



STAFF REPORT ACTION REQUIRED

Police Reference Check Program - Establishment of Criminal Record and Judicial Matters Checks Process and Proposed Fee

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| Date: | June 26, 2018 |
| To: | Executive Committee, City of Toronto |
| From: | Andy Pringle, Chair, Toronto Police Services Board |

SUMMARY

The purpose of this report is to advise the Executive Committee the establishment of a fee of \$20.00 for the new Criminal Record and Judicial Matters Checks for the purpose of employment and volunteer opportunities.

RECOMMENDATION

It is recommended that the City Council approve the establishment of a fee of \$20.00 for the new Criminal Record and Judicial Matters Checks for the purpose of employment and volunteer opportunities, effective November 1, 2018.

FINANCIAL IMPACT

There are no significant financial implications from the recommendations in this report. However, the Service will continue to monitor the current staffing level's ability to properly meet the volume of requests received for all three levels of checks, within the established time frames.

ISSUE BACKGROUND

At its meeting held on June 21, 2018 the Board was in receipt of a report dated May 24, 2018 from Chief of Police Mark Saunders regarding the Police Reference Check Program – Establishment of Criminal Record and Judicial Matters Checks Process and Proposed Fee.

COMMENTS

The Board expressed concerns that charging a fee could potentially create a barrier to this service for some individuals. The Board inquired whether or not the TPS contemplated a sliding scale of fees. In response to the Board, Mr. Tony Veneziano, Chief

Administrative Officer said that the TPS has not considered a sliding scale. However, the fee is based on cost recovery. Mr. Veneziano said that the TPS fee is consistent with the fee charged by other jurisdictions.

The Board approved the foregoing report.

CONCLUSION

A copy of Board Minute No. P117/18, in the form attached as Appendix “A”, regarding this matter is provided for information.

CONTACT

Chief of Police Mark Saunders
Toronto Police Service
Telephone No. 416-808-8000
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SIGNATURE

Andy Pringle
Chair

ATTACHMENT

Appendix A – Board Minute No. P117/18

APPENDIX "A"

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON JUNE 21, 2018

**#P117 POLICE REFERENCE CHECK PROGRAM - ESTABLISHMENT OF
CRIMINAL RECORD AND JUDICIAL MATTERS CHECKS PROCESS
AND PROPOSED FEE**

The Board was in receipt of the following report May 24, 2018 from Mark Saunders, Chief of Police:

**Subject: Police Reference Check Program - Establishment of
Criminal Record and Judicial Matters Checks Process and
Proposed Fee**

Recommendations:

It is recommended that the Toronto Police Services Board (Board):

- (1) approve the establishment of a fee of \$20.00 for the new Criminal Record and Judicial Matters Checks for the purpose of employment and volunteer opportunities, effective November 1, 2018; and
- (2) forward a copy of this report to the City of Toronto Executive Committee for its approval.

Financial Implications:

There are no significant financial implications from the recommendations in this report. However, the Service will continue to monitor the current staffing level's ability to properly meet the volume of requests received for all three levels of checks, within the established time frames.

Background / Purpose:

Bill 113, known as the Police Record Checks Reform Act (Act), passed third reading in the Ontario Legislature and subsequently received Royal Assent on December 3, 2015. On May 7, 2018, the Ministry of Community Safety and Correctional Services distributed a general information memorandum to advise a proclamation date of November 1, 2018 for when the Act will come into force.

Prior to the passing of the Act, each police service had its own criteria and manner of handling the various types of police record check requests. The directives outlined in the Act establish a standardized approach to the broader police record check requirements across the province.

The Act specifies both the manner in which an individual must request the check, and how the police record check provider must respond. A method to govern searches in policing databases is described within the Act relating to three different types of police record check requests.

The types of record checks that police services must conduct under the Act are as follows:

1. Criminal Record Checks;
2. Criminal Record and Judicial Matters Checks; and
3. Vulnerable Sector Checks

The Service's P.R.C.P. currently offers both Criminal Record Checks and Vulnerable Sector Checks to individuals, based on the established fees approved by the Board at its June 9, 2011 meeting (Min. No. P157/11 refers).

