ALBERTA ASSOCIATION OF CHIEFS OF POLICE

ALBERTA POLICE INFORMATION CHECK DISCLOSURE PROCEDURES

Endorsed by the Alberta Association of Chiefs of Police Executive

January 9, 2025

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ACRONYM GUIDE:

AACP - Alberta Association of Chiefs of Police
CCRTIS - Canadian Criminal Real Time Identification Services
CNI - Criminal Name Index
CPIC - Canadian Police Information Centre
CPIC Q – CPIC Query
CRA - Criminal Records Act
CRII - Identification Databank
FOIP - Freedom of Information and Protection of Privacy Act
JOIN - Justice Online Information Network
MOVES - Motor Vehicle Automated Registration Information System
NCIC – National Crime Information Center
NCR - Not Criminally Responsible
PIPA - Personal Information Protection Act
PIC - Police Information Checks
VSPIC – Vulnerable Sector Police Information Check
PSP – The Public Safety Portal System
SIP - Special Interest Police
YCJA - Youth Criminal Justice Act

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Introduction

This Alberta Association of Chiefs of Police (AACP) Police Information Check Disclosure Procedures was developed by Alberta Police Services to ensure that information disclosed in Police Information Checks provides balance between preserving public safety and protecting the privacy and human rights ofPolice Information Check applicants. While these checks serve a critical role in keeping our communities safe, the presence of information in a Police Information Check should not in itself result in an individual being denied any position. A Police Service will never make recommendations with respect to the suitability of an applicant for any position and strongly recommend that Police Information Checks not be the only screening tool used in assessing the organizational suitability of any person. It is further recommended that Police Information Checks be conducted at the conclusion of a screening process to promote an increased sense of fairness in the selection process. The absence of information in a Police Information Check is not a guarantee of safety and should not be the only consideration in determining the suitability of any applicant. Organizations should give careful consideration to the relevancy and recency of information that may be indicative of a pattern of behavior resulting in a risk to public safety.

Alberta Police Services recognize that not all persons who have been charged with a criminal offence(s) are found guilty of those offences and that under law they are considered innocent until proven guilty. While normally non-conviction records will not be disclosed, it is recognized that occasions exist where the disclosure of such information relating to non-convictions may be required. In addition, police services in Alberta recognize the sensitivity related to the disclosure of mental health related occurrences. But again, some measure of disclosure may be required in exceptional circumstances.

Organizations requesting a Police Information Check must comply with all applicable legislation including the *Personal Information Protection Act* (PIPA), the Freedom *of Information & Protection of Privacy Act* (FOIP) and/or the *Personal Information Protection and Electronic Documents Act (*PIPEDA). With respect to the RCMP, it is governed by the *Federal Privacy Act* and *Access to Information Act* rather than the provincial FOIP Act. Like its provincial counterpart, however, the *Federal Privacy Act* also allows for use and disclosure of information for purposes consistent with the collection of the information (see ss. 7 and 8 of the Privacy Act).

The disclosure procedures contained within this document pertain to Alberta Police Services only and not private criminal record check companies.

Types of Police Information Checks

Alberta Police Services offer Police Information Checks with and without a Vulnerable Sector check.

Police Information Check

A Police Information Check is a collection of offence information, including convictions, non-convictions and other police information available from police record management systems, and provincial court records.

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Vulnerable Sector Police Information Check

A Vulnerable Sector Police Information Check is required when an individual will be in a position of trust or authority of vulnerable persons. A vulnerable person is defined as a person who, because of their age, disability, or other circumstances, whether temporary or permanent, are (a) 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.

A position of trust or authority is more than just having contact with children or vulnerable persons. The nature of the position – not the person – must cause the person to have authority over, or trust of, children or vulnerable persons. Positions with casual or occasional contact with children or other vulnerable persons would not normally require a Vulnerable Sector Police Information Check unless the nature of the position leads vulnerable persons to have trust in the individual.

A Vulnerable Sector Police Information Check includes a query to confirm that the applicant has not received a record suspension for sexual offences. All such convictions can be only disclosed with authorization from the Minister of Public Safety.

It is the responsibility of the requesting organization to determine whether an applicant requires a Vulnerable Sector check. Vulnerable Sector checks should only be requested when the applicant is entering a position where they will be directly responsible for the well-being of a vulnerable person, and the position is one of authority or trust relative to vulnerable people. The police service will verify the position meets the requirements for the vulnerable sector check as per section 6. 3 Criminal Records Act, and determine if it is conducted.

Police Services in Alberta **do not** provide Criminal Record checks only. Such a check may be obtained through an accredited RCMP third party company or by obtaining a Certified Criminal Records Check from the RCMP which requires the submission of fingerprints.

Information Not Disclosed in a Police Information Check

The following information shall not be disclosed in a Police Information Check**:**

- Mental health related occurrences unless determined that the applicant is a threat to public safety.
- Convictions where a record suspension/pardon has been granted including sexual offences; unless a Vulnerable Sector check process was completed accordingly, and disclosure authorized by Minister of Public Safety.
- Information from the Alberta Motor Vehicle Automated Registration Information System, such as traffic violations or roadside driving suspensions.
- Suspect information that would hinder/compromise an ongoing investigation.
- Special Interest to Police CPIC entries.
- Information not contained in police occurrence reports (i.e. Street Check Reports).
- Information from foreign law enforcement agencies.
- Foreign dispositions included on a CRII unless identified as international transfer of offenders.
- Victim, complainant, or witness information.
- Clare's Law - Disclosure to Protect Against Domestic Violation Act.

