

POLICE REFERENCE CHECK PROGRAM

INSTRUCTIONS

1. MEMORANDUM OF UNDERSTANDING (MOU)

1. The purpose of the Memorandum is to explain the terms and conditions for disclosure of any information to an individual and/or and agency/organization as well as various roles and responsibilities. It is **imperative** that your agency/organization reads and understands this document before you proceed.

A. PREPARING THE MEMORANDUM OF UNDERSTANDING (MOU) (See Sample A)

Page 1 - Fill in the Name of your Agency/Organization

Page 6 - In part (b) in the case of the Agency: Fill in the Name, Address, Phone
Number of the Agency and Name(s) of up to 3 Contact People

Page 7 - Under Agency, this agreement must be signed by the Head of the
Agency/Organization and witnessed by a Contact Person

One (1) copy of the consent to disclosure of personal information form (consent form) is attached – The Agency needs to make legal size copies of this form as it needs to be filled out by all potential employees and volunteers having direct contact with the vulnerable sector. **Do not put this form on your agency's website.**

2. CONTACT PEOPLE AND BOARD MEMBERS

- a) A consent form must be filled out by all Contact people and any Board Members with direct dealings with the vulnerable sector. For Contact People (up to 3 contact names) and Board Members (up to 6 names), there is no charge for this service. Under reason for request, please check off “other” box and indicate CONTACT PERSON and/or BOARD MEMBER.
- b) If a Contact Person does not have any direct dealings with the vulnerable sector, then a Criminal Record Search Authorization form (attached) must be filled out. There is no charge for this service. You may wish to make additional copies for future use.

Upon completion of the **Memorandum of Understanding** mail it to:

Toronto Police Service Headquarters
Police Reference Check Program
40 College Street, 4th Floor
Toronto, Ontario
M5G 2J3

Attention: Group Leader

Once the TPS has received these documents, we will review and sign the MOU. A copy of the signed MOU will then be mailed back to the agency/organization. Once your agency/organization receives the

signed MOU, you are now registered and can begin to send in waivers for potential employees and volunteers.

3. CONSENT TO DISCLOSURE OF PERSONAL INFORMATION (CONSENT FORM) FOR ALL POTENTIAL EMPLOYEES AND VOLUNTEERS (See Sample B)

The Police Reference Check Program (PRCP) will accept waivers of potential employees and volunteers who live in the areas of Toronto with postal codes starting with “M”.

These consent form(s) are to be **mailed** to the PRCP. A corporate cheque, certified cheque or money order made payable to Toronto Police Service must accompany the consent form(s) in the following amounts:

PER EMPLOYEE: \$65.00

PER VOLUNTEER: \$20.00

Volunteers include: Students (not being paid), Adoptive/Foster Parents.

The only consent form(s) where no fee applies will be for Contact Person(s) and/or Board Members.

The Agency will only ask applicants to sign a consent form if the *Agency has already screened or evaluated the applicant for the position and has extended a conditional offer to the applicant for the position.*

The Agency must ensure that the applicant understands the type of information that may be disclosed.

Therefore, the Agency will provide each applicant with the opportunity to read the Service’s “Information for Applicants” (Appendix A). A copy of Appendix A is enclosed and also available on the Service’s website at www.torontopolice.on.ca.

The consent form should be printed or copied as **legal** sized documents only. Please ensure that the consent form is completely and accurately filled out, and that the Applicant has the opportunity to review the entire document prior to signing it

The Service will only disclose information obtained through a police reference check to the applicants themselves.

The results of reference checks performed by the Service will be mailed to the applicant at the current address identified on the consent form. **The Service will not communicate the results of the reference check to the Agency.**

When the PRCP search has been completed and no information has been found pursuant to the Police Reference Check Program, **we will send a copy of the consent form to the applicant with an appropriate stamp affixed to it** (See Sample B).

If the applicant has information on file pursuant to the program the PRCP will send details of a police check search letter to the applicant (See Sample C).

The Agency must communicate directly with the applicant to confirm what information is available as a result of the police reference check search.

