

Policing and Security Branch Security Programs Division

Criminal Records Review Program Risk Assessment Guidelines

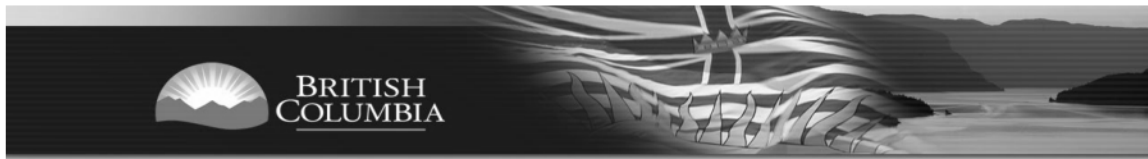
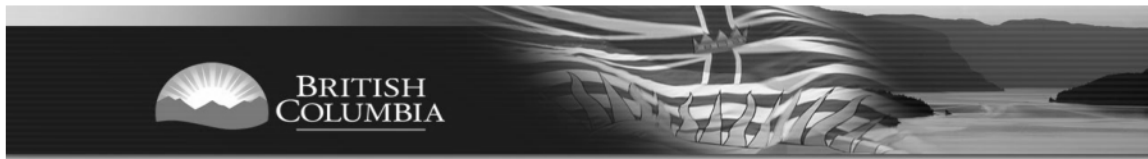


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1. Overview:

The *Criminal Records Review Act* (CRRRA) and Criminal Records Review Program (CRRP) came into force in 1996 and were originally designed to help protect children from individuals working in publically funded positions whose criminal record indicates they pose a risk of physical or sexual abuse. In 2009, the CRRRA was expanded to help protect vulnerable adults from physical, sexual and financial abuse. In 2013, the CRRRA was amended to allow non-profit and volunteer agencies to have checks done for volunteers through the CRRP for free, as long as they volunteer with children and/or vulnerable adults. Portability of checks was also introduced in 2013; if an Applicant has been cleared by the Program within the past five years, an organization can request and rely on the old clearance. This process is handled by Client Services and is outside the purview of these Guidelines.

The CRRRA applies to the following:

Employers as defined in the CRRRA (Part 3 of CRRRA) which includes:

- employees and contractors of public bodies;
- employees and contractors of bodies that receive a majority of operating funds from government;
- school boards
- health authorities
- licenced health facilities (licenced under the *Community Care and Assisted Living Act*)
- registered assisted living residences (registered under the *Community Care and Assisted Living Act*)

Governing Bodies as defined in the CRRRA, such as the College of Registered Nurses (Part 4 of CRRRA)

Education Institutions as defined in the CRRRA (Part 4.1 of CRRRA)

Teachers Regulation Branch (Part 4.2 of CRRRA)

Unlicensed Family Child Care Providers (Part 5 of CRRRA)

Volunteer Organizations (Part 5.1 of CRRRA, on opt-in basis)



2. Purpose of the Act:

The purpose of the CRRA is set out in section 2(1) of the Act:

2 (1) The purposes of this Act are to help prevent

- a) the physical and sexual abuse of children, and
- b) the physical, sexual and financial abuse of vulnerable adults

by requiring individuals to whom this Act applies to undergo criminal record checks

These guidelines are intended to be a tool for Risk Assessment staff to make recommendations to the Deputy Registrar with regard to risk posed by individuals under the CRRA. The Deputy Registrar makes the determination under the CRRA. The applicant can request reconsideration from the Registrar in the event of a risk finding.

3. Acronyms & Definitions:

Applicant: an individual whose criminal record check is being completed under the CRRA

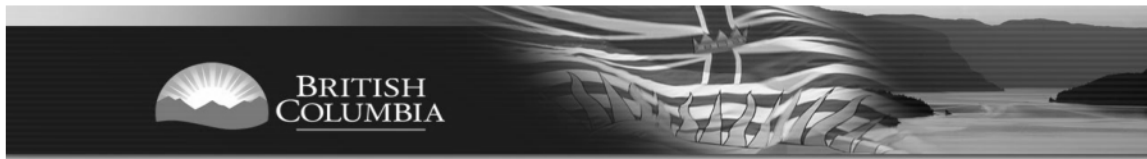
Child: an individual under 19 years of age

