

DATE OF MEETING JULY 8, 2024

AUTHORED BY KAREN ROBERTSON, DEPUTY CORPORATE OFFICER

SUBJECT CRIMINAL RECORD CHECKS & FINGERPRINTING FEES

OVERVIEW

Purpose of Report

To present options for amending the criminal record checks fees to better reflect the costs associated with providing the service, including options for waiving the fingerprinting fee requirement when associated with a vulnerable records search once one's identity has been confirmed.

Recommendation:

That Council select option 4 as outlined in the 2024-JUL-08 report by the Deputy Corporate Officer and direct staff to bring forward a bylaw amendment to the Fees and Charges Bylaw 2021 No. 7336 to replace the existing criminal record check fee for employment purposes and replace it with the following:

Criminal Records Checks (includes fingerprinting fee, if required)	\$55.00
Fingerprinting Fee for private industry, records suspension, travel waiver or legal name change	\$50.00
Criminal Record Check for Volunteer or Non-Profit (includes fingerprinting fee, if required)	\$10.00

BACKGROUND

On 2018-FEB-16, a delegation appeared before Council citing concerns with paying an additional fingerprinting fee, on top of the \$25.00 criminal record check fee if their gender and date of birth matches that of a convicted sexual offender in the RCMP database.

Volunteers and non-profit agencies are currently charged a flat rate of \$10.00 to have a criminal record check done, regardless of whether fingerprinting is required. If the criminal record check is for employment purposes, the fee is \$25.00. If fingerprinting is required as noted above, a further \$50.00 is charged. \$25.00 of that fingerprinting fee is an RCMP database search fee, which the RCMP waives once the individuals identify is confirmed. The other \$25.00 is a municipal administration fee to assist with covering off the costs associated with providing the service, of which there are no provisions in the Fees and Charge Bylaw to waive the fee or provide a refund. While the delegation stated that he understood why the fingerprinting process was necessary and agreed with the process, he believed that once one's identity was confirmed, the \$25.00 municipal portion of the fingerprinting fee should also be waived or refunded back to the individual.

Once Council heard from the delegation, Council passed a motion “that staff be directed to prepare a report regarding options for the City of Nanaimo to reimburse the fingerprinting charges as outlined in the Fees and Charges Bylaw”. Unfortunately, this directive was only recently discovered as outstanding as it had been tasked to a staff member who is no longer with the City.

Staff has now investigated the matter in conjunction with RCMP detachment to get a better understanding of the criminal record check and fingerprinting processes and the financial implications should Council wish to consider waiving its fingerprinting fee or provide a refund. Staff also conducted a survey of the detachments within the 12 comparator municipalities that the City uses as benchmark municipalities when conducting other surveys to see what their RCMP and municipal police forces charge for conducting criminal record checks for employment purposes, what their fingerprinting fees are, and whether they waive fees or provide refunds as outlined in the scenario provided by the delegation. The findings from that research and survey are outlined below.

DISCUSSION:

Nanaimo RCMP conveyed that approximately 35 individuals apply for a criminal record check daily at the Nanaimo RCMP detachment. Of those, approximately 10 apply as volunteers, or as a non-profit, to work with vulnerable sectors and 25 for employment or other purposes.

Those applying for a criminal record check for employment purposes are charged a fee of \$25.00. If their employment is for vulnerable sector work with the elderly, sick, disabled, or young, a more detailed vulnerable sector check is done. If during the vulnerable sector check their gender and date of birth matches that of a convicted sexual offender, their identity must be confirmed through mandatorily fingerprinting. This prompts an additional \$50.00 fingerprinting fee (\$25.00 RCMP fee for utilizing the federal database and a \$25.00 municipal administration fee). The process to run the prints can often be generated in under 5 minutes. Once their identity is confirmed, the RCMP waives its \$25.00 portion of the fingerprinting fee and only charges the \$25.00 municipal administration fee.

Federal employees and Provincial Correction Officers who require fingerprinting as part of their employment currently pay \$25.00. Other Provincial employees, private industry and those who need fingerprinting done for records suspension, travel waivers, or legal name changes are charged \$50.00. All criminal record check and fingerprinting fees have not increased since 2007 (see Attachment A).