4. TRAINING ON THE ONTARIO HUMAN RIGHTS CODE

By signing the MOU the Agency certifies that a least one Agency member whose responsibilities include the review and assessment of the suitability of applicants for positions within the Agency has received training on the Human Rights Code. The Agency's obligations with respect to offering employment or volunteer opportunities and has read the current Provincial Human Rights Commission policy (or policies) that are applicable to this issue.

This requirement may be met by the Agency through training on the Human Rights Code delivered by a consultant, their Provincial Human Rights Commission or through a study program undertaken by the responsible Agency member using resources available on the Provincial Commission's website (i.e. - www.ohrc.on.ca).

While the Commission's website may be of assistance to Agencies, the Toronto Police Service Reference Check Program has no further information as to what resources the Commission may or may not be able to make available now or in the future.

It is the responsibility of the Agency to identify an appropriate avenue through which responsible Agency members shall receive training to meet this requirement.

General information is also available on the Service's website at www.torontopolice.on.ca.

If you require further information please contact the Group Leader at (416)808-7567.

INFORMATION FOR APPLICANT – APPENDIX A
**INFORMATION ABOUT THE VULNERABLE SECTOR SCREENING - POLICE
REFERENCE CHECK PROGRAM FOR INDIVIDUALS SEEKING EMPLOYMENT OR
VOLUNTEER OPPORTUNITIES THROUGH CERTAIN AGENCIES**

If you are a potential candidate for employment and/or volunteer duties with a community agency or other organization, the agency or organization with which you wish to work may require that you have a Vulnerable Sector Screening (VSS) performed.

VSS checks are performed for people who will be working with a person who, because of his or her age, a disability or other circumstances, whether temporary or permanent,

- (a) Is in a position of dependency on others; or
 - (b) Is otherwise at a greater risk than the general population of being harmed by a person in a position of trust or authority towards them.
- “CRA 6.3(1)”

The Toronto Police Service (the “Service”) will carry out a VSS when:

1. the agency with whom you want to work or volunteer (if you are requesting a reference check through an agency) certifies to the Service that it:
 - a. is only requesting the VSS for the purpose of assisting it to determine your suitability for employment and/or volunteer duties because you will have direct contact with children or vulnerable persons;
 - b. will only ask for a VSS to be done after it has completed an initial review of your suitability and has tentatively selected you for employment or a volunteer opportunity;
 - c. understands its obligations under the *Human Rights Code* with respect to evaluating, hiring and training volunteers or employees and what constitutes a “bona fide” reason for refusing to hire any individual or volunteer; and
 - d. has paid the necessary fee to the Service;
2. you live in the City of Toronto; and
3. you have signed a written authorization permitting a VSS about yourself to be conducted (called a “Consent to Disclosure” form).

If the Service receives a Consent to Disclosure form signed by you authorizing it to carry out a VSS, the Service will conduct an electronic search of the CPIC Investigative, Intelligence and Identifications data banks and any Service data banks for available information about you.

Therefore, among other things, the Service will search for any information on file relating to: criminal convictions, non-convictions outstanding charges before the courts, probation information (including peace bonds, restraining orders, and reporting conditions), any prohibitions relating to you (includes firearms, driving) and information relating to whether you are suspected of committing a criminal offence or are involved in a serious criminal investigation. (Please note that this is not an exhaustive list and the Service may have access to other information about you through its database searches).

The Service will provide the results of any VSS conducted *only* to you; the individual who has requested it. The results are mailed to you at the address given on the Consent to Disclosure form. The VSS check is *not* sent directly to the agency. It is then your responsibility to decide whether you wish to discuss the results of a VSS with the agency that you wish to work with or volunteer for.

Also, please note that the mere fact that the Service has information relating to you should not disqualify you from consideration for a position. It is the responsibility of every Agency to comply with the *Human Rights Code* in deciding whether to hire an applicant or volunteer. You can obtain information on the *Human Rights Code* through the website of the Ontario Human Rights Commission at www.ohrc.on.ca.

The role of the Service is simply to provide you with a copy of the information available through police databases. The agency that you want to work with is responsible for determining your suitability for the position that you have applied for; the result of any police reference check is just one component of the information available to and evaluated by the agency.

