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Halifax Regional Council
February 19, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer

DATE: February 11, 2002

SUBJECT: Background Security Checks

ORIGIN

At the March 28, 2000, meeting of Halifax Regional Council a discussion evolved regarding the topic of "Background Security Checks". Councillor Kelly noted that the RCMP do not charge for this service and requested that staff provide a report on why there is an inconsistency and investigate a means of making this process consistent. There was a subsequent Information Report send to Council on May 2, 2000 reflecting that police had not yet been able to formulate a recommendation.

RECOMMENDATION

It is recommended that Halifax Regional Council affirm the existing practices of the collection of a fee for "Background Security Checks" conducted by the Halifax Regional Police.

BACKGROUND

Police services are generally involved in two types of “Background Security Checks”. The first type deals with the actual taking of fingerprints from a subject and the submission of those fingerprints to Ottawa where they are classified and checked against existing records. The national fingerprint service in Ottawa charge a fee of \$25.00 plus GST for this work .

The second type of “Background Security Checks” are those that deal with the checking of police information systems with regard to specific individuals for the purpose of determining if they have any criminal convictions or other related matters that may be of concern to employers, organizations or governments.

It is staff’s understanding that the term “Background Security Checks” referred to in the discussion at Council deals with this second type of process. Generally these services are used by individuals that are applying for visas or for employment where the employer would require a security background clearance for insurance, licencing, security, or liability reasons.

Generally an individual fills out a request for such a background check and signs a form providing certain required information and authorizing the search. Police would do the check and return the results, in writing, to the individual and the individual would then convey that information to whomever they saw fit. The individual determines if he or she wants to disclose the information to any other party. Generally, police attempt to reply to these requests in a written form within 10 days. The work done on each file includes staff time to review the information on the form, do the computer background checks, review the results for potential problems, complete the response portion of the form and relay information, address and type the envelope, file the police copies so as to be able to refer to the info in future as required, plus deal with any issues that may arise either with the interpretation of the report or the findings. At times the flow of requests is such that the work is done on an overtime basis. The check must be done by the police of local jurisdiction where the applicant lives as inquiries are made to both national and local data bases. For example, if you live in Halifax and apply for a job with a Sackville firm you must have a check done by the HRP and if the residency and job is the other way around the RCMP do the check. The procedures associated with this process have also been adjusted over time to reflect the terms of the Freedom of Information and Protection of Privacy Legislation passed by the Province of Nova Scotia.

Prior to amalgamation each of the three police agencies that now make up the HRP had a separate approach for performing these services. For example, the former Halifax City Police first charged a fee of \$10 for such a security check, this fee eventually grew to \$25. Sometime after amalgamation the fee was standardized to \$25 plus HST, with the exception of the Volunteer Program for community based organizations that HRP has an agreement with. Currently the RCMP do all such checks free to the applicant. It is this variance in expense that has raised the issue for Council.

The demand for this service has increased within the past 4-5 years when the Provincial government approached police services with a process which would encourage volunteer organizations to conduct security profiles on persons who would be working in positions of trust or deal with vulnerable persons such as children. The Halifax Regional Police (HRP) agreed to perform these specific checks at a reduced rate only after the volunteer agency entered into a Memorandum of Understanding (MOU) with the police service.

The experience of the HRP is that recruiting efforts by employers can result in large numbers of requests and the demand can have a negative impact on the police service records operations. When employers such as casinos, fire services, or licencing authorities are actively recruiting, we can receive as many as 300 applications in one week and most requests involve time sensitive issues for the applicant.

In the calendar year 2000, the Halifax Regional Police conducted 2900 checks, in the calendar year 2001 that number grew to 4526, an increase of approximately 56.1% year over year. It is estimated that about 661 were for volunteers and 3865 for other purposes. The revenue that is created is used to offset the net police budget.

DISCUSSION

Staff are of the opinion that the maintenance and use of police records information is for the purpose of the core police activity of investigations or the courts for sentencing. It is also our opinion that it is not part of our core service to provide this information to others at the expense of the operations of the police service.

The RCMP do not have a collection process for such fees in their various detachments. Further, the RCMP, as the provincial police force, are governed by their Provincial policies which do not allow for the recovery of such service costs and are bound as a national police service to certain national accounting procedures. We understand that the issues for the RCMP as a provincial police service include the fact that they endeavour to provide a standard of service to the whole of the Province and the decision to change the practice for the RCMP in HRM could create issues for them in communities adjacent to HRM or throughout the rest of the Province much the same as we are now having within HRM. In addition, the RCMP accounting process does not allow for the local recovery of income. Any funds collected would go to the Receiver General in Ottawa and such collection on this issue would be contrary to RCMP national policy. We are therefore advised by Supt. Ferguson that the RCMP will not be able to adjust their practice to the process used by HRP.

The demand for this service with a fee has seen a growth of 56% in one year. It is the observation of HRP staff that without a fee the potential volume for such requests would explode to a level that

we would have to hire more staff. For example, when the volunteer program first started, one group thought they might like to have all of their 1500 volunteers checked and that was just one of the 31 groups with whom we eventually signed MOU's.

When the fee for service was struck some years ago, a review of the fees of other police agencies across the country was done, along with an analysis of the costs of staff time and computer time required to complete the task and the \$25 fee was deemed appropriate.

