Vulnerable Sector Screening Checks – Proposed Increase to Existing Fees, Establishment of New Fees and Charges to the City of Toronto

Date: August 15, 2014
To: Executive Committee, City of Toronto
From: Alok Mukherjee, Chair, Toronto Police Services Board

SUMMARY

The purpose of this report is to provide the City of Toronto – Executive Committee with the decisions that have been made by the Toronto Police Services Board (“Board”) in order to provide the Toronto Police Service (“TPS”) with the ability to clear the current backlog of requests for vulnerable sector screening (“VSS”) checks, complete future VSS checks to within a two week timeline and apply an increase to existing fees or establish new fees for new services that will be implemented pertaining to the expedited completion of VSS checks.

RECOMMENDATIONS

It is recommended that:

1. in accordance with the City of Toronto Act, 2006, the Executive Committee authorize the Toronto Police Services Board to increase fees, and establish new fees, as outlined below:

   (A) the fee for vulnerable sector screenings will increase from $50.00 to $65.00 per request for the purposes of employment, effective January 01, 2015;

   (B) the fee for vulnerable sector screenings will increase from $15.00 to $20.00 per request for volunteers, effective January 01, 2015;

   (C) the fee for an expedited service for vulnerable sector screenings within 72 hours be set at $110.00 per request for the purpose of employment, effective January 01, 2015;

   (D) the fee for an expedited service for vulnerable sector screenings within 72 hours be set at $65.00 per request for volunteers, effective January 01, 2015

Staff Report for Information on clearing the backlog of vulnerable sector screening checks – update on fees to be charged.
2. the Executive Committee authorize the Toronto Police Services Board to charge the City of Toronto, including Agencies, Boards and Commissions, for all the applications that they submit to the TPS – Police Reference Check Program for vulnerable sector screening checks.

FINANCIAL IMPACT

The TPS’s 2015 operating budget request will include the costs and revenue implications arising from the TPS’s commitment to complete the VSS checks within a two week period.

ISSUE BACKGROUND

At its meetings held on March 13, 2014, April 10, 2014, June 19, 2014 and August 14, 2014, the Board considered several reports with regard to the urgent need to clear the backlog of applications that had been submitted for VSS checks and to reduce the period of time that would be required to complete future requests for VSS checks.

The Board subsequently agreed to increase the fees that are currently being charged by the TPS for VSS checks and to establish new fees for expedited VSS checks to be conducted by the TPS. In accordance with the City’s User Fee Policy, the new fees were calculated based on the full service costs, direct and indirect, that are incurred by the TPS.

The Board also agreed that, in future, all requests for VSS checks made by the City of Toronto Divisions and Agencies would be subject to a fee that will be charged by the TPS.

CONCLUSION

Copies of the Minutes from the Board meetings held on March 13, 2014, April 10, 2014, June 19 2014 and August 14, 2014 which refer to the improvements that will be made to clear the current backlog of requests for VSS checks and to complete future checks to within a two week timeline on a full cost recovery basis are attached, in the form of Appendices A to D, for information.

CONTACT

Chair Alok Mukherjee
Toronto Police Services Board
Telephone No. 416-808-8080

Staff Report for Information on clearing the backlog of vulnerable sector screening checks – update on fees to be charged.
SIGNATURE

_______________________________
Alok Mukherjee
Chair, Toronto Police Services Board

ATTACHMENT
Appendix A – Minute No. P43/14 – March 13, 2014 Meeting
Appendix B – Minute No. P66/14 – April 10, 2014 Meeting
Appendix C – Minute No. P143/14 – June 19, 2014 Meeting
Appendix D – Minute No. P176/14 – August 14, 2014 Meeting

a:vulnerable sector screening checks _ deferral of fees.doc

Staff Report for Information on clearing the backlog of vulnerable sector screening checks – update on fees to be charged.
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:

<table>
<thead>
<tr>
<th>Type</th>
<th>Total</th>
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<tbody>
<tr>
<td>Clearance Letters</td>
<td>40,482</td>
</tr>
<tr>
<td>Vulnerable Sector Screenings</td>
<td>68,057</td>
</tr>
<tr>
<td>Other Information Requests</td>
<td>12,450</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Years</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010 to 2011</td>
<td>8,900</td>
</tr>
<tr>
<td>2011 to 2012</td>
<td>8,000</td>
</tr>
<tr>
<td>2012 to 2013</td>
<td>10,000</td>
</tr>
</tbody>
</table>

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

Staff Report for Information on clearing the backlog of vulnerable sector screening checks – update on fees to be charged.
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:

1. **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.

2. **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.

3. **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.

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.

Moved by: F. Nunziata

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
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.
APPENDIX B

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON APRIL 10, 2014

#P66. OPTIONS TO IMPROVE THE EFFICIENCY OF RESPONDING TO REQUESTS FOR VULNERABLE SECTOR SCREENING CHECKS TO WITHIN A TWO WEEK TIMELINE FOR COMPLETION

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

Subject: OPTIONS TO IMPROVE THE EFFICIENCY OF RESPONDING TO REQUESTS FOR VULNERABLE SECTOR SCREENING CHECKS TO WITHIN A TWO WEEK TIMELINE FOR COMPLETION

Recommendations:

It is recommended that:

(1) the Board approve an increase of 13 permanent positions to the Service’s civilian staffing establishment;
(2) the Board approve an increase in the fee effective September 1, 2014 for vulnerable sector screenings from $50.00 to $65.00 per request for the purposes of employment;
(3) the Board approve an increase in the fee effective September 1, 2014 for vulnerable sector screenings from $15.00 to $20.00 per request for volunteers;
(4) the Board approve a fee for an expedited service for vulnerable sector screenings within 72 hours effective September 1, 2014 at $110.00 per request for the purpose of employment; and
(5) the Board approve a fee for an expedited service for vulnerable sector screenings within 72 hours effective September 1, 2014 at $65.00 per request for volunteers.

Financial Implications:

The recommendations contained within this report are expected to have a net zero impact on the operating budget. Based on an implementation date of September 1, 2014, the additional 13 civilian positions will have a cost of $307,000 in 2014, which will annualize to $921,000. However, based on the proposed fee changes and anticipated volume, this cost will be fully recovered through increased revenues.

Background/Purpose:

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

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

Staff Report for Information on clearing the backlog of vulnerable sector screening checks – update on fees to be charged.
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 (Min. No. P14/14 refers).

In addition, the Board requested an update on the current backlog of VSS requests and the feasibility of offering an expedited service for a higher fee.

The following information is provided in response to that request.

Discussion:

Update of VSS Backlog

At its meeting of March 13, 2014, the Chief provided the Board with a report detailing the backlog of 2013 VSS requests totalling 16,947. There was no carry-over of Clearance Letter requests at that time.

The report included an interim solution to clear the backlog through the redeployment of Police Reference Check Program (PRCP) and Record Management Services (RMS) staff to VSS processing.

The redeployment of staff, in addition to the utilization of premium pay (overtime), has reduced the backlog to approximately 4,345 VSS applications (approximately a four week turnaround). However, while effectively reducing the VSS backlog, the PRCP has continued to receive a daily average of 200 new VSS requests in 2014.

As reported in the March 2014 report, the interim solution is not sustainable because the staff redeployment negatively affects other areas of RMS. The Board was advised that currently there are 22 vacancies in RMS and this has severely limited the unit’s ability to reassign staff, even temporarily, to the VSS process.

VSS Processing – Two week Timeline

The Board has asked the Service to provide options to achieve a turn-around time of two weeks to complete a VSS check. Records Management Services (RMS) has carefully reviewed its processes and has concluded that with its current staffing levels, the PRCP cannot expedite its VSS processing times.