If you have any questions about the process by which a VSS check is carried out or if you have any questions about the specific results, you may contact the Records Management Services department for more information. The Service aims to ensure that everyone understands the information disclosed.

Records Management Services can be reached by telephone at 416-808-7991 (or 416-808-8244, in the alternative) e-mail at "ReferenceCheckProgram@torontopolice.on.ca" or by mail at Records Management Services Unit, Toronto Police Service, 40 College Street, Toronto, Ontario, M5G 2J3.

SAMPLE A

Memorandum of Understanding between

**Toronto Police Service
(hereinafter called the "Service")**

and

←
**AGENCY NAME
(PUT ON AGENCIES
ORIGINAL COPY)**

(hereinafter called the "Agency")

A. AUTHORITY FOR DISCLOSURE OF INFORMATION

Disclosure of information under this Memorandum of Understanding (the "Memorandum") is authorized pursuant to s. 32(b) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 CHAPTER M. 56, as amended, as well as the policies and procedures of the Toronto Police Services Board and the Service.

B. DEFINITIONS

For the purpose of this Memorandum the following definitions apply:

- a) "Agency" – charitable or other organizations, including those funded or licensed by the Ministry of Community and Social Services, which provide services to children and vulnerable adults.
- b) "Children" – means persons who are less than 18 years of age.
- c) "Vulnerable Persons" – means persons who, because of their age, a disability or other circumstances, whether temporary or permanent,
 - i) are in a position of dependence on others; or
 - ii) 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.

C. PURPOSE

The purpose of this Memorandum is to set out terms and conditions for the disclosure of information by the Service to the individual. Any disclosure of information pursuant to this Memorandum shall only be for the purpose of assisting the Agency to determine the suitability of potential candidates for employment and/or volunteer duties, (including Agency Board Members and Contact Members) having direct contact with children or vulnerable persons.

D. DISCLOSURE OF REFERENCE CHECK INFORMATION

Where the Agency requires reference checks from individuals applying for volunteer or employment opportunities (the “applicants”), the Service will only conduct reference checks for an Agency with whom the Service has entered into a memorandum of understanding.

The Service will only disclose information obtained through a police reference check to applicants who execute a Consent to Disclosure of Personal Information form (“Consent Form”) requesting and authorising disclosure of information to themselves.

The Service will not communicate the results of a reference check to the Agency.

E. HUMAN RIGHTS TRAINING

The Agency hereby certifies that at least one Agency member whose responsibilities include the review and assessment of the suitability of applicants for positions within the Agency has received training on the provincial *Human Rights Code* and the Agency’s obligations thereunder with respect to offering employment or volunteer opportunities, and has read, if applicable, the current provincial Human Rights Commission policy (or policies) that are applicable to this issue.

The Agency undertakes to remain in continuous compliance with the obligations set out in this Memorandum, throughout the term of this Memorandum. If the Agency is not in compliance with the obligations, the Agency must notify the Service in writing in accordance with Section K and this Memorandum shall then be terminated.

In addition, the Agency states that it understands that the role of the Service is simply to provide information to an individual applicant. It is the sole responsibility of the Agency to assess the suitability of an individual for a volunteer or employment position.

F. ROLES AND RESPONSIBILITIES

The Agency agrees to the following:

- a) The Agency will submit a completed Consent Form, which Consent Form is included in the Service’s Information about the Vulnerable Sector Screening Program – Police Reference Check Program for Individuals Seeking Volunteer or Employment Opportunities Package (the “Information Package”) and which was already sent to the Agency. The Agency will ensure that the

Consent Form has been signed by the applicant and witnessed by the Agency in writing. The Agency will provide the applicant with a copy of the signed Consent to Disclosure form.