Client Services: the unit within SPD responsible for front line delivery of the CRRP

CORNET: BC Corrections database (individuals who have been in contact with Adult or Community Corrections)

Conviction (defined by CRRA): includes

- a) A conviction for an attempt to commit a relevant offence or specified offence,
- b) A conditional discharge,
- c) A conviction for which a pardon has been granted by the National Parole Board, continued under the *Corrections and Conditional Release Act* (Canada),
- d) A disposition, made before April 1, 2003, under the *Young Offenders Act* (Canada) as it then was,
- e) A sentence under the *Youth Criminal Justice Act* (Canada),
- f) The use of alternative measures under section 717 of the *Criminal Code* to deal with an alleged commission of a relevant offence or specified offence, and



g) An order under sections 810, 810.1 and 810.2 of the *Criminal Code*

CPIC: Canadian Police Information Centre

CRRP: Criminal Records Review Program

CRRA: Criminal Records Review Act [RSBC 1996]c.86

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96086_01

Employer (defined by CRRA):

- (a) the government,
- (b) an agency of the government,
- (c) a board as defined in the *School Act*,
- (c.1) a francophone education authority as defined in the *School Act*,
- (d) a public body as defined in the *Health Authorities Act* or a regional health board established under that Act that operates or provides funding to
- (i) a hospital as defined by section 1 of the *Hospital Act*,
- (ii) a Provincial mental health facility, a psychiatric unit or a society as defined by section 1 of the *Mental Health Act* or a mental health clinic or mental health service established by regulations under section 43 of that Act,
- (iii) a facility or service related to medical or health care, or
- (iv) a private hospital as defined in section 5 of the *Hospital Act*,
- (e) a board, commission, council or other body of persons, whether or not incorporated, all the members of which or all the members of the board of management or board of directors of which are appointed by an Act, an order of the Lieutenant Governor in Council or a minister of the government,
- (f) a corporation more than 50% of the shares or ownership of which is directly or indirectly vested in the government,
- (g) an individual or corporation that receives operating funds from the government, other than a board or public body referred to in paragraph (c) or (d),
- (h) an authority as defined in the *Independent School Act*,
- (h.1) the employer of staff at a community care facility, as defined in the *Community Care and Assisted Living Act*, that is exempted under section 34 (5) (d) of that Act,
- (i) the holder of a licence issued under the *Community Care and Assisted Living Act*,



- (i.1) a registrant as defined in section 1 of the *Community Care and Assisted Living Act*, or
- (j) a registered member who employs one or more individuals to assist the registered member in carrying on his or her occupation;

FIGARO: Internal database utilized by Criminal Records Review Program

FOIPPA: Freedom of Information and Protection of Privacy Act [RSBC 1996] c.165

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00

JUSTIN: Justice information system providing details of criminal court appearances and outcomes for BC

Outstanding Charge (defined by CRRA): a charge or an application under a provision enumerated in Schedule 1 or Schedule 3 for which an information has been sworn or an application has been made that has not yet resulted in a conviction, acquittal or order by the court. This includes charges that have not yet been dealt with by the court, as well as charges that have been stayed (where the stay has not yet expired).

Relevant Offences (defined by CRRA): any offence contained in Schedule 1 of the Act including predecessors

Risk Assessment: the unit within SPD responsible for adjudicating CRRP files in which a relevant or specified offence is found

Specified Offences (defined by CRRA): any offence contained in Schedule 3 of the Act including predecessors

SPD: Security Programs Division

Vulnerable Adult (defined by CRRA): an individual 19 years or older who receives health services, other than acute care, from a hospital, facility, unit, society, service, holder or registrant referred to in paragraph (d), (h.1), (i) or (i.1) of the definition of "employer"

Work with children (defined by CRRA): working with children directly or having or potentially having unsupervised access to children in the ordinary course of employment, in the practice of an occupation, during the course of an education program or while providing services as a volunteer



Work with vulnerable adults (defined by CRRA): working with vulnerable adults directly or having or potentially having unsupervised access to vulnerable adults in the ordinary course of employment, in the practice of an occupation, during the course of an education program or while providing services as a volunteer

YCJA: Youth Criminal Justice Act, S.C. 2002, c.1 [effective April 1, 2003]

<http://laws-lois.justice.gc.ca/eng/acts/Y-1.5/page-1.html>

YOA: Young Offenders Act [enacted 1984 and repealed in 2003]

<http://laws-lois.justice.gc.ca/eng/acts/Y-1/page-1.html>

4. Legislative Criteria for Making a Determination:

Section 4(1) of the CRRA states that when the Registrar receives a criminal record check authorization and the prescribed fee, the Registrar must carry out a criminal record check on the individual who authorised the criminal record check.

