



P.O. Box 1749  
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**Item No. 9.1.2**  
**Board of Police Commissioners**  
**May 15, 2017**

**TO:** Chair and Members of Board of Police Commissioners

*Original signed*

**SUBMITTED BY:**

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Jean-Michel Blais, Chief of Police, Halifax Regional Police

**DATE:** May 15, 2017

**SUBJECT:** Repayment of Fees for Fingerprints for Employment Purposes

**ORIGIN**

The following motion was approved at the March 20, 2017 Board of Police Commissioners meeting, with regard to agenda item 9.2.2(i) Update – Criminal Record Check Refunds:

MOVED by Commissioner Parris, seconded by Commissioner Mitchell,

**THAT the Board of Police Commissioners request a staff report outlining the budget implications and plan for conducting refunds for criminal record checks for employment purposes involving fingerprinting.**

**MOTION PUT AND PASSED.**

**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...”

**RECOMMENDATION**

It is recommended that the Board of Police Commissioners clarify their direction on the fee schedule of Criminal Record Checks, providing direction on the collection of the \$25 fee for the Receiver General on employment related fingerprint checks of criminal record checks.

And direct HRP to make contact with the applicants by mail to verify their present address for the purpose of issuing refund cheques.

## **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 then-Chief Frank Beazley dated January 5, 2011. (See Appendix A)

Volunteers are charged \$30 and applications for employment are charged \$50.

The approved direction was to:

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.

If the applicant is requesting the criminal record check for volunteer purposes, the Receiver General of Canada does not charge a fee. If the applicant is for employment purposes, the Receiver General charges a \$25 fee.

## **DISCUSSION**

In the recent review of Criminal Record Checks, the practice in place has been to charge employment-related Criminal Record checks requiring fingerprinting the \$25 fee in addition to the \$50 fee. The \$25 was sent to the Receiver General. The totals per year are as follows:

2016/17	\$20,225
2015/16:	\$17,750
2014/15:	\$11,475
2013/14:	\$11,425
2012/13:	\$19,625
2011/12:	\$11,400
2010/11:	<u>\$ 600</u>
<b>Total:</b>	<b>\$92,500</b>
Cost Per:	\$ 25
<b>Total Finger Prints Checked:</b>	<b>\$ 3700</b>

The practice is not in alignment with the intended original direction of the Board. HRP has the contact information of applicants from 2013 forward in an electronic format. Applicants prior to 2013 to 2011 may be available in paper format, but will require a check of the storage location and are based on the assumption that applicants still reside at the address indicated. Overpayments can be returned to those applicants by way of cheque if we are able to identify the applicant and have a current address.

## **FINANCIAL IMPLICATIONS**

The repayment of the overpayment would require a funding source. If the Board instructs this to occur this fiscal year, this would be an unfunded liability. The funds could come from the existing budget. It is early in the fiscal year and HRP can work with financial staff to identify funding sources.

If this process was to occur over this fiscal and next fiscal there is an opportunity to seek additional funding to cover the liability in future budget cycles.

**RISK CONSIDERATION**

This is an unfunded liability, which presents a financial risk.

**COMMUNITY ENGAGEMENT**

There was no additional community engagement in the creation of this report.

**ENVIRONMENTAL IMPLICATIONS**

No environmental concerns.

**ALTERNATIVES**

The Board can direct not to return funds and to continue with the status quo charging methodology.

**ATTACHMENTS**

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

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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and 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

Report Approved by: *Original signed*  
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Chief JM Blais, Halifax Regional Police, 902-490-6500

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**MEMORANDUM**

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

Frank A. Beazley  
Chief of Police

**Website:**  
[www.halifax.ca/police](http://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