- b) Before the applicant is asked to sign the Consent Form, the Agency will provide each applicant with the opportunity to read the Service's Application Information Package. Applicants should also be advised that information about the Police Reference Check Program is available on the Toronto Police Service website.
- c) The Agency will advise each applicant that the existence of information provided by the Service does not necessarily mean a disqualification from the position.
- d) The Agency understands the Service is only disclosing information based upon personal descriptors provided and cannot guarantee the screening process will identify all information concerning the individual.
- e) The Agency understands the Service is in no way making a recommendation on the suitability of the applicant for the position being sought.
- f) The Agency will communicate directly with the applicant to obtain disclosure of the results of any police reference check provided to the applicant.
- g) The Agency will only ask applicants to submit applications for a police reference check if,
 - 1) the Agency has already screened or evaluated the applicant for the position, utilizing the Agency's established background screening process; and
 - 2) the Agency has extended a conditional offer to the applicant for the position.
- h) If the Agency has multiple branch sites, the Agency agrees that it will process all requests for reference checks by applicants seeking volunteer or employment opportunities with their Agency centrally through their Head Office with an established contact person.
- i) The Agency will provide the Service with the name(s) of Contact Members (maximum of three) within the Agency to ensure consistent and accurate exchange of information and documentation. All Contact Members must complete a Service Consent Form and the Service will conduct a police reference check. The Service must be notified immediately when Agency Contact Members are changed. Notification must be made by written correspondence, accompanied by a completed Service Consent Form executed by the new Contact Member proposed by the Agency.

- j) The Agency agrees that as of January 1, 2015 the Service will charge a fee of \$65.00 to conduct a police reference check on candidates for employment. The Service will charge a fee of \$20.00 to conduct a police reference check on volunteers, students, foster/adoptive parents, family members etc. There will be no charge for Agency Board Members or Contact Members. These charges are subject to change at the discretion of the Toronto Police Services Board, and notification of changes will be by letter outside of this Memorandum.
- k) The Agency will ensure that current or prospective Agency Board Members having direct contact with children or vulnerable adults consent to a police reference check, and the Agency will ensure that steps are taken to have these police reference checks carried out.
- l) The Agency agrees that the Service Consent Form must be used for the purpose in Section "C" of this Memorandum and that any misrepresentation on/or the alteration of the Consent Form on the part of the Agency will result in immediate termination of service and notification to the appropriate governing body of the Agency.
- m) The Agency understands that information relating to an offence for which a pardon has been granted may be available to persons or agencies responsible for the well-being of children or vulnerable persons where the application relates to a position of authority or trust relative to those children or vulnerable persons, and where the applicant consents to release. However:
 - i) The applicant must provide fingerprints and consent to the dissemination of any pardon information located. If he/she fails to do so, the application will not be processed.
 - ii) Where requested by an eligible person/agency, and where consented to by the applicant, and after the applicant submitting to fingerprints and a consent form to the RCMP Identification Services in Ottawa, the Minister may provide pardon information to a police service for disclosure. The decision is that of the Ministry, and not the Service, it will subsequently be disclosed by the Service to the applicant.

Any person or agency who acquired pardon information shall not use it or communicate it unless and except in relation to the assessment of the applicant. (Reference: s. 6.3 of the *Criminal Records Act*, , R.S.C., 1985, c. C-47).

Pardon information is generally not available in other situations.

The Service agrees to the following:

The Service, upon receipt of a signed Consent Form, will search the appropriate data banks both national and local, to which the Service has access, for information pertaining to the applicant and will,

- a) provide any of the aforementioned information to the applicant based upon the name, date of birth and address provided;
- b) ensure the applicant is the subject of the information based upon the name, date of birth and address provided; and
- c) request the applicant to submit fingerprints to the Service in the event that either positive identification is required as a result of the existence of information in the Service's records, or in the appropriate national and local data banks to which the Service has access, or if there is a match of gender and date of birth against the pardoned sex offender registry.

G. USE AND CONTROL OF INFORMATION BY AGENCY

In consideration of the disclosure of information by the Service, if the Agency retains information, the Agency agrees to the following conditions for the use and control of such information:

- a) Any dissemination or disclosure of the information shall only be for the purpose in Section "C" of this Memorandum;
- b) The information provided will not be altered in any manner;
- c) The information shall be destroyed (shredded/mulched) after use or maintained in a such a manner to prevent unauthorized use; and
- d) Information relating to an offence for which a pardon has been granted shall not be used nor communicated by a person or agency receiving same, except in relation to the assessment of the application for the position (Reference: s. 6.3(7), *Criminal Records Act Canada*).