As required by Section 27 of the CRRA, the authorization must be in the form provided by the Registrar, must be signed by the individual to whom the criminal record check will relate and must include the individual's authorization to submit his or her fingerprints if necessary to verify the results of the criminal record check.

The majority of Applicants have a clear criminal record (i.e. do not have a relevant or specified offence) and are issued a clearance letter by Client Services.

Approximately 2% of Applicants have relevant or specified offences, and are dealt with by Risk Assessment.

"Outstanding charge" "conviction" and "relevant/specified offence" are defined in the CRRA.

When an outstanding charge or conviction on a relevant/specified offence is found, the Registrar must refer the matter to the Deputy Registrar to determine whether the conviction or outstanding charge indicates that the individual poses a risk of physical or sexual abuse to children and/or poses a risk of physical, sexual or financial abuse to vulnerable adults.

Section 4(3) of the CRRA states that in making a determination, the Deputy Registrar must consider the following:



- a) Whether the behaviour associated with:
 - i) the relevant offence would, if repeated, pose a threat of physical or sexual abuse to children, or
 - ii) the specified offence would, if repeated, pose a threat of physical, sexual or financial abuse to vulnerable adults;
- b) the circumstance of the offence, including the age of the individual at the time of the offence and the existence of any extenuating circumstances;
- c) any other factors that the Deputy Registrar considers relevant including, without restriction, the time elapsed since the occurrence of the offence or alleged offence, subsequent actions of the individual, the likelihood of the individual repeating a similar kind of behaviour, and any attempts at rehabilitation.

Individuals must submit to a criminal record check and a re-check at least once every five years under the CRRA.

If an individual is charged with, or convicted of a new relevant and/or specified offence subsequent to a criminal record check, a new criminal record check is required (see sections 12, 17, 17.4, 17.9, 23, and 24.9 of CRRA). All organizations covered by the CRRA that become aware of a new charge or conviction must have the Applicant sign a new consent form. At times, the CRRP will become aware that an Applicant has a new charge or conviction, most commonly from Crown Counsel notifications or media reports. The CRRP will then contact the organization and ensure that a new consent form is signed.

5. Vulnerable Sector (VS) Check:

A vulnerable sector check is conducted as part of each CRRP criminal record check. It is a search of the RCMP database holding pardoned sexual offences. The CPIC contractors query the database, utilizing the criteria mandated by the RCMP (i.e. generally gender and date of birth). Should an Applicant possess the same date of birth and gender as a pardoned sex offender, it will produce a "hit" in the system.

If they do not (otherwise) have any relevant and/or specified offences then their case is dealt with by Client Services. Client Services sends out a fingerprint request package to the Applicant, instructing him or her to have fingerprints taken at a local police agency. Once the prints have been taken (either electronically or manually), these are then dispatched to the RCMP National Repository of Criminal Records in Ottawa for comparison purposes. The results (i.e. either the



person is a pardoned sex offender and is thus a VS match or the person is not a match) is returned to the CRRP. The vast majority of hits are not VS matches. If there is a match, the file would be reviewed by Risk Assessment, and the Deputy Registrar would determine whether the Applicant poses a risk of sexual harm to children or vulnerable adults.

If the Applicant has a relevant and/or specified offence as well as a VS “hit”, the file is dealt with by Risk Assessment. The fingerprint request letter is sent out (as above), and Risk Assessment will then receive the results from the RCMP. The risk assessment is done in regard to the relevant and/or specified offence as well as any VS matches.

In most circumstances, an individual will only be required to be fingerprinted once every ten years through the CRRP Vulnerable Sector process.