Consequently, in consultation with Budget and Financial Analysis, RMS has concluded that a two week timeline could be achieved with an increase in staff of 13 permanent civilian members solely dedicated to the VSS process. The associated costs would be recovered through an increase in fees charged to the applicant.

The goal of a two week timeline for VSS applications is based on the assumption that the applicant is not on-file with any federal, provincial or local database.
If the applicant is on-file, it will take longer than two weeks to process depending on the nature of the records found. For example, if the applicant is a possible match on the Pardoned Sex Offender Registry then fingerprints will need to be taken and forwarded to the Royal Canadian Mounted Police (RCMP) for comparison which can take more than 120 days for the results.

RMS determined that it needs 13 additional members based on the average intake of new applications, the average time required to process a new application if applicant is not on-file, the average time to complete an application if the applicant is on file and the average time spent speaking to the applicants on the telephone and responding to their inquiries and questions.

**Suggested Increase in VSS Applicant Fees**

To cover costs associated with achieving the two week turnaround, an increase in the fees is required. The recommended fee of $20.00 for volunteers (an increase of $5.00) and $65.00 for purposes of employment (an increase of $15.00) will be sufficient to fully fund the costs associated with the additional 13 civilian positions, including related overhead (e.g. computers, supplies, office space, etc.). The costs of the program will be monitored closely to ensure that the proposed fees continue to be appropriate and any future required fees changes will be brought the Board accordingly.

**Expedited Service of VSS Processing for Higher Fee**

The Service recommends that an expedited service can be implemented for those applicants who request a quicker turn around and are prepared to pay a premium rate. The turnaround time will be 72 hours, excluding weekends and holidays, if the applicant is not on file. If the applicant is on file, the expedited service cannot be completed within 72 hours, and there will be no refund.

Based on the work required, the Service recommends that the premium fee be fixed at $45.00. This would mean the cost for an expedited VSS application for employment will be $110.00 ($65.00 + $45.00) and $65.00 ($20.00 + $45.00) for a volunteer.

**Conclusion:**

A review by RMS, in consultation with the Budget and Financial Analysis section, has concluded that the VSS application could ultimately achieve a two week turnaround with an increase in staff that would be solely dedicated to VSS processing. The review has determined that 13 additional permanent civilian members will ensure that an applicant (who is not on-file) may receive a completed VSS check within two weeks. The associated costs for the additional staff may be recovered through the proposed increase in fees for services provided.

The review has also recommended that an expedited service can be implemented at a premium rate of $45.00 above the standard fee. As a result, applicants can receive the results of their VSS application within 72 hours providing they are not on-file.
Deputy Chief Mike Federico, Operational Support Command, will be in attendance to answer any questions that the Board may have regarding this report.

The Board was also in receipt of the following report April 9, 2014 from William Blair, Chief of Police:

Subject: SUPPLEMENTARY REPORT - OPTIONS TO IMPROVE THE EFFICIENCY OF RESPONDING TO REQUESTS FOR VULNERABLE SECTOR SCREENING CHECKS TO WITHIN A TWO WEEK TIMELINE FOR COMPLETION – INCREASE IN FEES

Recommendation:

It is recommended that the Board request the City’s Executive Committee to approve the increase in fees for vulnerable sector screening checks recommended in the Chief’s report on this matter.

Financial Implications:

The increase in fees being recommended by the Service will enable the Service to complete vulnerable sector checks for volunteers and for the purposes of employment within a two week timeframe. There should be no overall impact on the Service’s budget as the additional revenue that will be generated through the increase in fees will cover the increased costs required to meet the two week timeline.

Background/Purpose:

At its meeting on April 10, 2014, the Board will consider a report on the increase in fees being recommended by the Service for vulnerable sector screening checks. The purpose of this supplementary report is to advise the Board of the additional approval required for the fee increase.

