



STAFF REPORT ACTION REQUIRED

Clearing Backlog of Background Check Requests Submitted to the Toronto Police Service - Police Reference Check Program

Date:	April 11, 2014
To:	Executive Committee, City of Toronto
From:	Alok Mukherjee, Chair, Toronto Police Services Board

SUMMARY

The purpose of this report is to advise the Executive Committee that effective June 1, 2014, the City of Toronto will be charged for all applications that it submits to the Toronto Police Service – Police Reference Check Program for vulnerable sector screenings.

RECOMMENDATION

It is recommended that the Executive Committee receive this report for information.

FINANCIAL IMPACT

The financial implications are not known at this time.

ISSUE BACKGROUND

At its meeting held on March 13, 2014, the Board was in receipt of a report dated February 27, 2014 from Chief of Police William Blair regarding the status of clearing the backlog of applications submitted to the Toronto Police Service - Police Reference Check Program.

COMMENTS

The following persons were in attendance and delivered deputations to the Board:

- Chris Khan, Student, George Brown College *
- John Sewell, Toronto Police Accountability Coalition

*written submission also provided; copy on file in the Board office

Staff report for action on Police Reference Check Program Backlog

Following the deputations, Acting Chief Mark Saunders responded to questions by the Board.

Mr. Don Bevers, Manager, and Ms. Cathy Blair, Acting Assistant Manager, Records Management Services, were in attendance and responded to questions by the Board.

The Board approved the following Motions:

1. THAT the Board receive the deputations by Mr. Khan and Mr. Sewell;
2. THAT the Board receive the Chief's report;
3. THAT the Board request the Chief to provide a report on the feasibility of increasing the fee for conducting a background check for applicants who may be willing to pay a higher fee in order to ensure that the background check is completed during a shorter or specific period of time;
4. THAT, effective June 1, 2014, the City of Toronto be charged for all applications that are completed for the City and that those funds be used to bolster the timeliness of conducting the background checks; and
5. THAT the Board request the Chief to provide a report containing a comprehensive analysis of the details of all aspects of these checks.

The Board referred to the following Motion which was approved at its January 16, 2014 meeting:

THAT the Chief provide a report for the March 2014 meeting on options to improve the efficiency of responding to requests for background checks and, in order to ensure that the public is well served, the strategies that will be implemented by the TPS to ensure that a background check is completed within two weeks or a timeline that is possible; and

The Board noted that the report had not been submitted for the March 2014 meeting as requested and indicated that it is required for the April 2014 meeting.

The Board approved the Chief's report and agreed to forward a copy to the Executive Committee for information.

CONCLUSION

A copy of Board Minute No. P43/14, in the form attached as Appendix "A", regarding this matter is provided for information.

CONTACT

William Blair, Chief of Police
Toronto Police Service
Telephone No. 416-808-8000
Fax No. 416-808-8002

SIGNATURE

Alok Mukherjee
Chair

ATTACHMENT

Appendix A – Board Minute No. P43/14

A: backlog police reference check program.doc

APPENDIX “A”

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON MARCH 13, 2014

#P43 UPDATE REPORT: CLEARING BACKLOG OF BACKGROUND CHECK REQUESTS – POLICE REFERENCE CHECK PROGRAM

The Board was in receipt of the following report February 27, 2014 from William Blair, Chief of Police:

Subject: UPDATE REPORT: CLEARING BACKLOG OF BACKGROUND CHECK
REQUESTS SUBMITTED TO THE POLICE REFERENCE CHECK
PROGRAM

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

There are no financial implications relating to the recommendation contained within this report.

Background/Purpose:

At its meeting on January 16, 2014, the Board passed the following motion:

THAT an update report be provided for the February 2014 meeting on how the TPS will clear the current backlog of background checks that have been requested (Min. No. P14/14 refers).

The Board has requested that the Chief provide the Board with an update report on how the Toronto Police Service (Service) will clear the current backlog of background checks that have been requested through the Records Management Services (RMS) – Police Reference Check Program (PRCP).

The following information is provided in response to that request.

Discussion:

Currently, the two main services provided by the PRCP are the provision of “Clearance Letters”, and vulnerable sector screenings (VSS) through the “Vulnerable Sector Screening Program”. The PRCP is partnered (by way of Memorandum of Understanding) with approximately 3150 agencies and additionally provides information upon request to other police services, agencies, and the public.