6. Initial Review by Risk Assessment Coordinators

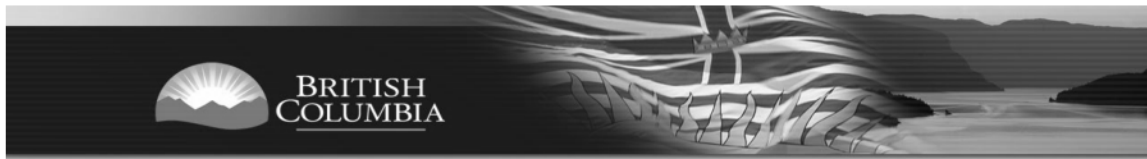
The Risk Assessment Coordinator commences the criminal record check process by running the “hits” generated by an interface between FIGARO and CORNET/CPIC. A “hit” occurs when a relevant and/or specified offence is identified for the Applicant in either CORNET or CPIC.

The Coordinator assesses jurisdictional issues including matters such as stays of proceedings and youth offences, and determines whether it is appropriate to send a “previously adjudicated” letter.

Once jurisdiction is confirmed (and the file is not being closed as “previously adjudicated”), the Coordinator will create a Risk Assessment file. He or she prints off the Accused History Report from Figaro (showing the CPIC and CORNET hits), and performs a manual search of CORNET and JUSTIN where appropriate.

The Coordinator then assigns the file as a Level 1, 2 or 3, depending on the nature and date of the offences. For Level 1s, the Coordinator completes a cover sheet summarizing the offences, and the file is forwarded to the Deputy Registrar for determination of risk.

For Level 2 and 3 files, the Coordinator requests reports from the originating police agencies, writes to the Applicant, inviting them to make a submission on their criminal record, and requests documents from the governing body, if applicable. A letter is also sent to the organization to advise that a relevant and/or specified offence has been identified for the Applicant and that the adjudication process has been commenced. The details of the offence can not be shared.



The Level 2 or 3 file is then ready for investigation and will be worked on by an investigator as resources allow.

7. Stay of Proceedings

The individual may have a charge(s) that resulted in a stay of proceedings. It is the responsibility of the Risk Assessment Coordinators to ensure that the adjudication process is permissible given the type and date of the stay.

A stay of proceedings can be entered by either Crown or the Court.

A judicial stay is ordered by the courts pursuant to common law. It is final, and is not considered an “outstanding charge” under the CRRA.

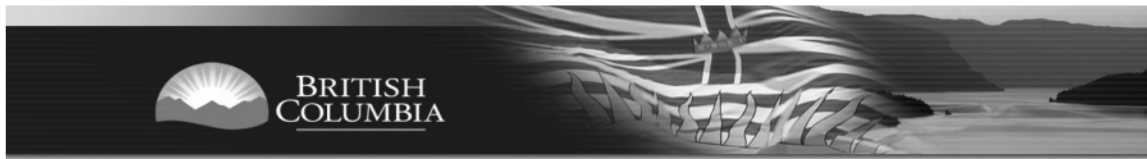
A Crown stay is much more common. The effect of a Crown stay is that the proceedings are suspended for a certain length of time. During that time, court proceedings can be recommenced. If no notice of recommencement (new information sworn or new indictment laid) is made within a certain time frame, the proceedings shall be deemed “never to have been commenced” (section 579(2) Criminal Code).

The time frames for Crown stays are as follows:

Summary conviction offences – the Crown can recommence the proceedings no more than six months after the time when the subject matter of the proceedings arose, unless the prosecutor and the defendant so agree (**i.e. six months from the date of the offence**)

Indictable conviction offences – the Crown can recommence the proceedings within one year from the date the stay was entered. Where notice of recommencement is given within these time limits, the proceedings will continue on the original indictment or information. After the one year period has elapsed on an indictable matter, the Crown will have to start afresh. (**i.e. one year from the date the stay was entered**)

If the criminal record check request is received by the CRRP *within* the above time frames, (where there are no other relevant or specified offences giving the CRRP jurisdiction), then the adjudication process will be pursued since the charge may be revived by Crown, and as such, is an “outstanding charge”. The Deputy Registrar’s decision must be made before the stay expires.



If the criminal record check request is received by the CRRP *after* the above time frame (and there are no other relevant or specified offences giving the CRRP jurisdiction), then the adjudication process cannot take place on that offence as it is deemed never to have happened.

If the criminal record check is received before the expiry of the stay but the Deputy Registrar's decision can not be made before the expiry of the stay, legal advice should be pursued.