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Overview of Police Information Check Process

In Person Identification Verification

Two pieces of valid **government issued identification** (one must be photo ID), are required to obtain a Police Information Check. Exceptions may be made based upon a Police Service's individual policies and procedures.

Online Automated Identification Verification Options

A. The applicant attends a Canada Post location to obtain a proof of identity prior to submitting their PIC application.
B. Police Services embed financial companies electronic identify (eID) software in a PIC applicant online system, for example Equifax and TransUnion.
C. A photograph of the applicant holding two pieces of valid government issued identification contacting a photo PLUS a scan or a photograph of both pieces of ID, sent to the police service, via an online application or via email. *NOTE* If in the opinion of the police service, further verification of ID is required, the applicant may be required to attend the police service in person or through other electronic systems as directed by the police service.
D. The applicant must attend police services when picking up their PIC results, providing review of the ID in person.

The four options can be used in isolation or in combination

Information Databases

In order to ensure consistency and to maintain a required level of due diligence, the following databases may be queried (access varies between services), in the preparation of a Police Information Check.

- CPIC – Q Person(s)
- CPIC – CNI (with VS if required and signed consent completed)
- The Public Safety Portal System (PSP) - Local Indices for each service as applicable
- The Alberta Courts Database known as the Justice Online Information Network (JOIN) - Pursuant to service user agreements regarding confirmation of index information with investigating service or through self-disclosure.
- Local police records databases.

The query of any database for the purpose of a Police Information Check is conducted with the written consent of the applicant and under the direct authority of the Freedom of Information and Protection of Privacy Act as a function of law enforcement authorized by the Alberta Police Act.

Police Services shall neither confirm the existence of information, nor disclose information belonging to another Police Service without the written permission of the originating Police Service.

Residency

A Police Information Check requiring a Vulnerable Sector check can only be completed by the Police Service in which the applicant resides unless authorized by the Police Service in which the applicant resides. If the applicant has resided in other jurisdictions within the past 5 years, it is recommended that a Police Information Check also be obtained from those other jurisdictions.

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Disclosures

If the applicant has not received a record suspension (*formerly known as a "pardon")* they may complete the "Self-*Declaration of a Criminal Record*" form as a method in which to verify their criminal record. If form is not completed or the '*self-disclosures'* cannot be verified by a Police Service, the applicant will be required to be fingerprinted to verify their criminal record.

The Police Service shall disclose a Police Information Check that does not contain any adverse information in one of the following two ways:

1. To the applicant directly via the individual Police Service's policy.
2. To the requesting organization when the applicant has provided written consent for the results to be disclosed to a third party. A Police Information Check containing adverse information to disclose will **only** be provided directly to the applicant and never to a third party, as per the individual Police Service's policy

Local police files are subject to each Police Service's retention schedules regardless of whether these files are visible.

Youth records shall only be disclosed according to the YCJA. Non-disclosure dates set out in the YCJA must be followed.

If the applicant will be working in a position responsible for "*vulnerable persons*", consent must be completed giving permission to the Police Service to check for any sexual offences for which a records suspension was received. If police receive information that a record suspension for a sexual offence has been granted, the applicant will be required to sign additional consent forms in addition to submitting fingerprints to the RCMP prior to the Police Service completing the Police Information Check.

A Police Service is not responsible for the manner in which an organization interprets or applies the results of a police information check.

A Police Information Check Certificate will contain security features such as a corporate seal or an authentication feature/ method of authenticating.

A Police Service retains the right to discontinue or deny a request for a Police Information Check.

Police Information Checks – Explanation of Information Disclosed

A Police Information Check is a named based query of an applicant's name, gender and date of birth. Police databases searched to prepare a Police Information Check include the Canadian Police Information Center (CPIC), the Alberta Provincial Courts Justice Online Information Network (JOIN), and local Police Service databases.

A Police Information Check, both with or without a Vulnerable Sector check, will disclose the following:

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Conviction, Suspended Sentence or Finding of Guilt *(Dual/Indictable)*

ADULT - Criminal convictions, suspended sentences or findings of guilt that are included on a CRII shall be disclosed for an **indefinite period of time** or until such time as a Record Suspension/Pardon has been granted. Information may only be disclosed through the submission of fingerprints or through self-declaration of a criminal record. Pardoned sex offence convictions will only be disclosed according to the Criminal Records Act.

If an applicant's self-declaration of a criminal record does not match the information found on the CRII, the applicant must submit fingerprints. Dispositions not found on the CRII may be disclosed from local police records if identity has been verified.

Indictable/Dual Offences **identified through JOIN** not included in the CRII shall be disclosed for an **indefinite period of time** or until such time as a Record Suspension/Pardon has been granted.

NOTE: When foreign dispositions are included on a CRII they must not be included on any level of a Police Information Check as per the INTERPOL Charter. The exception is entries on the conviction part of the CRII identified as international transfer of offenders may be disclosed. Information may only be disclosed from the Identification Databank through fingerprint confirmation or if the Police Service is satisfied the applicant's self-declaration matches the information from the CRII.

YOUTH - Criminal convictions, suspended sentences or findings of guilt **listed on the CRII or contained in JOIN or local police records** shall be disclosed for a period of time in accordance with requirements of the YCJA. If a young person has been found guilty of an indictable offence, the information shall be **disclosed for a period of five years** after the youth sentence has been completed as per YCJA.

NOTE: If the young person is subsequently convicted of committing another criminal offence during the disclosure period of a preceding offence, the disclosure period for the prior offence becomes equal to that of the current offence/disposition (as per YCJA). Additionally, if the subject commits a criminal offence as an adult during the disclosure period of any previous charges under the YCJA, the youth record becomes a part of a permanent adult record as per YCJA.

