

Police Records Checks

October 2016

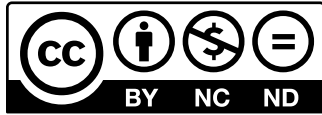


The United Church of Canada
L'Église Unie du Canada

Police Records Checks (October 2016)



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About This Resource

This resource contains

- policies and procedures that must be followed
- information and guidance to support committees working to receive and review police records checks from ministry personnel, candidates, and admission applicants, which you are encouraged but not required to follow

This resource expands on the policy found under Oversight, Conflict Resolution, and Discipline, Section J.2 of *The Manual*. Please refer to the current edition.

There are no substantive changes from the August 2013 edition of this resource.

Living Out God's Mission in the World

The policies and procedures of The United Church of Canada exist to support the church in living out God's mission in the world. The police records checks policies and procedures aim to support ministry personnel and local ministries in providing safe spaces for worship, education, and fellowship. For those in positions of trust and authority, scrutiny of character and calling is demanded.

Policies and Procedures

The policy about police records checks may be found under Oversight, Conflict Resolution, and Discipline in section J.2 of *The Manual*. This resource includes additional policies and procedures that must be followed.

A current, original police records check must be provided by ministry personnel, at their own expense, at certain transition points and specific intervals. A police records check is considered current if it has been obtained within the last six months.

A police records check is the property of the person whose name is on it.

The committees that need to see police records checks may take photocopies of checks and keep them in confidential files.

For entrance into ministry:

- When an inquirer is considered for candidacy status, the check is shown to the presbytery Education and Students Committee.
- Every six years during the candidacy process, a check is shown to the presbytery Education and Students Committee.
- Upon application to be ordained/commissioned, if no check has been provided during the previous 12 months, a check is shown to the presbytery Education and Students Committee.
- When application is made for credential clearance by an admission applicant, a check is shown to the General Council Office Ministry and Employment Unit staff.
- When application is made for consideration for readmission by a former United Church minister, a check is shown to the Conference.

For active ministry personnel beginning an appointment or call/settlement:

- When application is made to a Joint Search Committee for a call to a pastoral charge or other presbytery-accountable ministry, a check is shown to the Joint Search Committee.
- When application is made for an appointment to a pastoral charge or other presbytery-accountable ministry (to appoint an admission applicant, designated lay minister, diaconal

minister, or ordained minister), a check is shown to the presbytery Pastoral Relations Committee.

For retired ministry personnel beginning an appointment:

- When application is made for an appointment, a police records check dated within the last three years is shown to the presbytery Pastoral Relations Committee.

During a pastoral relationship:

- At least once every six years, a check is submitted to the Ministry and Personnel Committee.

While retained on the roll:

- Upon first application to be retained on the roll, and every three years afterwards, a check is shown to the presbytery Pastoral Relations Committee.

The type of police records check required is determined as follows:

- If the individual is under the age of 25, a criminal records check (level 1) is all that is required.
- If the individual is age 25 or over, the first police records check provided to the church must be a vulnerable sector verification check (level 2).
- Subsequent police records checks may be a criminal records check (level 1), as long as no more than three years has elapsed between police records checks.
- If the individual is not able to satisfy the requesting body that an initial vulnerable sector verification check (level 2) was obtained, along with a criminal records check at least every three years afterwards, then a new vulnerable sector check may be requested.

Why is it so complicated?

A vulnerable sector verification check (level 2) is required initially because it includes a search for *pardoned* offenses that will not show up on a criminal records check (level 1). However, because of the time it takes for an offence to be pardoned, subsequent (non-pardoned) sexual offences will show up on a criminal records check within a three-year timeframe.

How to obtain a police records check

A vulnerable sector verification check (level 2) must be obtained through a local police detachment and can take up to three months.

A criminal records check (level 1) can be obtained through a local police detachment or through BackCheck: www.backcheck.net/unitedchurch or 1-866-882-7139.

Best Practices for Police Records Checks

This section provides information and guidance to support committees working to receive and review police records checks from ministry personnel, candidates for ministry, and admission applicants. You are encouraged but not required to follow the best practices described here.

What happens if a ministry personnel has a criminal record?

A vulnerable sector verification check (level 2) includes the following information:

- expired judicial orders
- criminal record (adult)
- criminal record (young person) pursuant to section 119 (1) (a) of the Youth Criminal Justice Act
- records of findings of “Not Guilty: Not criminally responsible on account of mental disorder”
- convictions, pending charges, and ongoing investigations under federal statutes and selected provincial statutes
- relevant occurrence reports
- convictions where a pardon has not been granted
- absolute and conditional discharges where not prohibited by legislation
- probation, prohibition, and other judicial orders
- sexual offences for which a pardon has been granted

If a form returns showing information under any of these categories, the person will not necessarily be stopped in their position or candidacy. What is expected is further clarifying conversation and discernment about what, if any, other action is necessary. To be responsible in relation to duty of care and clarification of risk assessment (see *Faithful Footsteps: Screening Procedures for Positions of Trust and Authority in The United Church of Canada*), the conversation needs to focus on the type of conviction and when it occurred. This is to be a clarifying discussion, exercising diligence and using compassion and wisdom. It is important to remember the following:

- We all hold biases and values from our own life experiences that affect our perceptions of criminal convictions. When on committees determining suitability for ministry, we need to be aware of our biases.
- Ten percent of all Canadians have a criminal record.
- Some behaviours that may result in criminal convictions have been applauded and supported by the church. Political and social activism on environmental issues, support of First Nations communities, involvement in the civil rights and peace movements, and activism on many other issues have earned people within the church community a criminal record.
- We acknowledge that we all make mistakes and that we all learn differently. Convictions acquired at an earlier stage of life may have led to significant personal learning, growth, and transformation, which now may be helpful tools for an individual in pastoral ministry.

Each committee that requires a police records check as a screening tool must develop a protocol for further clarifying conversation if a possible conviction is indicated.

It is suggested that two members of the committee who have been designated to see the police records check enter into further conversation with the ministry personnel, candidate, or admission applicant. The conversation should focus on how the nature of the conviction would affect their ability to perform all the duties of ministry.

The committee members would also consult with the Conference personnel minister, who may seek legal advice through the General Council Office. These conversations help to develop the kind of report and recommendation that is required to inform the decision-making body (the presbytery or Conference).

Some questions for the committee to reflect on include the following:

- How recent is the conviction?
- Is the conviction for a pardonable offence? Has the person applied for a pardon or been denied a pardon?
- What type of rehabilitation/treatment (if appropriate) has the person engaged in to address the behaviour that resulted in the conviction?
- Are there any restrictions on the person's conduct as a result of the conviction that may affect their ability to perform all the duties of ministry? How can those issues be addressed?
- How does the person understand and describe their responsibility for the conviction?
- How has the issue affected the person's faith and spirituality?

In these deeper conversations regarding a conviction, the focus should be twofold:

- the growth and change that has occurred for the individual as a result of dealing with such charges
- the potential risk posed to those with whom the person will have contact in a ministry position

Following the clarifying conversation, the ministry personnel, candidate, or admission applicant may be requested to show further documentation detailing the conviction(s) and their disposition by the courts. There is usually an additional cost for this procedure, and it may require the person to be fingerprinted for record verification. This additional cost is the responsibility of the ministry personnel, candidate, or admission applicant. This document must be shown and recorded. It remains the property of the person whose name is on it.



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