Discussion:

Prior to September 2011, local boards of the City of Toronto, which includes the Police Services Board, could approve increases to user fees for various services provided without the need for City Council approval. Under the fees and charges portion of the City of Toronto Act, 2006 (COTA), City Council approval was not required unless the City had passed a by-law requiring such approval and no such by-law was in effect. In September 2011, pursuant to the authority contained in COTA, City Council passed such a by-law. As a result, any new user fee or increase in user fees, including those charged by local boards, requires the approval of City Council.
Conclusion:

If the Board supports the increase in vulnerable sector checks being recommended by the Service, it must request City Council’s approval for the increase, through the City’s Executive Committee.

Deputy Chief Mike Federico, Operational Support Command, will be in attendance to answer any questions from the Board.

Mr. John Sewell was in attendance and delivered a deputation to the Board about the foregoing matter.

In response to questions by the Board, Chief Blair said that all of the costs associated with the increase of the 13 permanent civilian positions would be fully recovered through the proposed new fee structure for new vulnerable sector screening applications.

Chief Blair also said that the TPS had issued a Request for Information (“RFI”) to determine whether there were any opportunities in the private sector to contract out some of the components of the vulnerable sector screening checks. The Board was advised that the TPS had not yet received any responses to the RFI.

Chief Blair assured the Board that the TPS would continue to monitor all of the costs associated with the work required to process the applications in order to ensure that the fees are appropriate and the costs are fully recovered.

The following Motions were presented to the Board:

1. THAT the Board receive Mr. Sewell’s deputation; and
2. THAT the Board approve the two reports from Chief Blair.

A request for a recorded vote on the foregoing Motions was submitted in accordance with section 22 of the Board’s Procedural By-Law No. 107.

The voting was recorded as follows:

<table>
<thead>
<tr>
<th>For</th>
<th>Opposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chair Mukherjee</td>
<td>nil</td>
</tr>
<tr>
<td>Vice-Chair Thompson</td>
<td></td>
</tr>
<tr>
<td>Ms. Moliner</td>
<td></td>
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<tr>
<td>Dr. Noria</td>
<td></td>
</tr>
<tr>
<td>Councillor Del Grande</td>
<td></td>
</tr>
</tbody>
</table>

The foregoing Motions were approved.
Moved by: M. Thompson
#P174. STATUS UPDATE: CLEARING BACKLOG OF BACKGROUND CHECK REQUESTS SUBMITTED TO THE POLICE REFERENCE CHECK PROGRAM

The Board was in receipt of the following report May 28, 2014 from Alok Mukherjee, Chair:

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

Recommendation:

It is recommended that the Board agree to delay the implementation of charging City Divisions and Agencies fees for vulnerable sector screening until September 1, 2014, to allow City Divisions and Agencies and Toronto Police Services time to develop administrative processes to track requests and reconcile charges.

Financial Implications:

There are no financial implications arising out of the recommendation contained in this report. If City Council does, indeed, authorize City staff to enter into a memorandum of understanding between the City and the Toronto Police Service for the provision of vulnerable sector police reference checks for successful applicants, current employees or volunteers of City Divisions and Agencies for the same fees as charged to the public, there will be a financial impact, but it is unknown at this time.

Background/Purpose:

At its meeting on January 16, 2014, the Board approved 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 had requested that the Chief provide the Board with an update report on how the Toronto Police Service (the Service) would clear the current backlog of background checks that have been requested through the Records Management Services (RMS) – Police Reference Check Program (PRCP).
The Board, at its meeting of March 13, 2014, received this update report, it noted that “…a review of the business processes in PRCP has been commenced” and that the Service would “…seek to identify strategies and implement efficiencies wherever possible.”

At this time, the Board approved a number of Motions, including the following:

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.* (Min. No. P43/14 refers).

**Discussion:**

As a result, the above-noted Motion was directed to City of Toronto. The matter was referred to the City’s Executive Committee as part of its agenda of May 27, 2014, in a report entitled “Charging the City of Toronto for Police Reference Check Applications” which included a number of recommendations from the City Manager.

