****, or where an adult sentence was imposed and the period of appeal has expired (per section 117 of the Youth Criminal Justice Act (YCJA)). This information will be disclosed on RCMP C-480 Document and Certified Criminal Record Check or Form P-612B Police Records Check/Police Vulnerable Sector Check Results/Form P-612F Police Records Check/Police Vulnerable Sector Check Results because the YCJA authorizes these records to be dealt with as adult records. No other YCJA records will be disclosed.
4. Pending charges pursuant to federal legislation including the *Criminal Code, Controlled Drugs and Substances Act, Cannabis Act, Immigration and Refugee Protection Act* (and its predecessor). This information will be disclosed on Form P-612B Police Record Check/Police Vulnerable Sector Check Results.
5. Where confirmed and authorized for release by the contributing police agency outstanding judicial orders pursuant to federal legislation including *the Criminal Code, Controlled Drugs and Substances Act, Cannabis Act, Immigration and Refugee Protection Act* (and its predecessor) including judicial release orders, recognizances, warrants, peace bonds, prohibition orders, conditional discharges imposed pursuant to a verdict of not criminally responsible on account of mental disorder for the period in which the conditional discharge is in effect; prevention and protection orders pursuant to *The Domestic Violence and Stalking Act* (or similar legislation from another province); protection orders pursuant to *The Child Sexual Exploitation and Human Trafficking Act* (or similar legislation from another province). This information will be disclosed on Form P-612B Police Record Check/Police Vulnerable Sector Check Results.
6. Charge and sentence of absolute discharges for one year from the date of discharge and conditional discharges for three years since the day on which the offender was ordered discharged on the conditions

in the probation order pursuant to federal legislation including the *Criminal Code, Controlled Drugs and Substances Act, Cannabis Act, Immigration and Refugee Protection Act* (and its predecessor). This information will be disclosed on Form P-612B Police Record Check/Police Vulnerable Sector Check Results or the Form P-612F Police Records Check/Police Vulnerable Sector Check Results.

2. Police Vulnerable Sector Check

This check is for applicants **over the age of 18** who are seeking volunteer and/or employment in a position of authority or trust relative to vulnerable persons in Canada only. Vulnerable persons mean persons who because of their age, a disability, or other circumstances, whether temporary or permanent, (a) are in a position of dependence on others; or (b) are 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.

The Police Vulnerable Sector Check will only include the same information as described above in section 1. Police Record Check:

1. Record suspensions approved for disclosure by the Minister of Public Safety. Record suspensions which are not approved for disclosure by the Minister of Public Safety will not be included on the Police Vulnerable Sector Check, including convictions from the WPS database. A record suspension allows people who were convicted of a criminal offence to have their criminal record kept separate and apart from other criminal records. Under the *Criminal Records Act*, the National Parole Board of Canada may issue, grant, deny or revoke record suspensions for convictions under federal acts or regulations of Canada. (CRA 4.1). This information will be disclosed on one or more of the following: Form P-612A Declaration of Criminal Record; Form P-612B Police Records Check/Police Vulnerable Sector Check Results; Form P-612F Police Records Check/Police Vulnerable Sector Check Results; RCMP C-480 Document and Certified Criminal Record Check.

Verification of Criminal Record

There are two methods for verification of a criminal record: self-declaration or the submission of fingerprints.

Self-declaration is a process where adult charges and convictions pursuant to federal legislation including the *Criminal Code, Controlled Drugs and Substances Act, Cannabis Act, Immigration and Refugee Protection Act* (and its predecessor) are declared to the Service by the applicant on form P-612A Declaration of Criminal Record. Form P-612A Declaration of Criminal Record is not confirmed by fingerprints and is therefore not a certified criminal record check.

Applicants are NOT required to declare:

a. A conviction subject to a record suspension by the National Parole Board of Canada.
b. A conviction under the *Youth Criminal Justice Act*.
c. Absolute or Conditional Discharge.
d. Charges pursuant to federal legislation, including the *Criminal Code, Controlled Drugs and Substances Act, Cannabis Act, Immigration and Refugee Protection Act* (and its predecessor), which did not result in a conviction.
e. Any charge or conviction for a provincial or municipal offence.
f. Any charge or conviction dealt with outside of Canada.
g. Simple drug possession under CDSA 4(1) and its predecessor, the Narcotic Control Act (NCA) 3(1) from before Nov. 17, 2022
h. Irregular crossing charge under *Immigration and Refugee Protection Act* A41(a) by A18(1). (and its predecessor)

The Service will confirm if the information matches a criminal record contained within the RCMP National Repository of Criminal Records. If the Service is not satisfied that the applicant's declared criminal record information is a match to a criminal record held at the RCMP National Repository, fingerprints will be required.

Where there are no fingerprints in the RCMP National Repository of Criminal Records confirmation of identity will be made pursuant to the identification required on page 1 of this policy.

