

**Board of Police Commissioners
February 27, 2017**

TO: Chair and Members of the HRM Board of Police Commissioners

SUBMITTED BY: *Original signed*

Chief J.M. Blais, Halifax Regional Police

Original signed

Chief Superintendent Lee M. Bergerman, RCMP

DATE: February 22, 2017

SUBJECT: **Criminal Records Checks**

INFORMATION REPORT

ORIGIN

As per motion for the Board of Police Commissioners, by Commissioner Steve Craig dated March 21, 2016, to:

1. Explain what police services do when a Criminal Record Check is requested and performed.
2. Quantify how many requests for checks are requested and performed each year.
3. Provide the actual costs (internal and external) to perform and document the checks, and the fees charged to offset those costs.
4. Identify the fees charged for each individual type of Criminal Record Check.
5. Identify any provincial or federal programs or initiatives that are in place that provide free Criminal Record Checks.

LEGISLATIVE AUTHORITY

- ***Nova Scotia Police Act Section 55(3)(c)*** which states: "The Board shall ensure that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies."
- HRM Board of Police Commissioners Terms of Reference, **By-Law P-100** Respecting the Board of Police Commissioners for the Halifax Regional Municipality, section 8(2)(c) which states: "The Board in accordance with the *Police Act* and HRM Bylaws may in consultation with the Chief of Police, review priorities, goals and objectives of the municipal police service..."
- Section 8(3)(e) further states: "The Board in accordance with the *Police Act* and HRM Bylaws may carry out any of the following roles and responsibilities as they relate to the Provincial Police Service by requesting as required information relating to any policies, directives or practices of the RCMP on matters such as information on organizational initiatives within the RCMP..."

BACKGROUND

The Board of Police Commissioners approved the present fee structure for Criminal Record Checks (CRC) on January 11, 2011 upon submission of a memo from Chief Frank Beazley dated January 5, 2011. Appendix A.

Criminal Record Checks (CRC) are requested for a variety of reasons, primarily for employment, volunteering, school, travel, immigration and emigration, pardon applications (records suspensions), and foster parenting. Criminal Record Checks are not to be confused for Fingerprint-Based Checks required for international work visas or for adoption purposes.

There are two types of CRC available

1. Criminal Record Check
 - a. This is a search of convictions or criminal records
2. Criminal Record Check with Vulnerable Sector Check.
 - a. This is a search of the convictions or criminal records and a search of the Pardoned Sexual Offender Data base by name and also by DOB and Gender. This is only permitted to be searched if the applicant meets the requirements as set out by the RCMP as to their potential future role.

DISCUSSION

The following is the response to the five questions posed in the motion.

1. Explain what do police services do when a Criminal Record Check is requested and performed

The application for a CRC must be made by the person themselves. Applicants must consent in writing to have the CRC performed. In the case of a minor, or a person in care, the legal guardian or parent must provide their signed consent and provide identification. The Applicant must provide two pieces of identification, one of which must be government-issued photo identification and one which must show proof of local residency.

There are three ways of obtaining a CRC in HRM.

1. Attend an HRP facility in person and complete a request
2. Attend an RCMP facility in person and complete a request
3. Use the myBackcheck online application available on the HRP website.
 - a. myBackcheck collects the funds online and retains \$14.50 of the fee for the use of the online platform. (Identification is made using a proprietary approach approved by the RCMP in Ottawa)

Once an application is made and identification is verified, records and the consent reviewed, the matter is sent to staff for processing. The initial check is a search of databases based on the name and the date of birth of the applicant. This is completed by records personnel within the police community. Applicants who walk into police buildings have their checks completed within ten days or if the applicant chooses the on-line option, it can be completed in three business days and returned electronically to the noted agency.

If the applicant requests and they meet the criteria for a Vulnerable Sector check to be completed, the applicant's information is sent electronically to the Canadian Centre for Real-Time Identification Services (CCRTIS) in Ottawa whose personnel reviews the application to ensure that it meets the Vulnerable Sector Search (VSS) criteria. Once accepted, CCRTIS employees will receive permission from the Minister of Public Safety to review the applicant against those pardoned for sex offences.