Conviction, Suspended Sentence or Finding of Guilt *(Summary – Not Dual)*

ADULT – Criminal convictions, suspended sentences or findings of guilt **contained in JOIN or local police records** shall be disclosed for an **indefinite period of time** or until such time as a Record Suspension/Pardon has been granted. Information may only be disclosed through the submission of fingerprints or through self-declaration of a criminal record.

If an applicant's self-declaration of a criminal record does not match the information found on the CRII, the applicant must submit fingerprints. Dispositions not found on the CRII may be disclosed from local police records if identity has been verified.

YOUTH - Criminal convictions, suspended sentences or findings of guilt **contained in JOIN or local police records** shall be disclosed for a period of time in accordance with requirements of the YCJA.

Declaration of Criminal Record

A process whereby the applicant declares all offence convictions to the CPIC Agency in accordance with CPIC policy requirements and federal laws. Based on the declared criminal record information, the CPIC Agency may confirm that the Applicant's declared criminal record information possibly matches to a

registered criminal record held at the RCMP National Repository of Criminal Records, pursuant to CPIC policy requirements.

Declaration of Criminal Record - Applicant must declare all convictions for offences under federal law.

Applicant should not declare:
A conviction where the Applicant was a "young person" under the *Youth Criminal Justice Act*.

NOTE: If a young person is subsequently convicted of committing another criminal offence during the disclosure period of a preceding offence, the disclosure period for the prior offence becomes the disclosure period of the current offence/disposition or the initial offence/disposition (whichever is longer). Additionally, if the subject commits a criminal offence as an adult during the disclosure period of any previous charges under the YCJA, the youth record becomes a part of a permanent adult record as per YCJA.

Outstanding /Pending Criminal Charges

Outstanding/Pending criminal charges will be disclosed.

A query of JOIN will be conducted to identify outstanding and/or pending criminal charges held by any Alberta Police Service. The information located in JOIN is a matter of public record and available to public. As such, Police Services are not required to obtain consent for disclosure of the information on a Police Information Check unless JOIN indicates a publication ban is in place.

A query of the Investigative Databank of CPIC will be conducted to identify outstanding criminal charges held by any Canadian Police Service. As per the CPIC policy confirmation must be obtained on all hits and permission to disclose the information must be obtained from the originating Police Service.

Disclosure of Investigative and Ancillary Databank Information, contained within CPIC policy states:

CPIC Information from the Investigative Databank may be disclosed for security and reliability clearances or for private employment purposes; however, no CPIC information shall be disclosed for this purpose unless:

1. Confirmation and verification with the record owner (originating service) has been carried out;
2. The originating service has been notified of the reason for the check and has consented to the release;
3. Personal visual identification by the law enforcement service of the subject of the check has taken place;
4. The results of the checks are communicated directly to the subject of the check. The applicable information may be disclosed verbally or in writing; however, printouts shall not be disclosed.

Outstanding Warrants

All Alberta warrants will be executed prior to the Police Information Check being completed. A query of JOIN will be conducted to identify outstanding warrants held by any Alberta Police Service.

Out of province warrants will be disclosed if the warrant has been confirmed and permission has been received from the Police Service who issued the warrant.

A query of the Investigative Databank of CPIC will be conducted to identify outstanding warrants held by any Canadian Police Service. As per the CPIC policy, confirmation must be obtained on all hits and permission to disclose the information must be obtained from the originating Police Service.

Current Judicial Orders

Judicial Orders (e.g., Firearm Prohibition Orders, Probation Orders, Peace Bonds, etc.) will be disclosed while the order is valid and enforceable.

A query of JOIN will be conducted to identify enforceable court orders issued within the Province of Alberta. The information located in JOIN is a matter of public record and available to public. As such, Police Services are not required to obtain consent for disclosure of the information on a Police Information Check unless JOIN indicates a publication ban is in place.

A query of the Investigative Databank of CPIC will be conducted to identify enforceable court orders issued outside the Province of Alberta but within Canada. As per the CPIC policy, confirmation must be obtained on all hits and permission to disclose the information must be obtained from the originating Police Service.

NOTE: Non-criminal driving suspensions shall not be disclosed.

Charges Under Appeal

Conviction(s) identified in JOIN currently under appeal will be disclosed with the most recent disposition contained in JOIN. A notation will also be included that the conviction is under appeal.

If the charge results in a non-conviction, it can be considered for disclosure in accordance with established disclosure criteria via a Police Service's local police records.

Absolute Discharges *(after July 24, 1992)*

Absolute discharges appearing on the CRII, JOIN, or through a local police records will be disclosed for a period of **one year** from the disposition date. (CRA; YCJA)

ADULT – Pursuant to the Criminal Code an absolute discharge does not meet self-declaration requirements and therefore cannot be disclosed as criminal conviction; however, the related information may be disclosed from JOIN or local police records without a self-declaration. The information may be disclosed from another Police Service's local police records with permission, listing the applicant as a "*subject*". After one year, no reference to the occurrence shall be disclosed.

YOUTH – Pursuant to the YCJA an absolute discharge relating to a youth does not meet self-declaration qualifications and therefore shall not be disclosed as a criminal record; however, the information may be disclosed for a period of one year from the disposition date. The information may be disclosed from another Police Service's local police records with permission, listing the applicant as a "*subject*". After one year, this information can no longer be disclosed.

NOTE: Prior to July 24, 1992 discharges were considered a conviction. After this date this was changed to finding of guilt but not a conviction as per the Criminal Code. While discharges prior to July 24, 1992 may still appear on a CRII they should not be disclosed from a CRII or Local Police file information. Applicants must write to the RCMP to request the removal of such information from their record as the record suspension process does not apply.

