

CCA Members,

At Sterling Talent Solutions, we frequently receive calls or emails from camp leaders surrounding issues of youth under 18 getting criminal record checks. These include:

- a) Can the camp request a Vulnerable Sector Check of those under 18
- b) What is the recommended practice with Vulnerable Sector Checks for any age, and more specifically those under 30 years of age,
- c) Can the camps request a criminal record check (an EPIC) from Sterling Talent Solutions, or
- d) Can they request any sort of criminal record check from a candidate under 18, and if so what is the recommended process.

People under 18 - Youth – VS Checks

Youth under 18 are simply NOT allowed under the Criminal Records Act of Canada to have a vulnerable Sector Check completed. You must be 18, regardless of the fact they may even be expressly working with children, or whatever the circumstance. They may even be in a position of trust or authority. As you will see later they will not be in the data base regardless.

Can Sterling Talent Solutions, using the CCA landing page for camps, complete a check for persons under 18?

Sterling Talent Solutions will open a *separate* account (2.0 platform) for you to run Under 18 checks. If you require U18 checks, please email Linda Ferens: linda.ferens@sterlingts.com and 'cc' to: managedsupport@sterlingts.com

Can I request a Criminal Record Check of those under 18?

You are certainly within your rights to ask any person you are employing or volunteering, under the age of 18, to get a criminal record check completed. If the candidate refuses to share that check with you, your options are quite clear, as the document below alludes to. Young people can and do have records that are releasable in some cases.

What is the Process to obtain a check from persons under 18?

Sterling Talent Solutions can facilitate the process for you. The check must be accompanied by parental or legal guardian consent and we await the signed consent form before completing the check.

The situation that this U18 process is designed to uncover is very rare. Essentially, what has happened is the young person has committed a crime that is so egregious, or is already subject to a heinous youth conviction record, that the Crown is using Section 61 of the Act to elevate the accused to adult court. A judge must be convinced that it is in the public interest to do so and that said public interest exceeds the best interests of the youth in question. Once elevated to adult court and subsequently convicted of the offence(s), these convictions are adult convictions and will not have a youth court

notation beside them on the criminal record. As such, they can be declared by the applicant (with parental or legal guardian consent) and are releasable just like any other adult conviction determined by our CCRC process. All said, it is possible under the law for a sixteen-year-old applicant to have an adult conviction.

Process: U18 checks must be submitted on our 2.0 platform. When submitted, the parental/guardian consent form will populate for the candidate to print and have signed. We will complete the check upon receipt of this consent form.

Is there federal government guidance on this issue?

Below is a link to an information bulletin from the federal Department of Justice website that speaks to criminal record checks for people under 18 years of age.

The linked document explains the issue of what is available in youth records, when and most importantly, to whom it can be released. Please note and review the last paragraph on the second page for employment details.

<http://www.justice.gc.ca/eng/cj-jp/yj-ij/tools-outils/sheets-feuillets/pdf/recor-dossi.pdf>

Vulnerable Sector Checks

The differentiator between a criminal record check/Enhanced Police Information Check and the vulnerable sector check is simply an additional query of one separated data base – that being the Pardoned Sex Offenders data base. In this data base are the names of approx. 13,000 Canadians who at some point in their life committed a sex offence, were convicted, completed their custody/probation/parole, and waited ten years of good behavior before they were allowed to apply to the Parole Board of Canada for a Pardon, or Record Suspension as they are now called.

It takes up to another 12-18 months for the investigation/approval process.

Those names in the data base are **ALL people who received the pardon AND have never recommitted a criminal offence** or their pardon/record suspension is revoked.

Some of the 13,000 are over 70 years of age and another component are deceased. The data base is not purged.

The YOUNGEST PERSON in this data base will be THIRTY-ONE YEARS OF AGE as of February this year. To do this additional query for a person under 31 years of age will not produce any additional results to a criminal record check or E-PIC. They are clear because they simply cannot be in the data base. We confirm that minimum age with the RCMP every six months and the last confirmation was this year.

You **MUST** be over 18 to even ask for a VS to be completed, and as stated there is no efficacy under 31.

If, as many camps do, you complete a new check each and every year for new or returning staff, or you have a policy of renewing senior staff/board members/contractors etc. every year, there will not be a need to conduct an additional VSV if in fact your candidate, who is over 31 completed one recently. They simply cannot get a pardon for a conviction in less than ten years,

and by doing the Criminal Record Check/EPIC, you will know well in advance of any conviction, or outstanding charge.

Suggested Action/Summary

Advise the young person - - as many camps , employers and volunteer organizations do presently - - that you wish them to get a police record check from their local police station and return it to a specific individual at your camp. Diary date the request so that you make sure you are getting the results PRIOR to the candidate commencing. You do not want to forget, or you have increased your risk.

Young persons under 18 are not eligible to get a Vulnerable sector check, and because of the Age issue there is no efficacy in asking for one.

Additional Information

Should you wish to have additional clarification as it pertains to your specific circumstances, please reach out to your Account Manager directly:

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