This report recommended that the City enter into a memorandum of understanding between the City and Toronto Police Service for the provision of vulnerable sector police reference checks for successful applicants, current employees and volunteers of City Divisions and Agencies for the same fees as charged to the public. It also recommends that the Toronto Police Services Board delay the implementation of charging fees for vulnerable sector screening checks until September 1, 2014 to allow City Divisions and Agencies and Toronto Police Service time to develop administrative processes to track requests and reconcile charges.

The report was approved and will now be forwarded to City Council for inclusion on its agenda of June 7.

**Conclusion:**

Therefore, it is recommended that the Board agree to delay the implementation of charging City Divisions and Agencies fees for vulnerable sector screening until September 1, 2014, to allow City Divisions and Agencies and Toronto Police Services time to develop administrative processes to track requests and reconcile charges.

**The Board approved the following Motions:**

1.  **THAT the Board approve the foregoing report; and**

2.  **THAT the Board provide a copy of the report to the City of Toronto – Executive Committee for information.**

**Moved by:**  A. Pringle
#P175. VULNERABLE SECTOR SCREENING CHECK FEES – RESPONSE TO THE CITY EXECUTIVE COMMITTEE – FEES DEFERRED

The Board was in receipt of the following report August 11, 2014 from William Blair, Chief of Police:

Subject: CITY USER FEE POLICY - VULNERABLE SECTOR SCREENING CHECK FEES – RESPONSE TO THE CITY EXECUTIVE COMMITTEE REFERRAL

Recommendations:

It is recommended that:

(1) the Board approve deferring the implementation of the new Vulnerable Sector Screening (VSS) check fee structure, for the City of Toronto and all other customer groups, from September 1, 2014 (previously approved by the Board) to January 1, 2015;

(2) the Board approve deferring charging the City of Toronto for VSS checks, from September 1, 2014 to January 1, 2015; and

(3) the Board forward this report to the City of Toronto Executive Committee, for approval.

Financial Implications:

The Service’s 2015 operating budget request will include both the cost and revenue implications to achieve the two week turn around for the VSS Program.

Background/Purpose:

The Police Services Board (PSB) received correspondence from the City Clerk’s Office dated June 16, 2014, in relation to Executive Committee Item 42.28, Responding to Requests for Vulnerable Screening Checks to Within a Two week Timeline for Completion – Fees to Be Charged (Ward All). The City Clerk advised that,

“City Council on June 10, 11, 12 and 13, 2014, referred Item EX42.28 back to the Toronto Police Services Board with a request that the Toronto Police Services Board work with the Deputy City Manager and Chief Financial Officer to ensure the Board’s user fees are in compliance with the City’s User Fee Policy and to report to the August 20, 2014 meeting of the Executive.”

Staff Report for Information on clearing the backlog of vulnerable sector screening checks – update on fees to be charged.
The purpose of this report is to advise the Board of the additional work that has been done between City and Service staff in relation to ensuring the new fee structure is in compliance with the City User fee policy.

Discussion:

Compliance with City User Fees Policy:

In response to the Executive Committee’s request, Service Finance and Operations Support staff met with staff from City Finance and the City Manager’s Office on July 16, 2014, to discuss the manner in which the Vulnerable Sector Screening Check fees were set.

During that meeting, discussions focused on how the costs of the VSS fees were calculated, including whether the calculations were in line with the City’s User Fee policy. Service members advised that the fees were calculated based on full service costs, which includes all direct and indirect costs associated with the program.

It was agreed that subsequent to that meeting, the Service would forward additional information regarding the screening process, the history of the program and the detailed cost calculation, to assist City staff in preparing its response to Executive Committee. This information was forwarded to the City on July 22, 2014.

