Agenda - Council – May 25, 2011

Report - Standing Policy Committee on Protection and Community Services – May 10, 2011

Item No. 1 Vulnerable Sector Search Fees

STANDING COMMITTEE RECOMMENDATION:

On May 18, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and submits the following to Council:

1. That the present fee structure be maintained for individuals requesting a background check who share a date of birth with a registered sex offender.

2. That the City of Winnipeg partner with the Province of Manitoba in petitioning the Federal Government to institute legislative changes aimed at standardizing name change policy nationwide.

3. That the City of Winnipeg examines fiscally responsible measures to reduce or eliminate fees associated with the Ministerial Directive on the Release of Criminal Record Information by the RCMP.

4. That the Winnipeg Police Service find within its current Budget resources to handle the additional workload and that funding for these resources be requested on an ongoing basis starting with the 2012 Budget.

5. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda - Executive Policy Committee – May 18, 2011

Report - Standing Policy Committee on Protection and Community Services – May 10, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 18, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 10, 2011, the Standing Policy Committee on Protection and Community Services concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

On April 4, 2011, the Standing Policy Committee on Protection and Community Services laid over the matter to its meeting on May 2, 2011.

Also on April 4, 2011, the Standing Policy Committee on Protection and Community Services received a presentation from Ben McKinley, General Manager and Sheila Soenen-Cornick, Vice President, Bonivital Soccer, dated April 4, 2011, with respect to the current fee structure for criminal record checks.

On January 6, 2011, the Standing Policy Committee on Protection and Community Services passed the following motion:

WHEREAS the Winnipeg Police Service provides criminal background checks for individuals;

AND WHEREAS more stringent requirements imposed by the RCMP have led to increased fees for individuals requesting a background check if such individual shares a birth date with a registered sex offender;

AND WHEREAS a portion of such increased fees are imposed by the Winnipeg Police Service, and a portion are imposed by the RCMP;

AND WHEREAS it is desirable to enquire as to whether such increased fees are reasonable if the individual requesting a background check is determined not to be a registered sex offender;

THEREFORE BE IT RESOLVED THAT the Winnipeg Police Service be directed to report back to the Standing Policy Committee on Protection and Community Services within 90 days with an analysis and recommendations regarding the current fee structure for individuals requesting a background check who share a birth date with a registered sex offender.

ADMINISTRATIVE REPORT

Title: **Vulnerable Sector Search Fees**

Critical Path: **Standing Policy Committee on Protection and Community Services – Executive Policy Committee - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Wyman	Chief Keith McCaskill	M Geer A/CFO	M Ruta A/CAO

RECOMMENDATIONS

1. That the present fee structure be maintained for individuals requesting a background check who share a date of birth with a registered sex offender.

2. The City of Winnipeg partner with the Province of Manitoba in petitioning the Federal Government to institute legislative changes aimed at standardizing name change policy nationwide.

3. The City of Winnipeg examines fiscally responsible measures to reduce or eliminate fees associated with the Ministerial Directive on the Release of Criminal Record Information by the RCMP.

4. The Winnipeg Police Service find within its current Budget resources to handle the additional workload and that funding for these resources be requested on an ongoing basis starting with the 2012 Budget.

REASON FOR THE REPORT

On January 6, 2011, The Standing Policy Committee on protection and Community Services directed the WPS to report back to the Standing Policy Committee on Protection and Community Services within 90 days with an analysis and recommendations regarding the current fee structure for individuals requesting a background check who share a date of birth with a registered sex offender.

IMPLICATIONS OF THE RECOMMENDATIONS

The $25.00 administration fee is collected by the WPS but is sent on to the Canadian Criminal Real Time Identification Services (CCRTIS) and has no implications for this organization. The $55.65 fingerprinting fee is set and collected by the WPS. This fee has been approved by the City of Winnipeg as part of the WPS fee schedule. Collection of these fees resulted in approximately $40,000 of extra revenue for the WPS in 2010. At the current rate of application by citizens, the WPS will collect about $80,000 in additional fees in 2011.

For years people have had to pay the WPS for taking and submitting their fingerprints if this service was necessary. Because of the procedural change, as outlined in the History Section, far more people have to pay the $55.65 fee than in the past. People are unhappy with the charge since it is not their fault, nor in their control, that they match the gender and date of birth of a sex offender.

A brief survey of other police services in Canada reveal that a number of them, including Calgary, Edmonton and Hamilton, do not charge citizens for this service.

HISTORY

For years, citizens have relied on the WPS to provide criminal records check for employment or to volunteer with vulnerable persons. Canadian police agencies use the Canadian Police Information Centre (CPIC) system to perform Vulnerable Sector Verifications against pardoned sex offender records.