Council could, as a policy matter, instruct the Chief of Police that Council no longer wants the service fee charged so as to standardize the fee process. The Halifax Regional Police service would then lose an existing revenue stream (estimated at \$103,235 last year) which goes to offset the current net budget and the costs to deal with the potential growth issues of a "no fee" world. In order to adjust their operation, HRP could reduce other policing services within the budget to meet the needs of the financial envelope, or Council could adjust the general tax rate.

The staff recommendation for the status quo option is based on the following perspectives. First, it is the opinion of HRP staff that police records systems are established for the purpose of conducting police investigations and police business and although some argument can be made that these checks may serve some crime prevention opportunity they are not the principle reason for this information to exist. Therefore, HRP staff believe this circumstance is one that clearly falls into the user pay type of service.

Secondly, RCMP policy does not allow for a fee process. The RCMP operations, paid through the general rate, now include this activity within their contract service to HRM. The elimination of the fee within the HRP jurisdiction would cause a revenue adjustment and shortfall in the HRP net budget. If required to maintain the envelope target, HRP options could include reducing some other general policing service to stay within budget; an approach HRP staff would not recommend as being in the greater good of the overall service delivery. Alternatively, there could be an increase in the HRP budget to offset the loss of revenue. Any increases would produce an increase in cost of policing and could then show up as an increase in the general tax rate as policing is part of the general rate. If that occurred, it means that taxpayers in both the HRP and the RCMP areas would be paying for this new expense. HRP staff do not believe tax payers should be paying a higher general rate to meet this expense. Any inequities or advantages identified are not being generated by HRM or any of its policies and any effort to modify the practice may only serve to create other related issues.

Finally, amalgamation, particularly as it pertains to policing, was initially based on the concept of the development of an organizational and governance model that would provide the most effective, efficient and economical application of resources in order to provide municipal services. It is the opinion of the staff of HRP that the present practices are effective, efficient and the most economical method available to all of HRM. Clearly, there are situations where the application of the same or

similar levels of service at the same expense can and should be expected and delivered. However, HRP staff do not think this is one of those cases.

BUDGET IMPLICATIONS

If Council accepts the recommendation to remain with the status quo there would not be any budget impact. However, if Council decides to provide the service free within the HRP area, the HRP would have to reduce current levels of service or HRM would have to add at least \$103,235 to this years operating budget for HRP to cover the revenue loss and these costs will continue to grow in future years.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating Reserves, as well as any relevant legislation.

ALTERNATIVES

Staff only see two options available to council at this time:

- (1) Maintain the status quo which is staff's recommendation or;
- (2) Have the HRP provide the service free of charge to persons in their policing area. This decision would require either a reduction in some other police service area or an increase the in HRP budget of approximately \$103,235 to offset the revenue loss. However, Council should be aware that when the service becomes free, further funds may be required to keep pace with the demand.

ATTACHMENTS

Accident and Seized Vehicles Division Monthly Statistics report for the years 1999, 2000 and 2001

Additional copies of this report, and information on its status, can be obtained by contacting the office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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490-6500

**Accident and Seized Vehicles Division
Monthly Statistics**

ITEM	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
Statistics for 1999													
Summary Offence Tickets	1,271	1,235	1,588	1,257	1,296	1,325	1,105	1,328	1,252	1,141	1,131	506	14,435
Motor Vehicle Accidents	472	442	469	453	443	476	487	457	518	521	532	593	5,863
Insurance Letters	66	77	67	52	53	36	2	0	27	54	88	88	610
Seized Vehicles - West	18	21	21	34	33	36	42	46	44	52	46	54	447
Seized Vehicles - Central	49	83	102	65	74	73	90	99	93	123	114	96	1,061
Seized Vehicles - East	28	24	38	32	43	31	29	45	42	42	45	34	433
Total Seized Vehicles	95	128	161	131	150	140	161	190	179	217	205	184	1,941
Criminal Record Checks	107	126	118	245	261	240	54	51	159	223	210	8	1,802

Statistics for 2000													
Summary Offence Tickets	1,363	1,491	1,277	1,206	1,592	1,413	1,391	1,312	1,247	1,208	1,155	880	15,533
Motor Vehicle Accidents	520	477	427	396	450	486	448	458	534	572	588	614	5,970
Insurance Letters	17	83	56	40	69	48	42	60	41	71	79	53	659
Seized Vehicles - West	36	29	32	23	20	32	22	37	40	32	22	31	356
Seized Vehicles - Central	180	117	126	71	88	87	127	140	121	124	135	87	1,403
Seized Vehicles - East	33	38	44	23	39	33	45	37	40	46	47	40	465
Total Seized Vehicles	249	184	202	117	147	152	194	214	201	202	204	158	2,224
Criminal Record Checks	145	159	286	534	284	251	217	212	212	236	199	164	2,899

Statistics for 2001													
Summary Offence Tickets	1,426	1,473	1,695	1,512	1,373	1,228	1,415	1,320	1,102	1,098	1,215	901	15,758
Motor Vehicle Accidents	627	593	549	380	472	434	452	465	407	521	527	576	6,003
Insurance Letters	38	88	58	65	65	27	15	61	59	54	72	50	652
Seized Vehicles - West	69	53	31	31	31	15	36	34	18	27	22	20	387
Seized Vehicles - Central	301	230	94	83	83	127	100	116	115	113	132	99	1,593
Seized Vehicles - East	61	66	19	33	33	25	46	37	41	44	42	45	492
Total Seized Vehicles	431	349	144	147	147	167	182	187	174	184	196	164	2,472
Criminal Record Checks	215	209	629	561	561	289	298	466	329	425	370	174	4,526