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Conditional Discharge *(after July 24, 1992)*

Conditional discharges appearing on the CRII, JOIN, or through a local police records will be disclosed for a period of **three years** from the disposition date. (CRA; YCJA)

ADULT - Pursuant to the Criminal Code a conditional discharge does not meet self-declaration requirements and therefore shall not be disclosed as a criminal conviction; however, the related information may be disclosed from JOIN or local police records. The information may be disclosed from another Police Service's local police records with permission, listing the applicant as a "*subject*". After three years, no reference to the occurrence shall be disclosed.

YOUTH - Pursuant to the YCJA a conditional discharge disposition does not meet self-declaration requirements and therefore shall not be disclosed as a criminal conviction; however, the information may be disclosed for three years from the disposition date from JOIN or local police records. The information may be disclosed from another Police Service's local police records with permission, listing the applicant as a "*subject*". After three years, no information shall be disclosed as per the YCJA.

NOTE: Prior to July 24, 1992 discharges were considered a conviction. After this date is was changed to finding of guilt but not a conviction as the Criminal Code. While discharges prior to July 24, 1992 may still appear on a CRII, they should not be disclosed from a CRII or Local Police file information. Applicants must write to the RCMP to request the removal of such information from their record as the record suspension process does not apply.

Stay of Proceedings

Stay of Proceedings will be disclosed for a period of **one year** from the disposition date. (YCJA)

ADULT - Pursuant to the Criminal Code a stay of proceedings does not meet self-declaration requirements and therefore shall not be disclosed as a criminal conviction; however, the related information may be disclosed from JOIN or local police records. The information may be disclosed from another Police Service's local police records with permission. After one year, no reference to the occurrence shall be disclosed.

YOUTH - Pursuant to the YCJA a stay of proceedings does not meet self-declaration requirements and therefore shall not be disclosed as a criminal conviction; however, the information may be Disclosed for one year from the disposition date from JOIN or local police records. The information may be disclosed from another Police Service's local police records with permission, listing the applicant as a "*subject*". After one year, no information shall be disclosed as per the YCJA.

Youth Extrajudicial Measures

Extrajudicial measures refer to actions other than judicial proceedings under the YCJA Extrajudicial Measures used to deal with young persons alleged to have committed an offence. Dispositions may include:

- No further action
- A warning
- Crown caution (post-charge the Crown may establish caution program)
- Referral to community program or service with consent of young person

Where an occurrence has been concluded by way of an Extrajudicial Measure, including "*no further action*", the information must **not be disclosed**.

Youth Extrajudicial Sanction

Extrajudicial sanctions can be disclosed for a period of **two years** from the disposition date as per the YCJA.

Alternative Measures – Adult

Disclosed from JOIN or local police records for **one year** from date of completion of program.

Alternative Measures – Youth

Disclosed from JOIN or Local Police Records for **one year** from the date of the completion of the program.

Disclosure may not occur for youths placed on the Alternative Measures Program for the first time if no public safety concern exists.

Finding of Not Criminally Responsible

A finding of "*Not Criminally Responsible*" may be disclosed for an **indefinite period of time.**

ADULT - A disposition of "*Not Criminally Responsible*" does not meet self-declaration requirements and therefore shall not be disclosed as a criminal conviction; however, the related information may be disclosed from JOIN or local police records. The information may be disclosed from another Police Service's local police records with permission and in accordance with established disclosure criteria for offences listed in the *Criminal Code of Canada*.

YOUTH - The only reference to disposition of NCR within the YCJA states:

"The period of access referred to in subsection (1) is: If the young person is acquitted of the offence otherwise than by reason of a verdict of not criminally responsible on account of mental disorder, the period ending two months after the expiry of the time allowed for the taking of an appeal or, if an appeal is taken, the period ending three months after all proceedings in respect of the appeal have been completed".

The YCJA is silent on a period of access for disposition of "*Not Criminally Responsible*". Without a specified period of access restriction, the information could be accessed at any time by the youth/counsel.

Finding of Guilt with Reprimand

YOUTH - Shall not be disclosed unless it meets the established disclosure criteria within the applicable YCJA disclosure period (2 months) as per the YCJA.

Acquittal/Not Guilty

An acquittal or finding of '*Not Guilty'* can only be rendered by a judge.

ADULT - An acquittal or finding of '*Not Guilty'* must not be disclosed.

YOUTH - Shall not be disclosed unless it meets the established disclosure criteria within the applicable YCJA disclosure period (2 months) as per the YCJA.

Dismissed

ADULT – Dismissed charge(s) can only be disclosed through local police records when relevancy and recency disclosure criteria have been met. The local police records of other Police Services can be disclosed with the permission of that Police Service providing that the information meets relevancy and recency disclosure criteria.

YOUTH - Shall not be disclosed unless it meets the established disclosure criteria within the applicable YCJA disclosure period (2 months) as per the YCJA.

Withdrawn Charges

ADULT – A withdrawn charge(s) can only be disclosed through local police records when relevancy and recency disclosure criteria have been met. The local police records of other Police Services can be disclosed with the permission of that Police Service providing that the information meets relevancy and recency disclosure criteria.

YOUTH -Shall not be disclosed unless it meets established disclosure criteria within the applicable YCJA disclosure period (2 months) as per the YCJA.

Provincial Offences

Provincial offence convictions may be disclosed if there is a public safety concern, particularly the Vulnerable Sector. An example of such would be an offence under the Child, Youth and Family Enhancement Act when the position being sought involves the care of children.

Provincial statute offences not presenting a concern for public safety shall not be disclosed.

