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Item No. 1
Budget Committee
February 13, 2019
February 15, 2019

TO: Chair and Members of the Budget Committee

Original Signed

SUBMITTED BY:

Commissioner Steve Craig, Chair of the HRM Board of Police Commissioners

DATE: February 6, 2019

SUBJECT: Fees for Criminal Record Checks

INFORMATION REPORT

ORIGIN

As per the January 23, 2019 amended motion of the Budget Committee:

THAT the Budget Committee:

- 1. Defer consideration of the Halifax Regional Police budget to a future meeting of the Budget Committee; and**
- 2. Request that the Board of Police Commissioners prepare a supplementary report containing a revised alternative 2019/20 Halifax Regional Police Budget and Business Plan based on a budget scenario reflecting a 1.9% increase, with the supplementary report including clarification on the impact that the elimination of fees for criminal records checks for volunteers would have on the proposed 2019/20 Halifax Regional Police budget.**

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";
- 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) which 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

During a March 21, 2016 meeting of the HRM Board of Police Commissioners, then-Commissioner Steve Craig presented the following motion, which was subsequently passed:

1. Explain what police services do when a Criminal Record Check is requested and performed.
2. Quantify how many criminal record 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.

In light of the Budget Committee's motion, the initial report to the Board of Police Commissioners has been reproduced and updated below.

Criminal Record Checks (CRC) are required for a variety of reasons, primarily: Employment, Volunteering, School, Travel, Immigration, and Pardon Applications (Records Suspensions), Foster Parenting.

Criminal Record Checks are not to be confused for Fingerprint Based Checks required for international work visas or adoption purposes.

There are two main reasons for a CRC: employment and to be a volunteer. If the Applicant is applying for employment or will receive any form of remuneration, the fee is \$50 and \$30 for a volunteer.

The application must be made by the Applicant who must be informed of what the check entails and must give their informed, signed consent. In the case of a minor, or a person in care the legal guardian or parent must provide their signed consent and 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.

The check can be completed in 10 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.

There is a \$25 fee sent to the Receiver General if the CRC is for employment, but the fee is waived for volunteers with a letter.

This will go to the CCRTIS in Ottawa and they will review the application to ensure that it meets the Vulnerable Sector Search (VSS) criteria. Once accepted, they 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*.

Clearing 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 the RCMP Headquarters in Ottawa makes the comparison and records their findings on their printout of the Applicant's Fingerprints. These findings are returned to

Northbrook and Records Clerks contact the Applicant. No fingerprints taken for Vulnerable Sector (VS) purposes are kept on file. They are used to make the comparison only. The Offender Fingerprints remain on file for life.

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 Criminal Record Check, managed by a local company)
- 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. The RCMP has similar processes for completing these requests, with a few differences:

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). RCMP Municipal Detachments charge for criminal records checks similar to the HRM.

The RCMP does not contract the checks out to an outside agency, such as myBackCheck.

The following checks are conducted by the 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.

NOTE: Certified Criminal Record Checks do not show local criminal records/convictions that have not been added to CPIC (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 3rd party within seven to ten business days. If there is a delay in the processing of the CRC, the Applicant will be notified.

Cost to conduct the check:

For the RCMP this has not been calculated. Depending on the complexity of 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.

CRC Fees (HRP and RCMP):

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)

Certified Criminal Record Check (fingerprinting) - \$25 tax included (Ottawa fee made payable to Receiver General of Canada) - this fee is waived if the Applicant is volunteering and requires it to complete their Vulnerable Sector Check.

NOTE -With exception to the fingerprinting fee, the above-noted fees are set, charged and accepted by Halifax Regional Municipality. The RCMP does not charge for Criminal Record Checks outside of Halifax District (i.e. Halifax Regional Municipality).

DISCUSSION

One of the most difficult parts of costing this service is the unpredictable and growing ask for Criminal record checks to be completed. It would appear that a number of organizations have increased their reliance on this process as a form of background investigation. It is important to highlight that CRCs are simply a snapshot in time of a criminal conviction and may do very little to help organizations understand the quality of the candidate before them, including their ethics and reliability. The CRC should form but one component to a meaningful selection process. As well, an individual who is unable to receive a CRC due to a criminal record may well be able to contribute in a meaningful and legal manner to any organization in spite of a criminal conviction.

What is the number of requests and cost to perform the CRCs? As per table 1:

| Halifax Regional Police (HRP) Criminal Record Checks - 2017/18 (unaudited) | | | | |
|---|-----------------|----------------|---------|----------------------|
| TYPE | REQUESTS | \$ COST | | \$ TOTAL |
| Employment | 16194 | \$50.00 | \$43.48 | \$704,086.96 |
| Student/Volunteer | 7496 | \$30.00 | \$26.09 | \$195,547.83 |
| Total Revenue | 23690 | | | \$899,634.78 |
| Total Expenses | | | | \$554,462.57 |
| Profit/Loss of Program | | | | \$345,172.21 |
| IMPACT ON BUDGET | | | | \$345,172.21 |
| OPTION A: Everyone pays \$30 | | | | |
| Employment | 16194 | \$30.00 | \$26.09 | \$422,452.17 |
| Student/Volunteer | 7496 | \$30.00 | \$26.09 | \$195,547.83 |
| Total Revenue | 23690 | | | \$618,000.00 |
| Total Expenses | | | | \$554,462.57 |
| Profit/Loss of Program | | | | \$63,537.43 |
| IMPACT ON BUDGET | | | | -\$281,634.78 |
| OPTION B: Employment remains at \$50, Volunteers free | | | | |
| Employment | 16194 | \$50.00 | \$43.48 | \$704,086.96 |
| Student/Volunteer | 7496 | \$0.00 | \$0.00 | \$0.00 |
| Total Revenue | 23690 | | | \$704,086.96 |
| Total Expenses | | | | \$554,462.57 |
| Profit/Loss of Program | | | | \$149,624.38 |
| IMPACT ON BUDGET | | | | -\$195,547.83 |
| OPTION C: Employment at \$30, Volunteers free | | | | |
| Employment | 16194 | \$30.00 | \$26.09 | \$422,452.17 |
| Student/Volunteer | 7496 | \$0.00 | \$0.00 | \$0.00 |
| Total Revenue | 23690 | | | \$422,452.17 |
| Total Expenses | | | | \$554,462.57 |
| Profit/Loss of Program | | | | -\$132,010.40 |
| IMPACT ON BUDGET | | | | -\$477,182.61 |
| OPTION D: Employment free, Volunteers free | | | | |
| Employment | 16194 | \$0.00 | \$0.00 | \$0.00 |
| Student/Volunteer | 7496 | \$0.00 | \$0.00 | \$0.00 |
| Total Revenue | 23690 | | | \$0.00 |
| Total Expenses | | | | \$554,462.57 |
| Profit/Loss of Program | | | | -\$554,462.57 |
| IMPACT ON BUDGET | | | | -\$899,634.78 |

When reviewing the past three complete years of HRP unaudited data, had Option B been chosen and Council opted to do Student/Volunteer checks for free but kept everyone else at the current cost, the impact

on HRP revenues would have been in a range from \$195,000 to \$263,000, depending on the number of CRCs completed.

More specifically, a four-year review of Criminal Record Checks has determined the total number of Checks that have been completed in all of HRM. As per table 2:

| Unaudited CRCs | 2015 | 2016 | 2017 | 2018 |
|---|---------------|---------------|---------------|---------------|
| Employment CRCs (\$50) | 13458 | 13672 | 19797 | 21400 |
| Student/Volunteer CRCs (\$30) | 12989 | 12588 | 10110 | 11045 |
| Total number of HRM CRC's | 26447 | 26260 | 29907 | 32445 |
| % of checks that are student/volunteer checks | 49.11% | 47.94% | 33.80% | 34.04% |

During this period, on average, there were 11,700 student/volunteer checks carried out. HRP performed approximately 8900 of these checks while Halifax District RCMP completed the remainder. Using this average, the reduction in revenue for HRP would be around \$240,000 while for Halifax District RCMP it would be approximately \$60,000.

Had Council chosen to do all checks for free, the impact would have been far greater, between \$683,000 and \$930,000, considering the variance in numbers listed above. The operational costs remain, no matter which option is chosen. It is also worthy of note that in the event any CRCs are delivered free of charge, it is safe to assume that the actual number of such Checks would increase due to increased demand.

Halifax District RCMP revenue does go to HRP, but does go to HRM General Revenue.

| Halifax District RCMP Criminal Record Checks – 2017 (unaudited) | | | | |
|---|-------------|---------|---------|---------------------|
| TYPE | REQUESTS | \$ COST | | \$ TOTAL |
| Employment | 3603 | 50 | \$43.48 | \$156,652.17 |
| Student/Volunteer | 2614 | 30 | \$26.09 | \$68,191.30 |
| TOTAL | 6217 | | | \$224,843.48 |

Any changes to Criminal Record Check fees will have an impact to General Revenue from Halifax District RCMP. Based on our review for the last four years, if Council chooses to remove the fees for volunteers, that would have had an impact on revenue varying from \$68,000 to \$81,000 depending on the number of CRCs performed.

Had Council chosen to do all checks for free, the impact would have been far greater between \$218,000 and \$239,000. Again, the operational costs remain, no matter which option is chosen.

FINANCIAL IMPLICATIONS

It is important to note that these numbers represent one year's worth of data in table 1 and four years of aggregate data in table 2. The numbers vary, year over year, and the operating costs associated to the program will increase slightly. Ultimately, any changes to the fee structure will have a direct impact on both HRP's budget and HRM's general revenue.

As has been identified in previous reports, any reduction in fees associated to volunteers could have a direct impact on the number of agencies and individuals that would ask for Record Checks as part of their employment/volunteer screening. Those increased costs have not been considered here.

Further, it is known that fingerprint-based Criminal Record Checks will be made mandatory by the Federal Government in the future. When this occurs, it is assumed the \$25 (additional) fee payable to the Receiver

General of Canada will also be mandatory. This report does not include future costing of the costs now absorbed by HRP to remit the \$25 fee for those persons requiring fingerprint-based checks, which we know will be further exacerbated once the National Policing Services moves all CRCs to a fingerprint-based system.

COMMUNITY ENGAGEMENT

None identified.

ATTACHMENTS

None.

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.

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