H. TERMINATION OF MEMORANDUM

The Service may terminate this Memorandum at any time in the event of a breach of security regarding the retention and storage of the information, improper dissemination of the information or a failure to comply with any of the provisions of this Memorandum. The question of whether a breach has occurred is exclusively within the absolute discretion of the Chief of Police or designate whose determination is final.

I. AMENDMENT TO MEMORANDUM

This Memorandum may be amended at any time by the direction of the Chief of Police, which may be done by letter from the Chief of Police or his designate.

J. TERM OF MEMORANDUM

This Memorandum shall come into Service on the date of its final execution and shall remain in effect until terminated for any reason by either party in writing on one (1) week's notice to the other party.

K. NOTICE

Any correspondence, request, notice or report to be given or made pursuant to this Memorandum shall be made in writing and addressed to each party as follows:

- a) in the case of the Service:

Manager, Records Management Services
Toronto Police Service
Police Reference Check Program
40 College Street
Toronto, Ontario
M5G 2J3

- b) in the case of the Agency:

Attention: _____

AGENCY NAME,
ADDRESS AND
ATTENTION
(On original MOU)

or to such other addresses as the parties may from time to time designate in writing.

L. WAIVER

No action or failure to act by the Service shall constitute a waiver of any rights afforded to the Service under this Memorandum nor shall action or failure to act constitute an approval of or acquiescence in any breach there under, except as may be specifically agreed in writing.

M. INDEMNITY

The Agency shall indemnify the Service, the Toronto Police Services Board and all of their respective agents officials, servants, successors and assigns from all claims, damages and demands and expenses arising directly or indirectly out of the provision or use of information pursuant to this Memorandum provided the claim, loss, damage, demand or expense was not the fault or negligent act or omission of the Service.

The provisions of this Section M shall survive the termination of the Memorandum for any reason whatsoever.

TORONTO POLICE SERVICE

AGENCY

Signature

Signature

Witness

Witness

Date

Date

AGENCY MEMBERS TO
SIGN HERE
(On original MOU)



SAMPLE B



DO NOT WRITE IN THIS AREA

CLEAR

POLICE REFERENCE CHECK PROGRAM ***CONSENT TO DISCLOSURE OF PERSONAL INFORMATION***

To be used only to assist the Agency to determine the suitability of successful, candidates for employment and/or volunteer duties (including Agency board members and contact members) where individuals will have direct contact with children or vulnerable persons.

LAST NAME (Surname)		GIVEN 1 (FIRST NAME)	
GIVEN 2 (MIDDLE NAME)		GIVEN 3	
MAIDEN NAME OR OTHER NAMES USED (IF APPLICABLE)		DATE OF BIRTH YY MM DD	
PLACE OF BIRTH	Gender	(AREA CODE) TELEPHONE # (RES.)	DRIVER'S LICENCE NUMBER
NUMBER STREET	APT/UNIT #	CITY	POSTAL CODE YEARS AT THIS ADDRESS:

***(PROVIDE PREVIOUS ADDRESSES IF YOU DID NOT RESIDE AT THE ABOVE ADDRESS FOR MORE THAN FIVE YEARS)

NUMBER	STREET	APT/UNIT	MUNICIPALITY	POSTAL CODE	YEARS AT THIS ADDRESS:
NUMBER	STREET	APT/UNIT	MUNICIPALITY	POSTAL CODE	YEARS AT THIS ADDRESS:

REASON FOR REQUEST: EMPLOYMENT ☐ VOLUNTEER ☐ STUDENT ☐ OTHER (PLEASE SPECIFY) ☐

Agency name: _____

WAIVER & RELEASE TO BE SIGNED BY INDIVIDUAL APPLYING FOR REFERENCE CHECK:

I hereby request the Toronto Police Service to undertake a police reference check on me by searching the appropriate data banks both, national and local to which the Service has access, and to provide me with a summary of any information revealed pursuant to the Police Reference Check Program. I understand that, in addition to information on any previous convictions against me, information on charges that are ongoing will be disclosed in my reference check. More information on the Police Reference Check Process or the categories of information that may be disclosed in a reference check is available at www.torontopolice.on.ca or by calling (416) 808-7991. I understand that the results of my reference check will be mailed only to me at the current address that I provide above.