Federal Offences

Federal offence convictions may be disclosed if there is a concern for public safety. Federal statute offences not presenting a concern for public safety shall not be disclosed.

Record Suspension *(formerly known as a 'Pardon')*

Unless written authorization has been granted by the Solicitor General of Canada, information relating to an offence and disposition for which a record suspension has been granted shall not be disclosed.

Record Suspensions – Sexual Offences (Bill C7, *Criminal Records Act* 2000)

As a result of Bill C7, the *Criminal Records Act* (CRA) was amended to permit the flagging of sex offenders with a record suspension. CPIC system changes were made to permit CPIC services with law enforcement authority (Category I Services) to conduct queries using the CNI format screen and the "VS" keyword (Vulnerable Sector). This query searches the CPIC system for any flagged sex offenders with a record suspension for the purpose of conducting any level of Police Information Checks for persons wanting to

work or volunteer in a position of authority or trust with the Vulnerable Sector.

The Public Safety Portal System (PSP)

A query of PSP may be conducted. A PSP query can be used as a tool to identify reports held by other Police Services across Canada. Confirmation must be obtained on all hits and permission to include the information must be obtained from the originating police agency.

Special Interest Police (SIP)

A "*SIP*" hit must not be disclosed. When foreign information is entered in the SIP category (e.g., foreign warrants) the information must not be included on any level of police record checks as per the INTERPOL Charter

Family Court Restraining Orders

Family court restraining orders shall not be disclosed.

INTERPOL

INTERPOL must not be queried for any level of police record checks as per the INTERPOL Charter.

Motor Vehicle Automated Registration Information System (MOVES)

MOVES must not be queried for the purpose of preparing a Police Information Check.

Vehicle and driver information has been made available by the Ministry of Transportation to Category I Police Services through the Ancillary Databank to CPIC for investigative purposes only.

National Crime Information Center (NCIC)

NCIC must not be queried for the purpose of preparing a Police Information Check as per CPIC policy.

Non-Conviction Disclosures

Non- conviction police information should not be disclosed in a PIC, absent exceptional circumstances. In order for an exception to apply, the non-conviction information must be directly relevant to the position being sought by the applicant. In making that determination, the following factors should be considered:

- The nature and responsibilities of the position
- The individuals with whom the applicant will be interacting (I.e. vulnerable sector)
- The frequency and recency of the occurrences:
    - 10 years for sexual and violent related occurrences
    - 5 years for all non-violent occurrences where there exists a demonstrated pattern of behaviour involving the same category of individuals with whom the applicant would be interacting
- Any demonstrated pattern of behaviour resulting in a substantial risk to those with whom the

applicant would be interacting
- The reliability of the information contained within the non-conviction records

If the decision is made to disclose non-conviction information, in the case of an investigation that resulted in charges but not a conviction, the disposition of the matter, the disposition date, the location, and the occurrence type will be disclosed. In matters where charges were not laid, the occurrence date, the location, the police service occurrence number, and the occurrence type will be disclosed.

Mental Health Occurrences

Mental health related occurrences will be subject to the same relevancy and recency thresholds of other non-conviction records. Such occurrences will be disclosed based upon the demonstrated behaviour and/or implied level of violence towards others and not the existence of a mental health disorder.

If a determination is made to disclose mental health related occurrences, only the occurrence number, the occurrence date, and the location shall be disclosed on the applicant's PIC. The applicant will be listed as a "Subject of Occurrence" and the occurrence will be listed as "Behaviour Resulting in a Concern for Public Safety" as opposed to providing the occurrence type. There will be no reference to mental health or mental health descriptors.

Occurrences, including attempted suicides not involving any act or threat of violence towards others, shall not be disclosed.

Verification of a Criminal Record

A criminal record may be verified by self-declaration or the submission of fingerprints.

Self-declaration of a criminal record is a process whereby the applicant declares their adult criminal convictions to the Police Service in accordance with the CCRTIS Dissemination of Criminal Record Information policy.

Fingerprints taken to verify the applicant's criminal record information will be taken by the Police Service conducting the Police Information Check and may be submitted to the RCMP National Repository of Criminal Records for verification.

A self-declaration must include all convictions for offences under Federal Law.

A self-declaration must not include:

- A conviction for which the applicant has received a record suspension in accordance with the CRA.
- A finding of guilt where the applicant was a "*young person*" under the YCJA.
- An absolute or conditional discharge pursuant to section 730 of the Criminal Code.
- An offence for which the applicant was not convicted.
- Any provincial or municipal offences.
- Any charges dealt with outside of Canada.

In order to disclose criminal convictions identified through a name based query, the Police Service must be satisfied that the applicant's declared criminal record information is a match to their registered criminal record held at the RCMP National Repository of Criminal Records.

Appeal Process

An applicant wishing to appeal the disclosure(s) contained within a Police Information Check or a Vulnerable Sector Police Information Check must do so in writing within **30 days** of the completion of the check. Appeal requests will be reviewed by unit management *(this is inclusive of sworn and civilian members regardless of "title" and allows for review by more than one person if necessary)* responsible for the preparation of the Police Information Check; as per each Police Service's procedures. A written decision will be provided within **90 days** of receipt of the appeal request.

All decisions regarding the appeal request will be made in accordance with the Alberta Police Information Check Disclosure Procedures and will ensure that all procedures have been appropriately followed.

Appendix 1: Police Information Check Disclosure Procedures – Reference Chart

Alberta Police Information Check Disclosure Procedures

Criminal Convictions and Outstanding/Pending Criminal Charges

ADULT - Disclosed for an **indefinite period of time** for summary, dual and indictable offence convictions listed on a CRII or until such time as a Record Suspension/Pardon has been granted.