On August 7, 2014, the Service’s Chief Administrative Officer and Director, Finance and Business Management, had the opportunity to further discuss the Executive Committee’s request with the City’s Director of Financial Planning. During that discussion, it was agreed that City staff would prepare a report to the City Executive Committee, regarding the VSS fees’ compliance with the City’s user fee policy.

Increased User fees Approved by the Board:

During its meeting of April 10, 2014, the Board approved the following recommendations in relation to a new fee structure (Min. No. PP66/2014 refers – copy attached):

“(1) the Board approve an increase of 13 permanent positions to the Service’s civilian staffing establishment;
(2) the Board approve an increase in the fee effective September 1, 2014 for vulnerable sector screenings from $50.00 to $65.00 per request for the purposes of employment;
(3) the Board approve an increase in the fee effective September 1, 2014 for vulnerable sector screenings from $15.00 to $20.00 per request for volunteers;
(4) the Board approve a fee for an expedited service for vulnerable sector screenings within 72 hours effective September 1, 2014 at $110.00 per request for the purpose of employment; and
(5) the Board approve a fee for an expedited service for vulnerable sector screenings within 72 hours effective September 1, 2014 at $65.00 per request for volunteers.”

Staff Report for Information on clearing the backlog of vulnerable sector screening checks – update on fees to be charged.
At the August 7, 2014 meeting, the City’s Director of Financial Planning requested that the Board consider an extension to January 1, 2015 (from September 1, 2014) for charging the City for all VSS applications processed for the City. (Min. No. P43/2014 refers). This extension would allow the City to create the necessary infrastructure and business process to support payment of the required fee.

The new fees will not be implemented until such time the City deems the Service’s recommended fees are in compliance with its policy. The new fees were established to offset the cost of additional Records Management positions, so that a reduced turnaround time of two weeks could be achieved and maintained.

The delay in this matter, as a result of the City Executive Committee referral to the Board and required discussions with City staff, also impacts the ability for the Service’s Records Management Unit from giving timely notification to customers currently holding MOU’s with the Service. Therefore, if the Board agrees to an extension for the City, it is recommended that an extension be granted to all customers, such that the increased fees effective date is deferred from September 1, 2014 (as previously approved by the Board) to January 1, 2015.

Conclusion:

City of Toronto Financial Planning staff has been provided with all required information in order to assess if the new VSS fee structure being recommended by the Service is in compliance with the City User fee policy. City staff will be providing a report to the August 20, 2014 meeting of City’s Executive Committee in that regard. In addition, the City has requested that charges to City departments under the new structure be postponed until January 1, 2015 to allow for the establishment of required business processes. The Service supports this request and the Board is also being requested to approve the postponement of the effective date for the fee increase for all customers, to January 1, 2015.

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

The Board approved the foregoing report.

Moved by: F. Nunziata
OPTIONS TO IMPROVE THE EFFICIENCY OF RESPONDING TO REQUESTS FOR VULNERABLE SECTOR SCREENING CHECKS TO WITHIN A TWO WEEK TIMELINE FOR COMPLETION

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

Subject: OPTIONS TO IMPROVE THE EFFICIENCY OF RESPONDING TO REQUESTS FOR VULNERABLE SECTOR SCREENING CHECKS TO WITHIN A TWO WEEK TIMELINE FOR COMPLETION

Recommendations:

It is recommended that:

(1) the Board approve an increase of 13 permanent positions to the Service’s civilian staffing establishment;
(2) the Board approve an increase in the fee effective September 1, 2014 for vulnerable sector screenings from $50.00 to $65.00 per request for the purposes of employment;
(3) the Board approve an increase in the fee effective September 1, 2014 for vulnerable sector screenings from $15.00 to $20.00 per request for volunteers;
(4) the Board approve a fee for an expedited service for vulnerable sector screenings within 72 hours effective September 1, 2014 at $110.00 per request for the purpose of employment; and
(5) the Board approve a fee for an expedited service for vulnerable sector screenings within 72 hours effective September 1, 2014 at $65.00 per request for volunteers.