Recent Changes

A recent analysis of CPIC name-based queries determined that an individual could potentially avoid being linked to their pardoned sex offence(s) if he/she used a different name during the query. This scenario could occur if a legal name change was used for a query, and the name change went unreported to the RCMP for updating criminal record information. In the interest of public safety, the RCMP recently made enhancements to the CPIC system to ensure that an unreported name change would not allow a pardoned sexual offender to avoid being identified through a Vulnerable Sector query. These enhancements included:

- New automatic query of flagged pardoned sex offender records based on the gender and date of birth of the applicant.
- Fingerprints are now required to complete a Vulnerable Sector Verification when the gender and date of birth of an applicant matches a pardoned sex offender record.
- Ensures that individuals, who have obtained a legal name change, are properly screened for pardoned sex offender records.

- Vulnerable Sector Verifications are treated as priority requests when fingerprints are submitted to the RCMP.

Implications for the WPS

This policy change by CCRTIS is having a significant impact on the public and the WPS.

Beginning in Mid July 2010, the changes outlined above were put into effect and individuals who matched a known sex offender in gender and birth date were flagged as possible sex offenders.

Flagged Individuals are required to submit fingerprints so that the CCRTIS can complete the Vulnerable Sector Verification.

Using sex and DOB as parameters, the system is returning a significant number of hits. When searching by name, the WPS had about 45 hits per year and only these people had to (if they chose) get their fingerprints taken. Since implementation of this new policy, we've had 1,927 hits (1,506 in 2010 and 412 in 2011). A total of 913 customers chose to proceed with the verification.

This change has increased the workload on some WPS members. To date, Division 31 (Records and Report Management) personnel have managed to incorporate the additional workload at the expense of creating backlogs throughout the system. Division 31 administration has requested the hiring of three new employees to handle the additional work the criminal records checks are causing.

The Identification Unit may have to expand their hours of operation to process the influx of fingerprinting but, so far, have managed to absorb the extra work with their current staff and hours of operation.

Implications for the general public

The new search parameters create a significant hardship on members of the public who are "flagged" by the system.

- They have to pay an additional $55.65 for prints and a $25.00 processing fee. (The $25.00 processing fee is waived for volunteers). This fee, as part of the WPS fee schedule has been approved by the City of Winnipeg.
- They suffer the mental anguish of being labeled a "potential sex offender".
- They currently have to wait up to four months to have their status confirmed through CCRTIS, meaning that jobs and volunteer opportunities may vanish before a clean criminal records check can be provided.

Effects of waiving Fees

The Winnipeg Police Service recognizes the value of volunteerism in the social wellness of our community. Volunteers are being negatively impacted by this measure and we are asked to examine the impact of waiving fees for volunteers.

Criminal Record Check fees factor significantly in the Police budget. The Service processed approximately 38, 600 record checks in 2010, generating over $1.4 million dollars of revenue. The effect of the Ministerial Directive was an increase in Vulnerable Sector Searches. It did not increase general criminal record checks. An estimate of three additional positions will be required to sustain the workload relative to Vulnerable Sector Searches.

It is estimated that almost half of all record checks are volunteer related. Waiving Criminal Record Check fees for volunteers will result in a significant shortfall which will have to be absorbed by the operating budget. It is also important to understand that waiving fees will result in increased volume of record checks, further increasing workload without additional revenue to support additional staffing.

Waiving Vulnerable Sector Search fees for volunteers will result in a dramatic increase in workload. Many individuals abandon the process rather than submitting prints at a cost of $55.00. If fees are waived, it is likely these applications will proceed, increasing police workload, without cost recovery.

As noted, the best approach to addressing this issue is a re-examination of the Ministerial Directive with a view to broadening the search parameters. Provinces could further enact name change legislation ensuring name changes are linked to existing criminal records and target offenders rather than law abiding citizens.

If the City endorses waiving of fees for volunteers, it should be prepared to adjust the police budget for the anticipated revenue shortfall and additional resource positions.

FINANCIAL IMPACT

Financial Impact Statement **Date:** March 10, 2011

Project Name: Vulnerable Sector Costs **First Year of Program** **2011**

	2011	2012	2013	2014	2015
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs		$ 198,201	$ 189,925	$ 193,724	$ 197,598
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ 198,201	$ 189,925	$ 193,724	$ 197,598
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ 198,201	$ 189,925	$ 193,724	$ 197,598

Additional Comments: The waiving of fees is not included as this would have been a new revenue source that under this scenario will not be received. The opportunity cost is $80,000 loss of revenue that would have been used to offset the extra cost of hiring 3 clerical staff to cover the work. Included 3 workstations for these people. WPS to absorb extra workload in 2011 but budget for additional 3 in 2012.

original signed by Ron Smolik May 6/11
Manager of Finance/Controller

CONSULTATION

In preparing this report there was consultation with:

Vancouver Police Service
Calgary Police Service
Edmonton Police Service
Regina Police Service
Hamilton Police Service

SUBMITTED BY

Department: Winnipeg Police Service
Division: 32 (Organizational Development and Support)
Prepared by: R/A J. Wyman #S735
Date: 2011/05/05
File No.