If there is another relevant or specified offence giving jurisdiction, then the Deputy Registrar may consider stays pursuant to section 4(3)(c) of the CRRA ("any other facts that the Deputy Registrar considers relevant").

8. Diversion

If an individual is granted "alternative measures" under section 717 of the Criminal Code of Canada to deal with a commission of a relevant or specified offence, then it falls within the definition of "conviction" within the context of the CRRA, regardless of whether or not it results in a stay of proceedings (and whether or not the stay has expired). Alternative measures is commonly referred to as diversion or restorative justice. Note that diversion or restorative justice can occur before or after a charge. s.14

s.14

A "caution letter" issued by Crown is not considered alternative measures and therefore if the only offence on the Applicant's file was dealt with by way of a caution letter, the CRRP would not have jurisdiction to consider it.

9. Absolute and Conditional Discharges

An absolute discharge is not included in the CRRA definition of "conviction" and as such, is not reviewable by the CRRP in cases where it is the only relevant or specified offence on the file.

Conditional discharges are sentences passed by the Court and are given in conjunction with probation for a period of time. The probation period can be up to three years. The CRRA defines "conviction" to include "(b) a conditional discharge". s.14

s.14



10. Outstanding Warrants

The criminal record check may identify outstanding warrants for arrest. The Coordinator will determine if there is an outstanding charge associated. If not, and there is no other relevant or specified offence, the CRRP will not have jurisdiction to review the matter. If there is an outstanding warrant on a charge (or an outstanding warrant without a charge where there is another relevant or specified offence), the file will generally be characterized as a Level 2 or 3 file.

11. Youth Offenders:

The *Youth Criminal Justice Act* (YCJA) is a federal act that governs the administration of justice for youth who commit crimes. The YCJA replaced the *Young Offender Act* (YOA) in 2003. The YCJA applies to youth between the ages of 12 and 17 years old. A person is considered an adult at the age of 18 and a person under the age of 12 cannot be charged with a crime.

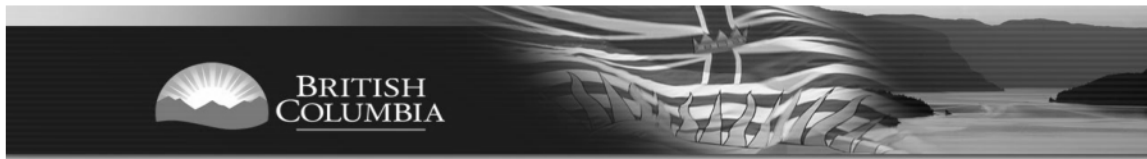
The CRRP has the authority to utilize youth offences in limited circumstances, as per section 119 (1)(o) of the YCJA, which permits access to a youth record to “a person, for the purpose of carrying out a criminal record check required by...the government of a province...for purposes of employment or the performance of services, with or without remuneration”.

The rules regarding access to these records are set out in section 119(2) of the YCJA. The access time depends on the sentence given to the youth, how much time has passed, and whether the individual has reoffended within certain timeframes.

If **extrajudicial sanctions (alternative measures)** were used to deal with the young person, access to the record is permitted for two years from the date the young person consented to the extrajudicial sanctions.

If the charges against the young person are **stayed**, access to the record is permitted for one year after the stay is entered, where no proceedings are taken against the young person in the year.

If the young person is found guilty of the offence and the youth sentence is an **absolute discharge**, the access to the record is permitted for one year from the date the young person was found guilty.



If the young person is found guilty of the offence and the youth sentence is a **conditional discharge**, the access to the record is permitted for three years from the date the young person was found guilty.

If the young person is found guilty of a **summary conviction** offence, the access to the record is permitted for three years after the date the youth sentence (including probation) has been completed.

If the young person is found guilty of an **indictable conviction** offence, the access to the record is permitted for five years after the date the youth sentence (including probation) has been completed.

If the individual **commits a further offence(s) during the access period**, the record will stay open and the time will start running again from the date of the end of the new measure, sanction or sentence.

If the offence is a **serious violent offence** and the Crown has sought an adult sentence, then the period will continue indefinitely.

If the youth commits an offence as an **adult** during the access period, the entire youth record is accessible.

SPD's CPIC contractors will not return CPIC results to SPD that are outside of the access periods set out above. However, results found in other databases such as CORNET and JUSTIN must be reviewed according to the YCJA rules.

