

RE: ENHANCED POLICE INFORMATION CHECKS (E-PIC)



Assembly of Catholic Bishops of Ontario Assemblée des évêques catholiques de l'Ontario

MEMORANDUM

TO: BISHOPS OF ONTARIO
CC: PROFESSIONAL CONDUCT COMMITTEE
FROM: ROGER D. LAWLER, GENERAL SECRETARY
DATE: JULY 10TH, 2019
SUBJECT: CLARITY CONCERNING E-PIC AND VULNERABLE SECTOR SEARCH COMPARISON

Bishops will know that at the March 18th, 2019 ACBO Plenary, there was a commitment by the General Secretary to review some implementation issues concerning the province-wide use of Sterling for Criminal Background Checks; a process the Bishops approved at the October 2018 meeting of the MacDonell Support Services Organization (MSSO) in order to have consistent processes across the province concerning the protection of minors and vulnerable individuals.

The following section of the memorandum concerns clarity concerning the E-PIC and what is mandated by the Ontario Ministry of the Solicitor General with regard to the Vulnerable Sector Check. This memorandum does not change any policies currently in place through the ACBO/MSSO. Rather, it brings clarity. Bishops are encouraged to share a copy of this memorandum with their Diocesan Screening Co-ordinator and their Business Administrator.

Comparison

I have reviewed the Ontario Ministry of the Solicitor General website for the purpose of better understanding the functionality and types of police record checks that are available for use by the safe environment coordinators at each parish or location in Ontario when screening volunteers and employees. I have at hand a summary of the E-Pic service provided by Sterling Talent Solutions to the parishes and locations throughout Ontario. In this brief I can provide a basic analysis and a comparison of the volunteer and employee screening services performed by police-based service groups in the province and the private services offered by Sterling Talent Solutions.

Police Service Screening Options

The following information has been sourced from the Ontario Ministry of the Solicitor General website:

*“In Ontario, the **Police Record Checks Reform Act**, governs the types of record checks that can be conducted for screening (for example, non-law enforcement) purposes. The Act authorizes three different types of police record searches:*

- **criminal record check** includes applicable criminal convictions and findings of guilt under the federal *Youth Criminal Justice Act* *
- **criminal record and judicial matters check** includes applicable criminal convictions, findings of guilt under the federal *Youth Criminal Justice Act*, absolute conditional discharges, outstanding charges, arrest warrants, and certain judicial orders
- **vulnerable sector check** includes the same type of information that is disclosed in a criminal record search and judicial matters check as well as applicable findings of not criminally responsible due to mental disorder, record suspensions (pardons) related to sexually-based offences, and in certain circumstances, non-conviction charge related information; when a strict test is met”

*The disclosure of findings of guilt under the *Youth Criminal Justice Act* (for individuals under the age of 18 years of age) is subject to strict restrictions. In practice, findings of guilt will not be disclosed as part of employment or volunteer screening, unless the youth was convicted as an adult.

On the surface the vulnerable sector search offered by most police services organizations appears to have tremendous value-added benefit compared to E-Pic, in particular the availability of information for record suspensions (pardons) related to sexually-based offences. What is not published are the changes in Canadian law which states the database for record suspensions was updated as of March 13, 2012, and the youngest person in that database was born on February 28, 1986. For anyone born after this date the vulnerable sector check is the same tool as the E-Pic / criminal record check and judicial matters check.

The different searches which are summarized above can be performed by a local police force or any detachment of the Ontario Provincial Police (OPP). There are far too many police services entities across Ontario to perform an analysis of the processes each service utilizes. I did consult the OPP website and there is a section titled Criminal Record Checks and Police Checks. On demand, the OPP will perform either a criminal record check or a criminal record and judicial matters check. The website indicates that a criminal record and judicial matters check will include a search of the Pardoned Sex Offender Database – but applicants under the age of 18 do not qualify for this search.

The OPP process requires the applicant download a fillable PDF, enter the relevant data completing the PDF application, print a copy of the PDF and take the printed application to the local OPP detachment. The OPP may or may not charge for the report. The report will be returned to the applicant on completion – the OPP does not indicate how long it will take for the applicant to receive a report.

E-Pic

The E-Pic service provided by Sterling Talent Solutions is the equivalent to the criminal record and judicial matters check that is described in the Police Services Screening Options section above.

The E-Pic service option has two components:

- a Canadian criminal record check completed in the National Repository of Criminal Records, which uncovers adult criminal convictions for which an individual has not been pardoned
- a search in the local police databases for additional, potentially relevant conviction and non-conviction information.

The E-Pic service does not include review of the Pardoned Sex Offender Database. However, we are aware under Canadian law, the database for record suspensions was last updated as of March 13, 2012, and the youngest person in that database was born on February 28, 1986. For anyone born after this date the vulnerable sector check would be equivalent to the E-Pic / criminal record check and judicial matters check.

The E-Pic service will assist the parish/location to satisfy the following considerations:

- discover sexually based offence conviction information
- discover sexually based offence non-conviction information
- discover active criminal record convictions
- discover recent criminal record convictions not yet registered in the National Repository
- all records will be centralized with one provider (verses multiple police service organizations)
- avoid the requirement to finger print the candidate associated with date of birth and gender matches
- ensure rapid turn-around time – up to and including same day service to avoid losing good candidates
- allow for cost certainty using a single supplier

The use of different police service organizations or Sterling to perform background checks is a single step in the process of determining the suitability of a candidate to perform duties that involve high trust positions specifically and not limited to children and vulnerable persons or parish finances. The complete safe environment review performed at the parish level will include having the applicant complete an application form, complete a face to face interview with parish representatives, provide references and have the references validated, agree to follow the duties in a position description and agree to an annual evaluation. Requesting that someone only complete the E-Pic or vulnerable sector search is not enough to qualify an employee or volunteer to be involved with high trust ministries.

Individuals who require addition details, or who require further clarification should consult these sources:

www.mcscs.jus.gov.on.ca

www.opp.ca

www.sterlingtalentsolutions.ca (or the assigned Sterling account manager for your (Arch)diocese)