

Criminal Records Check – Important Update

Previously, individuals applying for a Criminal Review Check (CRC) who worked in a vulnerable sector such as education, were flagged for further review if an individual had a **name, date of birth** and **gender** match to someone on the national database of pardoned sex offenders. However, under the new procedure introduced by the Criminal Record Review Program (CRRP) on November 30, 2013, individuals are now flagged for further review if they have a **gender** and **DOB** match.

If a gender and DOB match is found, the individual will be required to supply fingerprints to confirm their identity.

This change in procedure arises from the fact that not all provinces/territories require the submission of fingerprints when changing your legal name. The CRRP found this created a loophole in the CRC process and acted to close it.

The facts

- CRRP indicate **1 in 4 male** and **1 in 7 female** CRC holders will be affected.
- Approximately 2500 TRB certificate holders are expected to return a match annually.
- A fingerprint check can be done through the local RCMP or Police detachment. The cost of fingerprint check generally ranges between **\$60 - \$100** depending on the jurisdiction.
- **Electronic** fingerprints currently take **3 business days** to process where there is no print match.
- **Paper** fingerprints take up to **22 weeks** to process.
- Effective **July 1, 2014** the CRRP will only be accepting **electronic fingerprints**.
- The TRB currently advises **certificates are still in good standing** while clearances are pending.

Going forward

BCPSEA recommends all districts review the relevant information around the CRC procedure and create a policy/procedure to deal with employees who return a gender and DOB match which meets the needs of the district as well as obligations of due diligence.

It is recommended districts include **formally asking an employee if they are aware of any reason why a positive match may have been returned** as part of their procedure. The information provided by an employee can be used to help determine the districts' response and, should an unfortunate circumstance arise where the employee does not respond truthfully, can be used as cause for discipline/dismissal.

Helpful Links

RCMP/Police detachments offering electronic fingerprint scanning:

<http://www.rcmp-grc.gc.ca/cr-cj/ps-sp-elect-eng.htm>

RCMP Accredited electronic fingerprinting companies:

<http://www.rcmp-grc.gc.ca/rtid-itr/vulner-eng.htm>

RCMP current processing times:

<http://www.rcmp-grc.gc.ca/cr-cj/time-temps-eng.htm>

Ministry of Justice:

<http://www.pssg.gov.bc.ca/criminal-records-review/>

If you have further questions, please contact your BCPSEA District Liaison.

NOTE: The above advice is based on Human Resources practice and is not a legal opinion.