A vulnerable sector check is an enhanced Criminal Record Check. This type of record check was created in 2000 to protect children and vulnerable persons and is governed by section 6.3(3) of the *Criminal*

Records Act. Policies and procedures related to vulnerable sector checks can be found in the *Dissemination of Criminal Record Information Policy* and the *Ministerial Directive Concerning the Release of Criminal Record Information by the Royal Canadian Mounted Police*. There is a \$25 fee sent to the Receiver General of Canada if the check is for employment, but the fee is waived for volunteers with a letter.

The check is completed by name and date of birth and then date of birth and gender. If there is a match with either the name based or the date of birth and gender search, the Applicant must then submit fingerprints to either prove they are not person or to verify they are.

The fingerprinting can be taken either manually (paper-based) or electronically. Electronic fingerprints are taken at HRP Headquarters on Gottingen Street and sent electronically to Ottawa. Once electronic submission to Ottawa has been made, the file is deleted from the LiveScan machine at HRP Headquarters.

A Certified Identification Technician at RCMP Headquarters in Ottawa makes the comparison and records their findings on their printout of the Applicant's Fingerprints. These findings are returned to HRP's Northbrook building and the records clerks contact the Applicant and the certificate is created and made available to pick-up.

Unlike the fingerprints of a convicted criminal offender, no fingerprints taken for Vulnerable Sector (VS) purposes are kept on file. They are used for comparison purposes only.

Vulnerable Sector Checks are used to verify if an individual has a record suspension (formerly pardon) for sex offences. They also include checks of national data bases maintained by the RCMP and local police records where the applicant lives.

Fingerprints are also submitted for the following:

- Adoption
- *myBackcheck* (online method to obtain a CRC)
- Citizenship
- Employment
- Identification
- Immigration
- Name Change
- Pardon
- Student
- Travel Visa
- Travel Waiver
- Volunteer
- Work Visa

The RCMP advises that the clearing process could take 120 days or more to complete.

From: <http://www.rcmp-grc.gc.ca/en/faqs-about-vulnerable-sector-checks#q1>

The RCMP has similar processes for completing these requests, with a few differences:

A CRC applicant attends one the RCMP detachments in person, completes a "Consent for the Release of Police Information" form, pays the fee and their identity is verified. Halifax District RCMP will process criminal record checks for persons living anywhere in Canada. Halifax District RCMP will process Vulnerable Sectors Checks for only those who live in HRM (address is verified through official ID or documentation).

The RCMP does not contract the checks out to an outside agency, such as for *myBackcheck*. The following checks are conducted by the local RCMP Detachment Services Assistants:

- Local Criminal Record Check conducted in local (active and non-active) police databases
- Police Information Portal "PIP" Check -The PIP is a database of participating policing agencies across the country (not all agencies report to it). If adverse information is found on the applicant, the originating police agency will be contacted to verify and seek approval to use the information.
- Canadian Police Information Centre "CPIC" check

If the applicant has a criminal record, they must verify this on a "Declaration of Criminal Record" form which is certified and given back to the applicant at the end of the process. If they do not wish to declare their record, the results form will state "Possible Match". The applicant also has a choice to verify their criminal record through fingerprinting and obtain a "Certified Criminal Record Check" which is generated and sent back from Ottawa.

Certified Criminal Record Checks do not show local criminal records/convictions that have not been added to the Canadian Police Information Centre (CPIC) database (this can be a result of the conviction not yet being updated on CPIC or the individual was convicted locally but never fingerprinted).

If the applicant has a matter currently before the courts, a red stamp which states "criminal matter(s) currently before the courts" is affixed to the results form. The applicant is encouraged to return when the matter is concluded.

Depending on the type of criminal record check requested, results are provided on either a "Release of Results of Criminal Record Check" or "Release of Results of Vulnerable Sector Check". As noted above, a Certified VS Check result and/or certified Declaration of Criminal Record form may also be part of the results package, if applicable.

The applicant picks up results or, if previously authorized, results are mailed to a designated third party within seven to ten business days. If there is a delay in the processing of the CRC, the applicant will be notified.

Depending on the complexity of the CRC and findings, it may take anywhere from 15 minutes to a few hours to complete a CRC from beginning to end. One or several individuals may also be involved in the process.