Pardoned sex offence convictions will only be disclosed according to the Criminal Records Act.

YOUTH - Disclosed as per the provisions of the Youth Criminal Justice Act (YCJA) - formerly known as the Young Offenders Act (YOA).
Summary Conviction Offences - Disclosed for a period of **3 years** from the disposition date.
Indictable Offences – Disclosed for a period of **5 years** from the disposition date.

Both youth and adult criminal convictions will be disclosed if an adult criminal conviction was obtained during each of the above noted youth disclosure periods. A period of 3 or 5 years, depending on the type of offence (summary, dual or indictable), without any criminal convictions must exist for a youth criminal record not to be disclosed when an adult criminal record exists.

SUMMARY CONVICTION OFFENCES *(not dual offences)* **–** Summary convictions contained in JOIN or local police records shall be disclosed for an **indefinite period of time** or until such time as a Record Suspension/Pardon has been granted.

INDICTABLE/DUAL OFFENCES NOT LISTED on a CRII – Disclosed from JOIN indefinitely if not shown on a CRII or until such time as a Record Suspension/Pardon has been granted.

OUTSTANDING/PENDING CRIMINAL CHARGES - Disclosed from JOIN.

NOT CRIMINALLY RESPONSIBLE - Disclosed from JOIN & CRII for an **indefinite period of time;** if relevant to the Police Information Check as per Police Information Check Disclosure Procedures.

APPEALS –Disclosed from JOIN if conviction(s) currently being appealed. Conviction(s) being appealed will be disclosed as "***Under Appeal – Court Date (YYYY-MM-DD)***".

Discharges and Stay of Proceedings

ABSOLUTE DISCHARGE – Disclosed for a period of **1 year** from the disposition date.

CONDITIONAL DISCHARGE – Disclosed for a period of **3 years** from the disposition date.

STAY OF PROCEEDINGS – Disclosed for a period of **1 year** from the disposition date.

Alternative Measures – Adult

Disclosed from JOIN or local police records for **one year** from the date of completion of the program.

Alternative Measures – Youth

Disclosed from JOIN or Local Police Records for **one year** from the date of the completion of the program.

Disclosure may not occur for youths placed on the Alternative Measures Program for the first time if no public safety concern exists.

Outstanding Warrants & Court Orders

OUTSTANDING WARRANTS – An out of province warrant may be disclosed if the warrant has been confirmed and permission has been received from the police agency who issued the warrant. All Alberta warrants are executed prior to the Police Information Check being completed.

OUTSTANDING ENFORCEABLE COURT ORDER (i.e. Peace Bond)

- If order was issued in the Province of Alberta and is shown on JOIN, it may be disclosed as a JOIN entry as long as the order is still valid and has not expired.
- If order was not issued in the Province of Alberta and not listed on JOIN, then the originating police agency must be contacted to obtain a copy of the order and permission must be obtained to disclose the order. Disclosed as a CPIC entry.

Non-Conviction Local Police Records

Non- conviction police information should not be disclosed in a PIC, absent exceptional circumstances. In order for an exception to apply, the non-conviction information must be directly relevant to the position being sought by the applicant. In making that determination, the following factors should be considered:

- The nature and responsibilities of the position
- The individuals with whom the applicant will be interacting (I.e. vulnerable sector)
- The frequency and recency of the occurrences:
    - 10 years for sexual and violent related occurrences
    - 5 years for all non-violent occurrences where there exists a demonstrated pattern of behaviour involving the same category of individuals with whom the applicant would be interacting
- Any demonstrated pattern of behaviour resulting in a substantial risk to those with whom the applicant would be interacting

- The reliability of the information contained within the non-conviction records

If the decision is made to disclose non-conviction information, in the case of an investigation that resulted in charges but not a conviction, the disposition of the matter, the disposition date, the location, and the occurrence type will be disclosed. In matters where charges were not laid, the occurrence date, the location, the police service occurrence number, and the occurrence type will be disclosed.

Mental Health Occurrences

Mental health related occurrences will be subject to the same relevancy and recency thresholds of other non-conviction records. Such occurrences will be disclosed based upon the demonstrated behaviour and/or implied level of violence towards others and not the existence of a mental health disorder.

If a determination is made to disclose mental health related occurrences, only the occurrence number, the occurrence date, and the location shall be disclosed on the applicant's PIC. The applicant will be listed as a "Subject of Occurrence" and the occurrence will be listed as "Behaviour Resulting in a Concern for Public Safety" as opposed to providing the occurrence type. There will be no reference to mental health or mental health descriptors.

Occurrences, including attempted suicides not involving any act or threat of violence towards others, shall not be disclosed.

ENDORSED

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Absolute Discharge Adult	A court disposition where the accused is not convicted, but is found guilty of an offence and is discharged with no conditions.
Absolute Discharge Youth	A court disposition where the accused youth is not convicted, but is found guilty of an offence and is discharged with no conditions.
Accused	A person against whom legal proceedings have commenced
Acquittal	A court disposition where the accused has been found not guilty of the charges presented before the court.
Acquitted/Dismissed	This court disposition simply means the charge was not proven; however, it does not necessarily equate to innocence. It is a determination by the court that the evidence is insufficient to convict the accused.
Alberta Association of Chiefs of Police - AACP	The objective of the AACP is encouraging and developing co-operation among all its members in the pursuit of and attainment of their goals, Promoting a high standard of ethics, integrity, honour, and conduct. Fostering uniformity of police practices. Encouraging the development and implementation of efficient and effective practices in the prevention and detection of crime and effectively communicating problems and concerns to appropriate levels of authority.
Alternative Measures	A community supervision program that allows charges to be stayed after a person accused of a criminal charge who would be prepared to plead guilty or at minimum, acknowledge guilt. The result is a mild penalty such as community service, an apology to the victim or counseling. May also be referred to as Diversion or a Pre- Trial Diversion.