12. Previously Adjudicated:

Where the Deputy Registrar has previously determined that an individual does not present a risk (physical or sexual risk for children and/or physical, sexual or financial risk for vulnerable adults), and a subsequent check is requested for the same client group (children or vulnerable adults), the individual may be considered "Previously Adjudicated" and not re-adjudicated. However, in order for this to occur, there must be no new offences (found in CORNET, JUSTIN, CPIC or PRIME), and for Level 2 and 3 files, nothing of concern found in PRIME. If there are new offences and/or concerning PRIME information, the file will generally be forwarded to an investigator for follow-up.



If an individual has been previously adjudicated for children, but a new check has been requested for vulnerable adults, or vice versa, then the adjudication process will be commenced for the sector now requested.

13. Risk Levels:

All Risk Assessment files are characterized as Level 1-3, depending on the initial review of the nature and date of the offences (with 3 being the highest risk). Assigning risk levels assists in prioritizing files and resources. Files can have their level amended as more information accrues.

LEVEL 1 – LOW RISK

- Non sexual offences
- Single offence 5 or more years old
- May be a group of offences but clustered together in a time period over 8 – 10 years ago
- Not a demonstrated pattern of behaviour
- No outstanding charges or warrants

LEVEL 2 – MEDIUM RISK

- Single or multiple offences with at least one occurring within last 5 years
- Generally less serious offences/sentences than Level 3 files
- Dated offences, where pattern of behaviour and/or more serious offence or sentence, commonly where addiction issue in past and now clean
- May include outstanding charges or warrant for arrest

LEVEL 3 – MEDIUM TO HIGH RISK

- Potential to be found a risk
- Direct physical or sexual involvement with children and/or vulnerable adults depending on offence details
- Dated singular sexual/serious violent nature (e.g. aggravated assault)
- Dated or recent financial offence involving significant amounts (with respect to vulnerable adults)
- May demonstrate a pattern of behaviour, with more serious sentences
- Recent or significant jail time
- May include outstanding charges or warrant for arrest



14. Investigation:

For Level 2 and 3 files, an Investigator completes a thorough investigation, analyzing all relevant information collected from a variety of sources.

The authority to collect and utilize the information arises from the signed consent form as well as section 4(3)(c) of the CRRA.

Sources of information may include (but are not limited to):

1. CORNET, CPIC, JUSTIN information;
2. Reports to Crown Counsel for relevant /specified offences and other offences if deemed relevant to the Applicant's behaviour;
3. Applicant's written submissions, including any medical, psychiatric or other reports;
4. PRIME/PIRS check;
5. Telephone interview with Applicant to clarify submissions and/or obtain further information;
6. Interviews with third parties, as appropriate, including character or employment references;
7. Contact with Probation Officer for review of Applicant's probation period;
8. Addiction and rehabilitation information, including proof of completion of treatment programs, and information from counsellors or sponsors;
9. Information from Ministry of Children and Family Development, if it has been involved for child protection reasons;
10. Information from RoadSafety BC regarding participation in Responsible Driver Program;
11. Court transcripts, including preliminary inquiry, reasons for judgement/sentencing reports (some court judgements are available online through www.provincialcourt.bc.ca and www.courts.gov.bc.ca/search_judgments.aspx);
12. Pre Sentence Reports (PSR's) available through the court registry;
13. Reasons for Stay of Proceedings (submitted by Crown Counsel);
14. Interview with RCMP or police constable involved in incidents;
15. Custody staff consultation;
16. Parole reports;
17. Documentation released by a governing body;
18. Civil claims;
19. Google or social media search;



s.15

21. Medical or psychological documentation or information.

The Investigator compiles an investigative report for the Deputy Registrar, with a recommendation regarding risk. The report must clearly outline the details and circumstances of each offence, as well as any rehabilitation efforts made by the Applicant.