2. Quantify how many requests are requested and performed each year?

For HRP:

Halifax Regional Police (HRP) Criminal Record Checks - 2015	
<i>Method: myBackCheck</i>	
TYPE	REQUESTS
Employment	2536
Student/Volunteer	5916
Queue (99,282) **	
myBackCheck TOTAL	8452
<i>Method: HRP</i>	
TYPE	REQUESTS
Employment	7168
Student/Volunteer	4151
HRP TOTAL	11319
TOTAL	19771

Halifax District RCMP Criminal Records Checks:

Halifax District RCMP Criminal Record Checks - 2015	
TYPE	REQUESTS
Employment	3754
Student/Volunteer	2922
Costs Waived/Invoiced	423
TOTAL	7099

GRAND TOTAL	26870
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Note: **Halifax Regional Police conduct additional checks for *myBackcheck* for personnel outside of HRM on a revenue basis to offset the CRC costs internally.

3. Provide the actual costs (internal and external) to perform and document the checks, and the fees charged to offset those costs:

The following is the breakdown of costs associated with conducting CRC.

Cost Per CRC Check:

My Backcheck:

Fee:	\$122,554 (\$14.50 x 8452)
Labour	\$38034 (8452 x 15 mins)/60 (\$18.00)
F/Prints	\$2,004 (111 hours (334 x 20) / 60 @ \$18.00-Backcheck staff)
Letters	\$27,612(10/hour @32.67/hour- Records staff)
Office Space	\$4,200 (400x .05) x 17.50(12) months
	= \$194,404/8452
	\$23.00/Check

HRP:

Labour (counter)	\$67,914 (11,319 @ 20 mins)/60 (\$18.00)
Labour (records)	\$68,534 [(1827 hours/year x 6 x \$20.84)(20% benefits)] x .25
Labour (processing)	\$16,978 (11,319 @ 5 mins) / 60 (18.00)
NCO complaints	\$16,610
CPIC Field Audit	\$2,016
F/Prints	\$6,102 (339 hours (1017x 20 mins)/ 60 @\$18.00)
Office Space	\$36,750 6 (10x10)(25%)=150 + 25= 175 @ \$17.50/sq ft (12 months)

<u>CCA Live Scan</u>	\$ 3,000
TOTAL	\$ 217,904/ 11319
	\$19.25 per check

Average costs for CRC **\$21.13 per check**

Associated Costs and assumption

- Costs on salaries and building space did not increase from 2014 to 2015
- \$14.50 per check through myBackCheck
- 25% of records staff time for processing (2080 x 6 x 20.84) = \$52,016
- Labour cost division:
 - collect and input data into Hansen 11,319@ 20 minutes / application

- processing, i.e. call applicant and turn over completed CRC (11,319 @ 5 minutes) / application
- Fingerprint time (1351 @ 20 minutes/ print)
- Records Supervisor fielding complaints (5% require additional attention, 988 checks @ 20 minutes = 330hours @ \$50.41/hour
- CPIC Filed office Audit time estimate (40 hours @ \$50.41)
- Office space (175 Sq Feet @ \$17.50 per gross sq ft, heat lights etc included 2014 costs)
- Equipment and technology
- Live scan machine, Capital Cost Allowance of 10% or \$3000/year

4. The following is a breakdown of the fees received for CRCs in HRM:

Halifax Regional Police (HRP) Criminal Record Checks - 2015			
<i>Method: myBackCheck</i>			
TYPE	REQUESTS	\$ COST	\$ TOTAL
Employment	2536	50	126,800
Student/Volunteer	5916	30	177,480
Queue (99,282)		2	198,564
myBackCheck TOTAL	8452		\$502,844
<i>Method: HRP</i>			
TYPE	REQUESTS	\$ COST	\$ TOTAL
Employment	7168	50	358,400
Student/Volunteer	4151	30	124,530
HRP TOTAL	11319		\$482,930
TOTAL	19771		\$985,774

Halifax District RCMP Criminal Records Checks:

Halifax District RCMP Criminal Record Checks - 2015			
TYPE	REQUESTS	\$ COST	\$ TOTAL
Employment	3754	50	187,700
Student/Volunteer	2922	30	87,660
Costs Waived/Invoiced	423	30	12,690
TOTAL	7099		\$288,050

GRAND TOTAL	26870		\$1,273,824
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The Present Fees:

- Employment/Other - \$50 (tax included)
- Volunteer/Student - \$30 – (tax included)
 - (If volunteering, the applicant must provide a letter from the organization for whom they are volunteering. Students must show student ID or provide information on school and program)
- There is an additional Certified Criminal Record check \$25 (tax included) fee made payable to Receiver General of Canada if the applicant is required to submit fingerprints to verify identify. This fee is waived if the Applicant is volunteering and requires it to complete their Vulnerable Sector check.

