



HAMILTON POLICE SERVICE

RECOMMENDATION REPORT

TO:	Chair and Members Hamilton Police Services Board
BOARD MEETING DATE:	October 28, 2021
SUBJECT:	Proposed Changes to the Police Record Checks Reform Act & Municipal Act
REPORT NUMBER:	21-109
SUBMITTED BY:	Frank Bergen, Chief of Police
SIGNATURE:	

RECOMMENDATION

That the Board provides feedback to the Ministry of the Solicitor General regarding the proposed changes to the Police Record Checks Reform Act with regard to removing the Police Services Board powers to charge fees for police record checks for volunteers.

EXECUTIVE SUMMARY

- The Ministry of the Solicitor General is proposing changes to the Police Record Checks Reform Act, 2015 (PRCRA) that will remove municipal and local board powers to charge fees for volunteers seeking Criminal Record Checks (CRCs) and Criminal Record and Judicial Matters Checks (CRJMCs). Vulnerable Sector (VS) checks are not within the scope of the amendment.
- This amendment, if passed, would require police services to provide the above noted checks for volunteers at no charge and provide up to five free copies of the results (if requested at the time of the initial request).
- The Ministry of the Solicitor General has identified that individuals may face financial and/or administrative barriers when required to obtain a police record check to apply for or maintain volunteer opportunities.
- The Hamilton Police Service has historically maintained that the provision of police background checks is not a core policing function and therefore, should not be funded by the municipal tax base, but rather by the agency requesting the check.

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- The Ministry is requesting feedback from Police Service Boards on the proposed changes by no later than November 21, 2021

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial:

All figures provided for the purposes of this report are based on 2019 pre-pandemic activity.

Current Criminal Record Checks (CRCs) are \$15 and Criminal Record and Judicial Matters Checks (CRJMCs) and \$20. Should the proposed amendment be approved, the HPS would lose approximately \$51,000 in annual revenue.

Volunteers can receive their checks in person or online. Those who use the online services are charged an additional \$9.95 convenience fee by the Service's third party provider Forrest Green. This online service was accessed 1386 times in 2019 for a total cost of about \$13,800. It is not clear if this online fee is expected to be absorbed by Police Services. If so, the Service would experience an additional budgetary pressure for online service fees.

Lastly, at present the proposal does not include Vulnerable Sector (VS) background checks, however, should they be included at a future date, the HPS would lose an additional \$356,000 in revenues.

Staffing:

The provision of police background checks is currently staffed by a core group of four Customer Service Representatives in the Records branch. During periods of high volume, the Records team assigns other staff members to assist with ensuring background checks are provided within a reasonable timeframe. While revenues would decrease, the workload would continue to exist at the same levels and therefore, staffing is projected to remain the same.

Legal Implications: Not applicable.

INFORMATION

Currently, the Records Branch of the Hamilton Police Service provides approximately 14,000 police background checks each year, and just under half of these are for volunteer and student placements. Background checks are guaranteed to be completed within two weeks of application, but are most often returned within a few days.

In the existing fee structure, volunteers and students are charged the same fee. It is not clear whether the proposed amendment would include students within the definition of a volunteer. For costing purposes, we have included all unpaid students in our financials.

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As part of the Board's feedback and follow up to the Ministry, a request for clarity on the definition of a volunteer would be helpful.

In addition, volunteers have the option to receive their checks online or in person. The Service contracts a third party vendor, Forrest Green to deliver online services for the impacted checks. While, the Service does not pay a fee directly to the vendor for online background checks, a convenience fee of \$9.95 is charged directly to the applicant for accessing the online services through Forrest Green. The proposed amendments do not speak to who will be responsible for these types of fees. Clarification on this point may also be requested by the Board in their follow up to the Ministry.

Since implementing protocols for COVID-19, the Service has diverted most of the background check traffic to our online service provider. While the numbers provided for the purposes of this report are 2019 pre-pandemic figures, the trend towards accessing online services steadily increases each year and as such, the actual impact may be higher.

ALTERNATIVES FOR CONSIDERATION

Not applicable.

APPENDICES AND SCHEDULES ATTACHED

Not applicable.

FB/A.Hepplewhite

cc: Anna Filice, Chief Administrative Officer