The following chart indicates the Clearance Letter and VSS applications, as well other requests processed by the PRCP in 2013:

<u>Type</u>	<u>Total</u>
Clearance Letters	40,482
Vulnerable Sector Screenings	68,057
Other Information Requests	12,450

In addition to the above totals, there were approximately 10,000 VSS applications in carry-over from 2012.

It is important to note that these totals do not fully capture the scope of the services provided by PRCP staff, including; time spent interacting with the public by phone, online, and in-person.

Current Backlog of VSS Applications

As of January 1, 2014, the carry-over of 2013 VSS applications totalled 16,947. There was no carry-over for Clearance Letter requests.

The backlog was not unusual given the PRCP has operated on an annual carry-over of VSS applications for several years.

The following chart indicates the past 3 years of annual carry-over for VSS applications:

<u>Years</u>	<u>Total</u>
2010 to 2011	8,900
2011 to 2012	8,000
2012 to 2013	10,000

Adding to the backlog is an average of 200 new applications the PRCP receives every business day.

PRCP Staffing

Currently, the PRCP has a staffing level of 21 permanent civilian members including:

- 1 - Class 7
- 19 - Class 5
- 1 - Class 2

Though Clearance Letters and VSS applications are the main focus, other PRCP functions and tasks overlap these areas in order to complete different portions of the process. All permanent PRCP members have been designated to specific PRCP job functions; however, they are cross-trained and utilized through reassignment pending PRCP requirements.

It is important to note that in compliance with the Board Policy amended in 2009 (Min. No. P111/09 refers), the PRCP includes a process to ensure that applicants may discuss the results of any police reference check completed regarding themselves with a member of RMS to ensure that they understand the information disclosed. This is an opportunity to raise any concerns they may have regarding the appropriateness of specific disclosure relating to any contact with the Service under the *Mental Health Act*. The request to include disclosure of any *Mental Health Act* information comes from the requesting agency on the application form.

The PRCP also provides for the consideration, internally, of any concerns raised by an applicant, relating to the suppression of any contact with the Service under the *Mental Health Act*. Applicants may submit a request in writing to the Manager of RMS. This process is described in detail in the PRCP section on the Service's internet website.

Clearing VSS Backlog

RMS management has been proactive in assessing and dealing with the VSS application backlog.

In the fall of 2013, the PRCP enhanced their staffing level (on an interim basis) to 5 members, solely dedicated to VSS processing. This is a result of the reassignment of 3 temporary members (Class 4) from other areas within the Service to RMS to work with the 2 existing members who were providing this service.

RMS management also reviewed both the Operations and Information Access Sections (IAS) for additional personnel to assist the VSS section. It was recognized that due to the current 22 vacancies (in established RMS staffing levels); reducing personnel anywhere in the Operations area of the unit was not feasible. Likewise compliance pressures within the IAS sub-sections of Access and Privacy Section and Criminal Records would induce negative consequences, and the overall risk to the Service had to be assessed. Filling the 22 staffing positions that are currently vacant would dramatically improve efficiency in the PRCP and in RMS generally.

Recently, RMS management identified 6 – permanent members (Class 5) from the Records Release section of IAS to assist the PRCP with the VSS application backlog. This is the only area identified in RMS that would not have a direct impact on the safety and security of the public or Service members.

This temporarily increases the overall staffing of the PRCP to 11 members solely dedicated to VSS processing throughout the week.

Additionally, another 2 to 3 PRCP staff members (pending exigencies of the unit), are assigned to VSS application processing on the Tuesday, Wednesday, and Thursday of each week.

Unfortunately, this utilization of staffing comes at a cost to other areas of the program, including the ability of the PRCP to respond to VSS requests from other police services that require information from the Service to complete their VSS process.

RMS management has determined through experience that an average of 50 applications can be processed by a member per day, provided there are no interruptions and no overt complexities to the application. .

As a result of the temporary redeployment of staff and utilization of overtime (premium pay), the 2013 carry-over of VSS applications (as of February 27, 2014) has been substantially reduced:

2013 VSS applications (Carry-over): 4750

However, the intake of new requests and applications continue to affect the over-all backlog.