- This fee is not in alignment with the approved Fee Structure of January 11, 2011.
- The RCMP do not charge for CRC outside of HRM.

5. Identify and provincial or federal programs or initiatives that are in place that provide free Criminal Record checks. The RCMP do not charge for CRC outside of HRM.

FINANCIAL IMPLICATIONS

Options:

The following tables are for illustration purposes only to demonstrate the financial impact of changing HRM's policy.

Possible options for waiving fees in full or partially with the financial implications:

A- One fee of \$30 for all CRCs

Halifax Regional Police (HRP) Criminal Record Checks			
<i>Method: myBackCheck</i>			
TYPE	REQUESTS	\$ COST	\$ TOTAL
Employment	2536	30	76,080
Student/Volunteer	5916	30	177,480
Queue (99,282)		2	198,564
myBackCheck TOTAL	8452		\$452,124
<i>Method: HRP</i>			
TYPE	REQUESTS	\$ COST	\$ TOTAL
Employment	7168	30	215,040
Student/Volunteer	4151	30	124,530
HRP TOTAL	11319		\$339,570
TOTAL	19771		\$791,694

Halifax District RCMP Criminal Record Checks			
TYPE	REQUESTS	\$ COST	\$ TOTAL
Employment	3754	30	112,620
Student/Volunteer	2922	30	87,660
Costs Waived/Invoiced	423	30	12,690
TOTAL	7099		\$212,970

GRAND TOTAL	26870		\$1,004,664
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This is a reduction in revenue of \$269,160 (\$1,273,824 - \$1,004,664)

B- No fee for Volunteer and \$50 for Employment

Halifax Regional Police (HRP) Criminal Record Checks			
<i>Method: myBackCheck</i>			
TYPE	REQUESTS	\$ COST	\$ TOTAL
Employment	2536	50	126,800
Student/Volunteer	5916	0	0
Queue (99,282)		2	198,564
myBackCheck TOTAL	8452		\$325,364
<i>Method: HRP</i>			
TYPE	REQUESTS	\$ COST	\$ TOTAL
Employment	7168	50	358,400
Student/Volunteer	4151	0	0
HRP TOTAL	11319		\$358,400
TOTAL	19771		\$683,764

Halifax District RCMP Criminal Record Checks			
TYPE	REQUESTS	\$ COST	\$ TOTAL
Employment	3754	50	187,700
Student/Volunteer	2922	0	0
Costs Waived/Invoiced	423	0	0
TOTAL	7099		\$187,700

GRAND TOTAL	26870		\$871,464
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This is a reduction in revenue of \$402,360 (\$1,273,824 - \$871,464)

C- No fee for Volunteer and \$30 for Employment

Halifax Regional Police (HRP) Criminal Record Checks			
<i>Method: myBackCheck</i>			
TYPE	REQUESTS	\$ COST	\$ TOTAL
Employment	2536	30	76,080
Student/Volunteer	5916	0	0
Queue (99,282)		2	198,564
myBackCheck TOTAL	8452		\$274,644
<i>Method: HRP</i>			
TYPE	REQUESTS	\$ COST	\$ TOTAL
Employment	7168	30	215,040
Student/Volunteer	4151	0	0
HRP TOTAL	11319		\$215,040
TOTAL	19771		\$489,684
Halifax District RCMP Criminal Record Checks			
TYPE	REQUESTS	\$ COST	\$ TOTAL
Employment	3754	50	187,700
Student/Volunteer	2922	0	0
Costs Waived/Invoiced	423	0	0
TOTAL	7099		\$187,700
GRAND TOTAL	26870		\$677,384

This is a reduction in revenue of \$596,440 (\$1,273,824 - \$677,384)

COMMUNITY ENGAGEMENT

This is an information report for the purposes of informing the Board. Further community engagement may be forthcoming.