It should be noted that the reason Nanaimo can administer the fingerprinting process so quickly is that it has two fingerprinting machines. One to run criminal prints and the other to run civilian prints. They also conduct the process while the individual is at the detachment as opposed to many other detachments who take anywhere from one to four weeks to get the results. Some smaller detachments such as Parksville must book their fingerprinting machines which also adds to the turnaround time. As such, many individuals who live outside of Nanaimo's boundaries come to the Nanaimo detachment to get their fingerprinting done. However, only citizens who live within City boundaries can obtain a criminal record check at the Nanaimo RCMP Detachment.

Volunteers and non-profits are charged a flat fee of \$10.00 to have a criminal record check conducted. If their name pops up in the database, there is no additional charge to have the fingerprinting process completed.

Of the approximately 35 individuals requesting criminal records checks each day (whether for employment purposes or volunteer/non-profit) 4 or 5 arise daily as matching the gender and date of birth to convicted offenders in the database.

Fee Comparison

As part of the review, and to provide options for Council’s consideration, staff felt it prudent to see what other municipalities are charging for conducting criminal record checks and fingerprinting and to see whether they provided refunds to individuals in the scenario outlined above. Staff used the benchmark municipalities that have been used in past surveys for comparison purposes and posed the following questions to each detachment. Results are synopsized in the chart below.

- What is your fee to conduct a criminal record check for employment purposes?
- Do you charge an additional RCMP fingerprinting fee if an individual’s gender and date of birth pops up in the RCMP database as matching that of a convicted sexual offender. If so, what is the fee?
- Do you charge an additional Municipal administration fingerprinting fee if an individual’s gender and date of birth pops up in the database as matching that of a convicted sexual offender. If so, what is the fee?
- Do you offer a refund or waive either the RCMP or municipal fingerprinting fee to an individual once their identity has been confirmed?
- What is the fingerprinting fee that you charge to individuals that have applied for their criminal record check on-line but need to have fingerprinting done at your detachment?

Staff also inquired about the fees charged for volunteers/non-profits. Although the City of Nanaimo’s fee for these group has also not increased since 2007; the \$10.00 fee is in line with what other municipalities charge, or in some cases the service is provided free of charge. The City also has a provision within its Grants Policy that allows for volunteers to have their \$10.00 criminal record check fee waived. Therefore, for the purposes of this report, only options for the criminal record check fee for “employment purposes” has been provided for Council’s consideration.

Municipality	Criminal Record Check Fee	RCMP Fingerprinting Fee (when accompanied by a criminal records check – if required)	Municipal Fingerprinting Admin. Fee (when accompanied by a criminal record check - if required)	Total Fee for criminal record check when fingerprinting is required
Nanaimo (RCMP)	\$25.00	\$25.00 (can be waived)	\$25.00	\$50.00
Kamloops (RCMP)	\$45.00	\$25.00 (not waived)	No extra fee charged	\$70.00
Kelowna (RCMP)	\$45.00	\$25.00 (can be waived)	\$25.00	\$70.00
Maple Ridge (RCMP)	\$55.00	\$25.00 (can be waived)	\$30.00	\$85.00
*Saanich	\$70.00	\$25.00 (not waived)	No extra fee charged	\$95.00
Chilliwack (RCMP)	\$55.00	\$25.00 (can be waived)	\$55.00	\$110.00
*Victoria	\$70.00	\$25.00 (not waived)	\$25.00	\$120.00
Burnaby (RCMP)	\$60.00	\$25.00 (can be waived)	\$60.00	\$120.00

Abbotsford (RCMP)	\$65.00	\$25.00 (can be waived)	\$65.00	\$130.00
*Delta	\$75.00	\$25.00 (not waived)	\$75.00	\$175.00
Richmond (RCMP)	\$72.75	\$25.00 (can be waived)	\$72.75	\$145.50
District of Langley (RCMP)	\$60.00	\$25.00 (can be waived)	\$60.00	\$120.00

* denotes municipal police force

Survey Results:

Of the twelve municipalities surveyed, only the RCMP can waive its fingerprinting fee as the database is under the jurisdiction of the federal government. Municipal police forces do not have the option to waive the \$25.00 RCMP fee except when it is to support the provincial/territorial legal name-change process for residential school Survivors and their descendants when reclaiming their Indigenous names. When collected, the Municipal police forwards the RCMP fee to the RCMP in Ottawa.