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Ancillary Data Bank	The Ancillary Data Bank is one of four data banks of operational information within the CPIC system. It contains diverse files of information on subjects such as vehicle registered owners, driver's licenses, wandering persons and penitentiary inmates. The information in the files is contributed and maintained by either non-police services (i.e., Correctional Services of Canada for inmate data) or Police Services (i.e., the RCMP for Restricted Weapon Registration System (RWRS) data). Only the owner of the information may grant access to the data.
Applicant	An individual making a Police Information Check or Vulnerable Sector Police Information Check application.
Bill C7 (1999)	Proclaimed August 1, 2000 to amend the Criminal Records Act to permit the flagging of record suspended sex offenders.
Canadian Charter of Rights and Freedoms	Enacted in 1982, the Charter contains provisions protecting the rights of an individual.
Canadian Criminal Real Time Identification Service – CCRTIS	CCRTIS maintains the national repository of fingerprint and criminal record information and is mandated to provide direct operational support to the Canadian law enforcement, criminal justice and public security communities, as well as international partners such as the Federal Bureau of Investigation (FBI) and Interpol for criminal, civil and immigration purposes. CCRTIS is the national provider of biometric- based criminal record verifications for civil and criminal court purposes as well as the security screening environment for all levels of government and the general public.
Canadian Police Information Centre-CPIC	CPIC is a computerized national repository of information that facilitates the sharing of information among authorized services
Clare's Law	The Disclosure to Protect Against Domestic Violence Act gives people who feel at risk of domestic violence a way to get information about their partners so they can make informed choices about their safety.
Certified Criminal Record Product	A collection of an individual's offence convictions and non-convictions (where authorized) that are releasable in accordance with federal laws. Based on the results of a Fingerprint-based Criminal Record Verification.

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Conditional Discharge Adult	A court disposition where the accused is not convicted but found guilty of an offence and is discharged with conditions.
Conditional Discharge Youth	A court disposition where the accused youth is not convicted but found guilty of an offence and is discharged with conditions.
Consent Form	A form to be signed by the applicant that allows Police Services to conduct a query for record suspended sex offences for the purpose of Vulnerable Sector screening.
CRII	Full criminal record, containing conviction history, a summary of police- related information and a list of services who have contributed information to the record.
Criminal Name Index CNI	CNI, containing and index of names through which the criminal record synopsis can be searched for matching names and descriptive data. Queried though name and used when subject's FPS number is not known.
Declaration of Criminal Record	A process whereby the Applicant declares all offence convictions to the CPIC Service in accordance with CPIC policy requirements and federal laws. Based on the declared criminal record information, the CPIC Service may confirm that the Applicant's declared criminal record information possibly matches to a registered criminal record held at the RCMP National Repository of Criminal Records, pursuant to CPIC policy requirements.
Dismissed	A court disposition where the court stops or interrupts criminal proceedings against the accused.
Dual-Procedure Offence	An offence that can be prosecuted either as a summary conviction offence or an indictable offence. The Crown Attorney chooses the mode of prosecution. Examples include but are not limited to: Impaired Driving, Assault, and Theft Under. Also referred to as Hybrid Offences.
Extra-Judicial Measures – Youth EJM	EJM are actions other than judicial proceedings under the YCJA used to deal with a young person alleged to have committed an offence. EJM include: Warning, Caution, Referral, No Further Action

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Extra-Judicial Sanctions – Youth	Extrajudicial Sanctions may be used to deal with a young person alleged to have committed an offence only if the young person cannot be adequately dealt with by a warning, caution, or referral because of the seriousness of the offence, the nature, and number of previous offences committed by the young person or any other aggravating circumstances. Extrajudicial Sanctions are dealt with and managed by the Ministry of the Attorney General thereby being outside of police control.
Finding of Guilt	A court disposition where the accused is either convicted or discharged of an offence.
Foreign Information	Information obtained via CPIC contributed by foreign countries.
Hit	A response to a CPIC or police database query.
Identification Data Bank	The Identification Data Bank within the CPIC system contains criminal record information. The RCMP Information and Identification Services maintain the information on behalf of Police Services who contribute the records
Identity Documents	A document, in accordance with CPIC policy requirements and applicable privacy laws that may be used to authenticate an Applicant's identity in support of a Police Information Check.
Indictable Offence	An indictable offence is a serious crime that has sufficient evidence where the judge/jury can formally charge a person with committing the crime. Such crime can range from rape, kidnapping, murder, robbery etc.
Informed Consent	Informed consent is generally an agreement to do something or to allow something to happen only after all the relevant facts are disclosed. An informed consent can be said to have been given based upon a clear appreciation and understanding of the facts, implications, and future consequences of an action. In order for informed consent to be considered valid, the subject must be competent and the consent must be given voluntarily.