ATTACHMENTS

Appendix A : Memo from Chief Frank Beazley dated January 5, 2011.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Deputy Chief Bill Moore, Halifax Regional Police 902-490-7138

Original signed

Report Approved by: _____
Chief Jean Michel Blais, Halifax Regional Police, 902-490-6500

MEMORANDUM

Halifax Regional Police
1975 Gottingen Street
Halifax, Nova Scotia
Canada B3J 2H1

Frank A. Beazley
Chief of Police

Website:
www.halifax.ca/police

*Leading and Partnering
in our Community
to Serve and Protect*

Date: January 5, 2011
To: HRM Board of Police Commissioners
From: Chief Frank Beazley
RE: Criminal Record Check Fee for Fingerprinting

On August 4, 2010, a Ministerial Directive was issued by the Public Safety Minister in relation to the manner in which criminal record information could be released in Vulnerable Sector Checks. Vulnerable Sector Checks are conducted during Criminal Record Checks on persons who are working with "Vulnerable Persons" as defined in the *Criminal Record Act* and are required in most paid and volunteer organizations who deal with children or persons with diminished mental capacity.

As a result of the Directive, the RCMP made changes to the Canadian Police Information Center (CPIC) Policy which requires the submission of fingerprints of applicants if there is a hit on either their name or a combination of date of birth and sex if it matches a person in the database of pardoned sex offenders. The date of birth/sex search is generating a considerable number of hits which can only be verified as negative upon submission of fingerprints.

The fingerprinting of applicants was being completed on a paper basis and submitted to Ottawa for analysis. The turnaround time is approximately three months. The paper fingerprints could be taken by either police or privately approved fingerprint offices. The long response time is creating serious issues for employers and volunteers.

In an effort to assist with this issue, the Halifax Regional Police and RCMP Sackville location have installed Livescan machines. The Livescan enables the applicant to have his/her fingerprints scanned electronically and submitted via a secure network to Ottawa. The turnaround time for this service is approximately three days. Due to security issues, only police agencies are permitted to use Livescan to do this electronically.

We have re-allocated staff temporarily to assist with the Halifax Canada Games 2011 volunteers as they are facing critical timelines. We are not presently processing any other applicants other than the 2011 Canada Games volunteers at this time pending approval for a fee structure to cover this service.

On March 29, 2010 the Board approved a fee increase for Criminal records Checks as follows:

	April 1, 2010	April 1, 2011
Employment Criminal Record	\$35.00	\$40.00
Volunteer Criminal Record	\$15.00	\$20.00

There is an additional cost to fulfil the new requirements of the CPIC policy in a customer service centered and time sensitive manner. It is our submission that this service cannot be maintained on a go forward basis without a means of recovering some fee for this service to cover the increased staffing demands of fingerprinting.

The local paper-based fingerprint providers charge between \$23.00 and \$45.00 for their service. I feel there are two potential options for Criminal Record Check fees:

1. Increase the cost of all criminal record checks by \$10.00 (Employment Criminal Record to \$50.00 and Volunteer to \$30.00) as of April 1, 2011. This approach would see all persons treated the same and would negate the requirement for additional cash transactions on the persons who are required to attend for fingerprints when a hit is received. This is also a more equitable approach as we are seeing a higher false hit for males between the ages of 40 to 60 years of age, which is reflecting the make up of the persons in the Pardoned Sex Offender databank.
2. Charge only those parties who require fingerprints with an additional charge comparable to the market prices in effect locally, so as not to negatively impact the local market and at a rate that reflects the service premium of a quicker return time. The suggested cost is the average of the surveyed agencies in Canada at \$47.90.

I would also suggest that we adopt a standard fee of \$47.90 for the taking of fingerprints for all of the following:

- Adoption
- Canadian Citizenship
- Employment
- Landed Immigrant Status
- Name Change
- National sex Offender Registration
- Pardon Application
- Privacy Act Request
- Visa/Border Crossing

The Halifax Regional Police is ready to begin fingerprinting applicants once we have secured the direction of the Board on the fees.

Respectfully submitted,

Frank A. Beazley, O.O.M.
Chief of Police