Ten municipalities charge a municipal administration fingerprinting fee and none of those ten waive that fee or provide a refund once an individual's identity is confirmed. Two did not charge an additional municipal fingerprinting fee.

The base criminal records check fees vary between \$25.00, which is what Nanaimo charges. The highest fee is charged by Delta at \$75.00. The average fee for the 12 municipalities is \$58.14.

The total fee charged to applicants who require a criminal record check for employment purposes, including fingerprinting if required, is highlighted in the chart listed from lowest to highest fee paid. Nanaimo is the lowest at \$50.00 and Delta charges the highest fee at \$175.00. The average total fee paid for the 12 municipalities is \$107.50.

Options for Council's Consideration:

Option 1:

That Council direct staff to bring forward a bylaw amendment to the Fees and Charges Bylaw 2021 No. 7336 that includes the option to waive the fingerprinting fee for applicants who undergo a vulnerable sector criminal records check for employment purposes and their identity has been confirmed.

Criminal Record Check	\$25.00
Fingerprinting Fee (when required as part of a vulnerable sector check) Note: the \$25.00 RCMP and \$25.00 Municipal fingerprinting fee will be waived once identity has been confirmed.	\$50.00
Fingerprinting Fee for private industry, records suspension, travel waiver, or legal name change	\$50.00
Criminal Record Check for Volunteer or Non-Profit (includes fingerprinting fee, if required)	\$10.00

The advantage to this option is that it would address the concern presented by the delegation at the 2018-FEB-16 Council meeting.

The disadvantage to this option is that no fee increases have been proposed and Nanaimo has not increased its fees since 2007. Both the criminal record check fee and fingerprinting fee are the lowest of the 12 comparator municipalities and Nanaimo would be the only municipality that would be waiving the municipal administration portion of the fingerprinting fee.

Financial Implications: On a typical day, approximately five applications come up in the database where fingerprinting is mandatory to confirm one’s identity. If Council were to support waiving the \$25.00 municipal portion of the fingerprinting fee, without considering any fee increases, it would amount to a revenue loss of approximately \$125.00 per day or \$30,000 a year as criminal record checks are conducted five days per week.

Option 2:

That Council direct staff to bring forward a bylaw amendment to the Fees and Charges Bylaw 2021 No. 7336 that increases the criminal record check fee for employment purposes from \$25.00 to \$55.00;

And that an option be included in the bylaw to waive the \$50.00 fingerprinting fee for applicants who undergo a vulnerable sector criminal records check for employment purposes once their identity has been confirmed.

Criminal Record Check	\$55.00
Fingerprinting Fee (when required as part of a vulnerable sector check) Note: the \$25.00 RCMP and \$25.00 Municipal fingerprinting fee will be waived once identity has been confirmed.	\$50.00
Fingerprinting Fee for private industry, records suspension, travel waiver or legal name change	\$50.00
Criminal Record Check for Volunteer or Non-Profit (includes fingerprinting fee, if required)	\$10.00

The advantage of this option is that it would bring the criminal record check in line with the average of the comparator municipalities and assist in off setting the costs associated with conducting those checks. It would also address the concern presented by the delegation at the 2018-FEB-16 Council meeting as the full \$50.00 fingerprinting fee would be waived in cases where one’s identity has been confirmed. A separate fingerprinting fee would still be applicable for those who have applied on-line and for private industry, etc. as noted in the chart.

The disadvantage of this option is that there have been no fee increases since 2007 so increasing the criminal record check fees from \$25.00 to \$55.00 to bring them in line with the average of the comparator group of municipalities will have an initial impact for the general public in the Nanaimo area.