I also consent to a search being made in the automated criminal records retrieval system maintained by the RCMP to find out if I have been convicted of and been granted a pardon for any of the sexual offences that are listed in the schedule to the *Criminal Records Act*. If I am suspected of being the person named in the criminal records for one of the sexual offences listed in the schedule to the *Criminal Records Act* in respect of which a pardon was granted or issued, I will be requested to provide fingerprints to confirm that record and that record may be provided by the commissioner of the RCMP to the solicitor general of Canada, who may then disclose all or part of the information contained in that record to the Toronto Police Service or other authorized body. I understand that the Toronto Police Service will then disclose that information to me.

SIGNATURE OF APPLICANT AUTHORIZING REFERENCE CHECK TO BE CONDUCTED:

SIGNATURE OF APPLICANT _____ SIGNATURE OF WITNESS (agency employee) _____

SIGNED THIS _____ DAY OF _____, 20____

Name of Agency Contact Person

Phone Number

Forms not initialed and signed as required will not be processed. Please provide a copy of the executed form to the applicant.

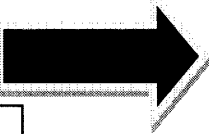
Personal information on this form is collected and disclosed pursuant to the *Police Services Act*. The *Municipal Freedom of Information and Protection of Privacy Act* and the *Criminal Records Act* and will be used to disclose personal information only to the applicant upon receipt of the applicant's written consent. Questions should be directed to: Police Reference Check Programme, (416)808-7991. Additional information is also available on the Service's website at www.torontopolice.on.ca. This information may or may not pertain to the subject of this inquiry. Positive identification can only be confirmed through submission of fingerprints. This is a detailed account of Canadian police information only for the above named applicant. If the applicant has resided in any country outside of Canada a separate vulnerable sector screening would need to be applied in each of those countries identified.

PLEASE HAND PRINT YOUR COMPLETE NAME AND MAILING ADDRESS
(AS SHOWN IN ABOVE ADDRESS BOX) IN THE BOX BELOW

DO NOT WRITE IN THIS AREA

Please be advised that a search of the National Criminal Records Repository maintained by the RCMP did not identify any records for a person with the name(s) and date of birth as indicated. Positive identification that a criminal record may or may not exist at the National Criminal Records Repository can only be confirmed by fingerprints comparison.

Clerk _____ Date _____



SAMPLE C

Date,

Mr. A. Surname
123 Street Name
Toronto, Ontario
M1M 1M1

Details of Police Reference Check Search – Vulnerable Sector Screening

Name: SURNAME, Given name(s)

Date of Birth: YYYY.MM.DD

The following is a detailed account of Canadian police information only for the above named as identified in the applicant's signed Consent to Disclosure of Personal Information consent form submitted by an agency registered with the Toronto Police Service. If the applicant has resided in any country outside of Canada, a separate vulnerable sector screening would need to be applied for in each of those countries identified. The Service does not disclose the results of your reference check directly to an agency. Therefore, it is your responsibility to know whether the Agency with whom you are seeking a position requires that you provide these results and to decide whether you wish to disclose these results.

If the disclosure reveals a charge relating to a crime for which later a confession, DNA or similar evidence confirms innocence resulting in another being charged, contact the Coordinator, Records Management Services – Information Access in writing and, on production of appropriate documentation, the disclosure will be removed.

<u>Date</u>	<u>Police Service</u>	<u>Type of Record</u>	<u>Involvement*</u>
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*AC = Accused
P = Person of Interest
O = Other

To obtain a copy of the Toronto Police Service's policies on the suppression or re-consideration of records, please go to the Service's website at www.torontopolice.on.ca

"Records under the control of the Toronto Police Service are retained and released in accordance with the Toronto Police Services Board Record Retention Schedule, City of Toronto Municipal Code, Chapter 219, Article I."

If further information or clarification regarding the above is required, please contact the Police Reference Check Program directly at (416) 808 – 7991.