While each investigation is case specific and proceeds on its own merits, the information provided to the Deputy Registrar should address the following, as appropriate:

- Full details of the offence, including dates, context, and sentence
- Degree of violence involved
- The nature and extent of the injury caused to the complainant
- Involvement of the complainant or others in the offence
- Whether the incident leading to the offence was situational, isolated or singular, pre-meditated, spontaneous, intending of harm, provoked, in self-defence
- Whether the incident occurred while engaged in a position of trust and authority
- Possible indications of violent behaviour in various contexts (ie history of domestic dispute, combined with incidences of road rage, assault of peace officers, non-domestic assaults)
- Possible indications of escalation/severity
- Frequency of occurrence(s) and whether these demonstrate a pattern of behaviour
- Involvement of children and/or vulnerable adults in the incident
- Level of remorse and acknowledgement
- Forthrightness of Applicant (consistent recollection with police report?)
- Whether the individual's actions had a direct or indirect effect on one or more children/vulnerable adults
- Rehabilitation efforts
- Length of time that has passed since criminal or concerning activity
- Age of the Applicant at the time of the offence; age of any complainants
- Substance abuse history and treatment; length of time clean; relapses



15. Opportunity to Respond:

If the Deputy Registrar is considering making a determination that the Applicant's outstanding charge or conviction indicates that he or she presents a risk of physical or sexual abuse to children or a risk of physical, sexual or financial abuse to vulnerable adults, then the Opportunity to Respond (OTR) process will be commenced. The Deputy Registrar sends a copy of the investigative report to the individual in order to provide the individual with the opportunity to review the investigative report and submit any further information they would like to have considered by the Deputy Registrar.

The Applicant is given a reasonable amount of time to submit a response to the Deputy Registrar. If no response is received, the final determination will be made by the Deputy Registrar based on the information contained in the investigative report. If the Applicant provides further information, the Deputy Registrar must consider the investigative report as well as the submission, prior to making a determination.

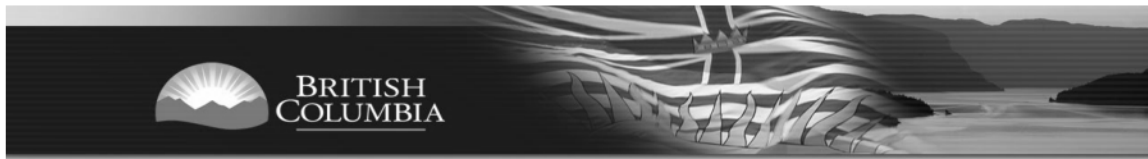
16. Determination

The Applicant is advised in writing of the Deputy Registrar's determination (risk or no risk, in regard to physical, sexual and/or financial harm to children and/or vulnerable adults). The organization is also advised. The details of the offence(s) are not shared with the organization.

Once a risk finding is made, the **employer, volunteer organization or education institution** can not have the Applicant working with children and/or vulnerable adults, as the case may be. [In some cases, the determination will be risk to children, for example, but cleared for vulnerable adults, or vice versa.] Similarly, the **unlicensed family child care provider** can not register the Applicant to work with children.

Once a risk finding is made in regard to a member of a **governing body**, the governing body must investigate or review the individual's registration or application for registration and take appropriate action under the Act that governs the governing body.

Once a risk finding is made in regard to a registrant of the **Teachers Regulation Branch**, the TRB must take appropriate action under the *Teachers Act*. Note that the Teachers Act prescribes that the TRB not issue a teaching certificate or cancel a certificate when there is a determination of risk by the CRRP.



17. Request for Written Reasons

If an Applicant or organization covered by the CRRRA formally requests written reasons for a risk or no risk decision, these will be provided by the Deputy Registrar (section 4(5) of CRRRA). Volunteers and volunteer organizations are not entitled to reasons under the CRRRA.

18. Reconsideration

The Applicant has 30 days after receiving notification of the Deputy Registrar's determination of risk to request reconsideration by the Registrar (section 5 of CRRRA).

The Registrar of CRRP reviews the Deputy Registrar's determination and any records on which it was based and may, but need not, do one or both of the following in conducting the review: request additional information from the person requesting the reconsideration or convene a hearing. After conducting a review, the Registrar will either confirm or overturn the determination of the Deputy Registrar. Administrative decisions made by, or on behalf of, the Registrar are final. If an Applicant disagrees with the decision or outcome of an administrative review, they may file a judicial review with the BC Supreme Court. Applicants who want to appeal any action taken by an employer, licensing agency, post secondary institution or governing body as a result of the determination of risk process must go through their organization's regular appeal processes, or through the courts, as appropriate.