Financial Implications:

The recommendations contained within this report are expected to have a net zero impact on the operating budget. Based on an implementation date of September 1, 2014, the additional 13 civilian positions will have a cost of $307,000 in 2014, which will annualize to $921,000. However, based on the proposed fee changes and anticipated volume, this cost will be fully recovered through increased revenues.

Background/Purpose:

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

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 (Min. No. P14/14 refers).

In addition, the Board requested an update on the current backlog of VSS requests and the feasibility of offering an expedited service for a higher fee.

The following information is provided in response to that request.

Discussion:

Update of VSS Backlog

At its meeting of March 13, 2014, the Chief provided the Board with a report detailing the backlog of 2013 VSS requests totalling 16,947. There was no carry-over of Clearance Letter requests at that time.

The report included an interim solution to clear the backlog through the redeployment of Police Reference Check Program (PRCP) and Record Management Services (RMS) staff to VSS processing.

The redeployment of staff, in addition to the utilization of premium pay (overtime), has reduced the backlog to approximately 4,345 VSS applications (approximately a four week turnaround). However, while effectively reducing the VSS backlog, the PRCP has continued to receive a daily average of 200 new VSS requests in 2014.

As reported in the March 2014 report, the interim solution is not sustainable because the staff redeployment negatively affects other areas of RMS. The Board was advised that currently there are 22 vacancies in RMS and this has severely limited the unit’s ability to reassign staff, even temporarily, to the VSS process.

VSS Processing – Two week Timeline

The Board has asked the Service to provide options to achieve a turn-around time of two weeks to complete a VSS check. Records Management Services (RMS) has carefully reviewed its processes and has concluded that with its current staffing levels, the PRCP cannot expedite its VSS processing times.

Consequently, in consultation with Budget and Financial Analysis, RMS has concluded that a two week timeline could be achieved with an increase in staff of 13 permanent civilian members solely dedicated to the VSS process. The associated costs would be recovered through an increase in fees charged to the applicant.

The goal of a two week timeline for VSS applications is based on the assumption that the applicant is not on-file with any federal, provincial or local database.
If the applicant is on-file, it will take longer than two weeks to process depending on the nature of the records found. For example, if the applicant is a possible match on the Pardoned Sex Offender Registry then fingerprints will need to be taken and forwarded to the Royal Canadian Mounted Police (RCMP) for comparison which can take more than 120 days for the results.

RMS determined that it needs 13 additional members based on the average intake of new applications, the average time required to process a new application if applicant is not on-file, the average time to complete an application if the applicant is on file and the average time spent speaking to the applicants on the telephone and responding to their inquiries and questions.

Suggested Increase in VSS Applicant Fees

To cover costs associated with achieving the two week turnaround, an increase in the fees is required. The recommended fee of $20.00 for volunteers (an increase of $5.00) and $65.00 for purposes of employment (an increase of $15.00) will be sufficient to fully fund the costs associated with the additional 13 civilian positions, including related overhead (e.g. computers, supplies, office space, etc.). The costs of the program will be monitored closely to ensure that the proposed fees continue to be appropriate and any future required fees changes will be brought the Board accordingly.

Expedited Service of VSS Processing for Higher Fee

The Service recommends that an expedited service can be implemented for those applicants who request a quicker turn around and are prepared to pay a premium rate. The turnaround time will be 72 hours, excluding weekends and holidays, if the applicant is not on file. If the applicant is on file, the expedited service cannot be completed within 72 hours, and there will be no refund.

Based on the work required, the Service recommends that the premium fee be fixed at $45.00. This would mean the cost for an expedited VSS application for employment will be $110.00 ($65.00 + $45.00) and $65.00 ($20.00 + $45.00) for a volunteer.