Requirement for Fingerprints

Police Record Check

If the Service is not satisfied that the self-declaration is a match to a criminal record held at the RCMP National Repository of Criminal Records, fingerprints must be submitted to the RCMP for a certified criminal record check.

To obtain a certified criminal record check by the RCMP fingerprints are required.

If the applicant has a record of convictions under the Youth Criminal Justice Act which are dealt with as the record of an adult, fingerprints are required. For these convictions the CPIC record will state: ****This Criminal History contains Youth Justice Court Entries which are retainable as per Section 119(9) of the Youth Criminal Justice Act (2003)****

Police Vulnerable Sector Check

If the Service is not satisfied that the self-declaration is a match to a criminal record held at the RCMP National Repository of Criminal Records, fingerprints must be submitted to the RCMP for a certified criminal record check.

Police Vulnerable Sector Check applicants may be required to submit fingerprints to verify the existence of any sex offences with a record suspension contained within the RCMP National Repository of Criminal Records.

To obtain a certified criminal record check by the RCMP fingerprints are required.

If the applicant has a record of convictions under the Youth Criminal Justice Act which are dealt with as the record of an adult, fingerprints are required. For these convictions the CPIC record will state: ****This Criminal History contains Youth Justice Court Entries which are retainable as per Section 119(9) of the Youth Criminal Justice Act (2003)****

Adoption Applicants

Adoption applicants will apply for a Police Record check, not a Police Vulnerable Sector Check. From time to time, as determined by the adoption agency, adoption applicants will attend at the Service for fingerprints and the RCMP will conduct a query to determine if the applicant has a sexual offence conviction with a record suspension. When adoption applicants attend for fingerprints the Consent for a Criminal Record Search for a Sexual Offence for Which a Record Suspension Has Been Granted (Adoption) Form P-612D must be signed by the applicant. If a record suspension for a sexual offence exists and is approved for disclosure by the Minister of Public Safety, it will be disclosed to the Service on RCMP C-480 Document and Certified Criminal Record Check. If the adoption applicant has signed the Consent to Disclosure of Record for Which a Record Suspension Has been Granted (Adoption) Form P-612E, the Service will disclose the RCMP C-480 Document and Certified Criminal Record Check to the adoption agency. If the adoption applicant chooses not to disclose their record suspension the Service will advise the requesting agency that the Service was unable to complete the fingerprint-based check to determine if the applicant has a sexual offence conviction with a record suspension.

Release of Completed Police Record Check

Police Record Check

The Service will provide the results of the police record check on Form P-612 Police Record Check/Police Vulnerable Sector Check; Form P-612B Police Record Check/Police Vulnerable Sector Check Results; Form P-612A Declaration of Criminal Record; RCMP C-480 Document and Certified Criminal Record Check to the applicant only.

To confirm accuracy and download the results directly from the WPS use the QR code. The QR code will be provided for all clear record checks. It will not be available for paper checks and any checks requiring supplemental information detailed in this policy.

If there are concerns regarding the authenticity of the Police Record Check of the Police Vulnerable Sector Check, contact the Winnipeg Police Service Records Compilation Unit at 204 986-7456.

Police Vulnerable Sector Check

The Service will complete a Vulnerable Sector Check based on the applicant's name, gender, and date of birth. This information will be disclosed on Form P-612 Police Record Check/Police Vulnerable Sector Check; Form P-612B Police Record Check/Police Vulnerable Sector Check Results; Form P-612A Declaration of Criminal Record; RCMP C-480 Document and Certified Criminal Record Check to the applicant only.

If the search for the Vulnerable Sector Check is inconclusive a fingerprint-based search will be required. If the RCMP confirms that the applicant has a sex offence with a record suspension, the information will be forwarded to the Minister of Public Safety to authorize disclosure of all or part of the information contained in the file. When the information is authorized for disclosure by the Minister of Public Safety, the criminal record associated with the applicant's fingerprints will be returned to the Service and the Vulnerable Sector Check will include the sexual offence with the record suspension information. At this point, the Service will be required to obtain the applicant's consent in writing on form P-612C Consent to Disclosure of Record (VS) for disclosure of the record(s). When the applicant has signed the form giving consent to release the record(s) the Service must forward the information directly to the requesting agency (employer or volunteer agency). This information will be disclosed on RCMP C-480 Document and Certified Criminal Record Check.

If the applicant chooses not to disclose their record(s) the Service will advise the requesting agency that the Service was unable to complete the Police Vulnerable Sector Check.

To confirm accuracy and download the results directly from the WPS use the QR code. The QR code will be provided for all clear record checks. It will not be available for paper checks and any checks requiring supplemental information detailed in this policy.

For assistance please contact Police Record Check Unit at wps-records@winnipeg.ca