The purpose of this report is to establish a fee for the new Criminal Record and Judicial Matters Check.

Discussion:

The Act requires all Police Services in Ontario to offer all three types of checks resulting in the Service introducing a secondary level of screening known as the Criminal Record and Judicial Matters Check.

Each successive level of screening offers additional criminal record information. Both Level 1 - Criminal Record Checks and Level 2 - Criminal Record and Judicial Matters Checks disclose criminal convictions. Additionally, the Level 2 check includes a collection of outstanding court information such as warrants, charges and judicial orders.

The Schedule to the Act outlines the type of information that is authorized for disclosure for each type of police record check. The impact this new level of screening will have on the demands for service is not fully known at this time.

In order to help determine the impact on staffing resources required as a result of the new Level 2 check, Records Management Services (R.M.S.) undertook a time study to determine the average amount of time it would take to complete a Level 1 Criminal Record Check compared to a Level 2 Criminal Record and Judicial Matters Check. The results of the study showed a processing time difference of one minute between Level 1 and Level 2 checks.

Based on the foregoing and the fact the total number of Level 1 and Level 2 checks are not expected to increase significantly, the Service is not asking for any additional positions at this time. Similar to Level 1 checks, the proposed fee for Level 2 checks will be set at \$20.00.

R.M.S. will monitor the time being taken to complete the Criminal Record and Judicial Matters Check and the ability of the P.R.C.P. to complete the Level 1 and Level 2 requests. If at any time it is determined that additional staff are required to meet the demands of the secondary level of screening, the Board will be approached for the consideration of an increase in fees for the Level 2 Criminal Record and Judicial Matters Check, to cover the increased cost to provide the service.

The Toronto Police Service proposed price list for the 3 levels of Record Checks; if approved will be:

| Type of Screening | Employment | Volunteer |
|--|------------|-----------|
| Criminal Record Check | \$20.00 | \$20.00 |
| Criminal Record and Judicial Matters Check | \$20.00 | \$20.00 |
| Vulnerable Sector Check (V.S.C.) | \$65.00 | \$20.00 |
| V.S.C. Expedited Service | \$110.00 | \$65.00 |

The Royal Canadian Mounted Police mandates police services to perform Level 3 Vulnerable Sector Checks for residents within their respective jurisdiction only. A similar policy for Level 1 Criminal Record Checks and Level 2 Criminal Record and Judicial Matters Checks does not exist. Currently, police services have the discretion to provide Level 1 and Level 2 record check services to individuals outside of their respective municipal boundaries. The Service currently offers the Level 1 Criminal Record Check to any person making such a request, regardless their city of residence, and will apply the same service for Level 2 checks.

Conclusion:

The City of Toronto Act allows the Board to implement a fee to recover costs incurred to administer the provision of certain services. This report provides the Board with recommendations for the provision of records check services, specifically a fee for a newly established Criminal Record and Judicial Matter check. The recommendation is being made as a result of the newly enacted Bill 113, the Police Record Checks Reform Act, and requires City Council approval as well.

The Service will perform a review of the current fees in 2019, including whether Level 1 and Level 2 checks should be restricted to City of Toronto residents only, and will report to the Board, as necessary.

Mr. Tony Veneziano, Chief Administrative Officer, will be in attendance to answer any questions the Board may have regarding this report.

The Board expressed concerns that charging a fee could potentially create a barrier to this service for some individuals. The Board inquired whether or not the TPS contemplated a sliding scale of fees. In response to the Board, Mr. Tony Veneziano, Chief Administrative Officer said that the TPS has not considered a sliding scale. However, the fee is based on cost recovery. Mr. Veneziano said that the TPS fee is consistent with the fee charged by other jurisdictions.

The Board approved the foregoing report.

**Moved by: J. Hart
Seconded by: U. Chandrasekera**