Conclusion:

A review by RMS, in consultation with the Budget and Financial Analysis section, has concluded that the VSS application could ultimately achieve a two week turnaround with an increase in staff that would be solely dedicated to VSS processing. The review has determined that 13 additional permanent civilian members will ensure that an applicant (who is not on-file) may receive a completed VSS check within two weeks. The associated costs for the additional staff may be recovered through the proposed increase in fees for services provided.

The review has also recommended that an expedited service can be implemented at a premium rate of $45.00 above the standard fee. As a result, applicants can receive the results of their VSS application within 72 hours providing they are not on-file.
Deputy Chief Mike Federico, Operational Support Command, will be in attendance to answer any questions that the Board may have regarding this report.

The Board was also in receipt of the following report April 9, 2014 from William Blair, Chief of Police:

Subject: SUPPLEMENTARY REPORT - OPTIONS TO IMPROVE THE EFFICIENCY OF RESPONDING TO REQUESTS FOR VULNERABLE SECTOR SCREENING CHECKS TO WITHIN A TWO WEEK TIMELINE FOR COMPLETION – INCREASE IN FEES

Recommendation:

It is recommended that the Board request the City’s Executive Committee to approve the increase in fees for vulnerable sector screening checks recommended in the Chief’s report on this matter.

Financial Implications:

The increase in fees being recommended by the Service will enable the Service to complete vulnerable sector checks for volunteers and for the purposes of employment within a two week timeframe. There should be no overall impact on the Service’s budget as the additional revenue that will be generated through the increase in fees will cover the increased costs required to meet the two week timeline.

Background/Purpose:

At its meeting on April 10, 2014, the Board will consider a report on the increase in fees being recommended by the Service for vulnerable sector screening checks. The purpose of this supplementary report is to advise the Board of the additional approval required for the fee increase.

Discussion:

Prior to September 2011, local boards of the City of Toronto, which includes the Police Services Board, could approve increases to user fees for various services provided without the need for City Council approval. Under the fees and charges portion of the City of Toronto Act, 2006 (COTA), City Council approval was not required unless the City had passed a by-law requiring such approval and no such by-law was in effect. In September 2011, pursuant to the authority contained in COTA, City Council passed such a by-law. As a result, any new user fee or increase in user fees, including those charged by local boards, requires the approval of City Council.
Conclusion:

If the Board supports the increase in vulnerable sector checks being recommended by the Service, it must request City Council’s approval for the increase, through the City’s Executive Committee.

Deputy Chief Mike Federico, Operational Support Command, will be in attendance to answer any questions from the Board.

Mr. John Sewell was in attendance and delivered a deputation to the Board about the foregoing matter.

In response to questions by the Board, Chief Blair said that all of the costs associated with the increase of the 13 permanent civilian positions would be fully recovered through the proposed new fee structure for new vulnerable sector screening applications.

Chief Blair also said that the TPS had issued a Request for Information (“RFI”) to determine whether there were any opportunities in the private sector to contract out some of the components of the vulnerable sector screening checks. The Board was advised that the TPS had not yet received any responses to the RFI.

Chief Blair assured the Board that the TPS would continue to monitor all of the costs associated with the work required to process the applications in order to ensure that the fees are appropriate and the costs are fully recovered.

The following Motions were presented to the Board:

3. THAT the Board receive Mr. Sewell’s deputation; and

4. THAT the Board approve the two reports from Chief Blair.

A request for a recorded vote on the foregoing Motions was submitted in accordance with section 22 of the Board’s Procedural By-Law No. 107.

The voting was recorded as follows:

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<thead>
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<th>For</th>
<th>Opposed</th>
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<td>Chair Mukherjee</td>
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<td>Vice-Chair Thompson</td>
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<td>Ms. Moliner</td>
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<td>Dr. Noria</td>
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<td>Councillor Del Grande</td>
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The foregoing Motions were approved.

Moved by: M. Thompson

Staff Report for Information on clearing the backlog of vulnerable sector screening checks – update on fees to be charged.