2014 VSS applications (New) 7206

2014 Clearance Letter requests (New) 1200

Impact of Redeployment

The interim solution involving the redeployment of 6 members from the IAS area will affect customer service in other areas of RMS. The redeployment will result in the following:

Temporary stoppage in reporting of collision data to the Ministry of Transportation

- Police are mandated to report all personal injury; fatal collision reports the Ministry of Transportation within 7 days. This information is used to compile statistical information, identify trends, improve road safety, assist in calculating auto insurance premiums, and driver's abstract information.

Temporary stoppage in reporting collision data to the City of Toronto Traffic Data Centre

- The Service has a MOU that requires timely transfer of collision data and supporting images to allow the City of Toronto to evaluate trends, high collision locations, installation of red light cameras, timing sequence of lights at intersections, etc.

Temporary stoppage in supplying collision reports/notes/occurrence information to insurance companies, lawyers and involved parties

- The information contained in these reports/notes provides interested parties with the necessary information required to settle insurance claims, repair property damage etc. Clients in this group include the City of Toronto (which insure TPS vehicles and staff, fire trucks, ambulances)

Management will continue to reassess the redeployment of 6 members from the IAS area to the VSS function, in order to identify other possible options that would minimize the effects to any one section within the RMS and explore other solutions not previously available such as hiring temporary or more permanent staff.

Future Challenges

The Service has been informed of two large scale events and some future legislative requirements that will have a definite impact, and further exhaust, the PRCP's limited resources:

- 2015 – World Junior Hockey Championship (Toronto) – potential for 300-400 volunteers requiring VSS checks
- 2015 – Pan American / Parapan American Games (Toronto) – potential for 20,000 volunteers requiring VSS checks
- future legislation requiring all Ontario driving instructors to undergo VSS checks – potential for 3500 driving instructors requiring VSS checks
- future RCMP policy requiring that all VSS applications be supported by fingerprints and submitted in-person (may potentially have severe impact on PRCP business processes)

Conclusion:

This report is provided in response to the Board's motion requesting how the Service will clear the current backlog of background checks.

The Service is cognizant of the impact the delays in processing applications have on the public. However, the processes utilized are in keeping with PRCP and RCMP standards for processing VSS applications. These processes meet the requirements of the *Criminal Records Act* when it comes to a vulnerable person and upholds the *Police Service Act* as it pertains to the declaration of principles for policing in the Province.

Processing times must be weighed against the importance of providing a complete, accurate, and up-to-date final product for delivery, and to adequately satisfy and protect the interests of the requesting agencies, organizations, and public who are our clients. The processing times are justified by the legal and financial ramifications of providing inaccurate or incomplete results.

The PRCP has incorporated an interim solution of redeploying additional staff to the VSS section in order to eliminate the current backlog. This solution has significantly reduced the 2013 carry-over, but consequently, had effects on other areas of service delivered by RMS. The average daily in-take of 200 new applications and requests also continues to affect the current backlog.

At its January 2014 meeting, the Board requested that the Service report on how the program might be adjusted to reduce the average response time for VSS applications. As a result, a review of the business processes in PRCP has been commenced and will seek to identify strategies and implement efficiencies wherever possible. An interim report will be provided to the Board at its meeting in April 2014.

Deputy Chief Mike Federico, Operational Support Command, will be in attendance to answer any questions that the Board may have regarding this report.

The following persons were in attendance and delivered deputations to the Board:

- **Chris Khan, Student, George Brown College ***
- **John Sewell, Toronto Police Accountability Coalition**

***written submission also provided; copy on file in the Board office**

Following the deputations, Acting Chief Mark Saunders responded to questions by the Board.

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- 5. THAT the Board request the Chief to provide a report containing a comprehensive analysis of the details of all aspects of these checks.**

Moved by: F. Nunziata

cont...d

The Board referred to the following Motion which was approved at its January 16, 2014 meeting (Min. No. P14/14 refers):

THAT the Chief provide a report for the March 2014 meeting on options to improve the efficiency of responding to requests for background checks and, in order to ensure that the public is well served, the strategies that will be implemented by the TPS to ensure that a background check is completed within two weeks or a timeline that is possible; and

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