Financial implications: The net revenue gained by increasing the criminal record check fee from \$25.00 to \$55.00 x 20 employment applications per day = \$600.00 per day x approximately 20 days per month = \$12,000.00 per month or \$144,000.00 annually. Factoring in waiving the municipal portion of the fingerprinting fee for vulnerable sector applications once one’s identity has been confirmed (\$25.00 municipal administration fee x 5 applications per day = \$125.00 x 20 days per month = \$2,500.00 per month or \$30,000 annually would yield a revenue increase of **\$114,000.00 annually.**

Option 3:

That Council direct staff to bring forward a bylaw amendment to the Fees and Charges Bylaw 2021 No. 7336 that increases the criminal record check fee for employment purposes from \$25.00 to \$55.00 and continue to charge the \$25.00 municipal administration fingerprinting fee when applicants are required to confirm their identity through the vulnerable sector criminal records check process.

Criminal Record Check	\$55.00
Fingerprinting Fee (when required as part of a vulnerable sector check) Note: the \$25.00 RCMP portion of the fee to be waived once identity has been confirmed.	\$50.00
Fingerprinting Fee for private industry, records suspension, travel waiver or legal name change	\$50.00
Criminal Record Check for Volunteer or Non-Profit (includes fingerprinting fee, if required)	\$10.00

The advantage to this option is that it would bring the criminal record check in line with the average of the comparator municipalities. However, under this option, there would be no provision for waiving the municipal administration portion of the fingerprinting fee for employment purposes as presented in option two. This is the City's current practise and is in keeping with the practise followed by other RCMP and municipal police force detachments.

The disadvantage to this option is that because no fee waiver has been provided for the municipal portion of the fingerprinting fee in cases where one's identity has been confirmed, it would not address the concern raised by the delegation.

Financial Implications: The increased criminal record fee would bring the City of Nanaimo closer to the average of the comparator municipalities. The Nanaimo detachment typically receives 20 applications for employment purposes each day. The increased fee from \$25.00 to \$55.00 would provide an additional \$600.00 per day in revenue. With the municipal administration portion of the fingerprinting fee continuing to be collected, the total revenue increase would be approximately **\$144,000.00 annually**.

Option 4:

That Council direct staff to bring forward a bylaw amendment to the Fees and Charges Bylaw 2021 No. 7336 to replace the existing criminal record check fee for employment purposes and replace it with the following:

Criminal Records Checks (includes fingerprinting fee, if required)	\$55.00
Fingerprinting Fee for private industry, records suspension, travel waiver or legal name change	\$50.00
Criminal Record Check for Volunteer or Non-Profit (includes fingerprinting fee, if required)	\$10.00

The advantage to this option is that the fee for the criminal record check would be structured in the same manner as the fee charged for volunteers and non-profits whereby the fee would be the same regardless of whether fingerprinting is required or not. It would still bring the City of

Nanaimo in line with the average of the comparator municipalities for criminal record check fees but not discriminate against those who happen to have their gender and birth date match that of a convicted sexual offender. It would also streamline the administrative process by eliminating the need to separately consider waiving the RCMP and Municipal fingerprinting fee in those instances. A separate fingerprinting fee would still be applicable for those who have applied on-line and for private industry, etc. as noted in the chart.

The disadvantage to this option is that it would still not bring the total fee charged within the average range of the comparator municipalities as outlined in option 3.

Financial implications: The net revenue gained by increasing the criminal record check fee from \$25.00 to \$55.00 x 20 employment applications per day = \$600.00 per day x approximately 20 days per month = \$12,000.00 per month or \$144,000.00 annually. However, by not collecting the municipal administration portion of the fingerprinting fee of \$25.00 it reduces revenue by \$30,000 (\$25.00 municipal administration fee x 5 applications per day = \$125.00 x 20 days per month = \$2,500.00 per month or \$30,000 annually). The total revenue increase for this option is **\$114,000.00 annually.**

Option 5:

Council direction is sought.

ATTACHMENT:

Attachment A: Existing Police Services (R.C.M.P.) Fees

Attachment B: RCMP Criminal Record Check and Fingerprinting Fee Option Calculations

Submitted by:

Karen Robertson,
Deputy Corporate Officer

Concurrence by:

Sheila Gurrie, Director of Legislative Services

Art Groot, Director, Police Services

Wendy Fulla, Director of Finance

Laura Mercer, GM, Corporate Services

Richard Harding, GM, Community Services &
Deputy CAO

Dale Lindsay, CAO