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Intelligence Data Bank	The Intelligence Data Bank within the CPIC system contains criminal intelligence information. The information is contributed and maintained by members of the police community responsible for gathering and analyzing criminal intelligence. Access to this data bank is restricted.
Interpol	INTERPOL is an international police organization, with 187-member countries. Created in 1923, it facilitates cross-border police co- operation, and supports and assists all organizations, authorities and services whose mission is to prevent or combat international crime.
Investigative Databank	The Investigative Data Bank within the CPIC system contains information, grouped into files, on cases under investigation and includes details on wanted and missing persons, stolen vehicles, stolen boats and other items of stolen or lost property. The information in this data bank is contributed and maintained by Police Services.
JOIN	Alberta's province wide justice information system; a single integrated database comprising almost every aspect of a criminal case.
Local Police Records	Police Services' Local Police Records, including occurrence information, and criminal dispositions held by individual Police Services, including those not supported by fingerprints.
Local Police Records Databases	Local Police Records Management Systems.
Mental Health Act	The Mental Health Act in Alberta is a law that governs how people are admitted to psychiatric facilities, how their mental health records are kept and accessed, their financial affairs are handled, and their release into the community.
National Police Service	NPS supports Canada's law enforcement community through service lines that provide: forensic analyses of criminal evidence, criminal records information, identification services, technological support, and enhanced learning opportunities and coordination of criminal information and intelligence.

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Non-Conviction Police Information	Information in a police record that did not result in a conviction and may include information about dismissed or withdrawn charges, police interactions that did not result in charges, mental health related occurrences or any other interactions of any type involving the police.
Not Criminally Responsible – NCR	No person is criminally responsible for an act committed or an omission made while suffering from a mental disorder that rendered the person incapable of appreciating the nature and quality of the act or omission or of knowing that it was wrong.
Occurrence	A report generated as a result of an incident or event reported to or investigated by police.
Offender	A person who had been determined by a court to be guilty of an offence, whether on acceptance of a plea of guilty or a finding of guilt.
Organization	A service, company or bureau that would require the individual to obtain a Police Information Check.
Peace Bond	A Court Order that requires a person to keep the peace and be of good behavior especially toward another person. It may also include a no contact condition.
Physical Verification	A process whereby the identity of an applicant is physically authenticated in support of a Police Information Check.
Police Information Check – PIC	This level of screening is intended for applicants who are involved as a volunteer, employee or in any situation where a basic PIC is requested (i.e., retail or immigration). This check is NOT intended for applicants who are seeking volunteer and/or employment with vulnerable persons.
Prohibition Orders	A Court Order that prohibits the subject from certain rights or behavior. (Examples: driving, hunting, firearms, parks, etc.)

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Provincial and Federal Offences	Offences under provincial and federal legislation are not normally Disclosed. However; it may be important to release offences that are relevant under these legislations.
Public Safety	The protection of life and property from violent acts, dangerous offenders, victimization and the prevention of criminal activity, pursuant to the Alberta Police Act and Policing Standards.
Public Safety Portal System PSP	
RCMP National Repository of Criminal Records	Canada's repository of criminal records relating to individuals that have been charged with indictable and/or hybrid offences. Since the Identification of Criminals Act only allows the taking of fingerprints in relation to indictable or hybrid offences and the RCMP National Repository of Criminal Records are fingerprint-based, the National Repository only contains information relating to these two categories of offences. Summary conviction offences are only included in the National Repository if submitted to the RCMP as part of an occurrence involving an indictable or hybrid offence. With the exception of "young person" indictable or hybrid offence convictions, Police Services 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.
Record Suspension (formerly known as a Pardon)	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 may issue, grant, deny, or revoke record suspensions for convictions under federal acts or regulations of Canada.
Registration and Operator's Licence Information System MOVES	MOVES are an Ancillary Data Bank within the CPIC system. It contains information regarding vehicle registration and driver information through the Ministry of Transportation
Reprimand	A youth found guilty receives a lecture or warning from the judge as per the YCJA

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Restraining Order	A Court Order that prohibits the subject from having direct or indirect contact with identified person(s).
Special Interest Police – SIP	SIP is a category within the CPIC system. This category is used to record data on persons who are KNOWN to be dangerous to self or others, a record suspension applicant, overdue on a pass from a federal institution, etc. See CPIC Reference Manual for further details.
Stayed	The court disposition of Stayed is a halting of proceedings. The charge(s) is suspended and the Crown Attorney has the authority to recommence court proceedings at a later date, within one year.
Summary Conviction Offence	Summary Conviction Offences encompass minor offences in the Criminal Code (i.e., Cause Disturbance, Harassing Telephone Calls). Charges are proceeded with summarily or without an indictment or full trial. The court is generally comprised of a Provincial Court Judge or a Justice of the Peace.
Suspended Sentence	Unless law prescribes a minimum punishment, the court has the power to suspend the passing of sentence (generally for a period of three years) and place the offender on probation. It is the passing of the sentence, not the sentence itself that is being suspended. This means that if the defendant is convicted of another offence during the period when the passing of sentence had been suspended, then the offender may be sentenced for the original offence
Vulnerable Person	A person who, because of their age, a disability or other circumstances, whether temporary or permanent are (a) 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, pursuant to the Criminal Records Act.

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Vulnerable Sector Police Information Check VSPIC	This level of screening is restricted to applicants seeking employment and/or volunteering with vulnerable individuals. It is a collection of offence information, including convictions, non-convictions and other relevant police contact information available from a local Police Service's records management system and other systems/records where authorized. This check will include sexual offence convictions for which the individual has received a record suspension where authorized by the Minister of Public Safety and Emergency Preparedness.
Withdrawn	Withdrawn refers to the Crown stopping or interrupting criminal proceedings against the accused.
Young Offenders Act – YOA	The YOA replaced the JDA in 1984. The YCJA replaced the YOA on April 1, 2003.
Young Person	The YCJA defines a young person as someone twelve years of age or older, but less than eighteen years of age at the time of committing an offence or alleged to have committed an offence.
Youth Criminal Justice Act – YCJA	An Act in respect of criminal justice for young persons and to amend and repeal other Acts. The YCJA replaced the Young Offenders Act on April 1, 2003.