



Item
Meeting.....2011 May 30

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2011 May 04

FROM: OFFICER IN CHARGE **FILE:** RCMP
BURNABY RCMP DETACHMENT *Reference:* PRIME

SUBJECT: PRIME-BC POLICE DATABASE

PURPOSE: To provide background and information on the Police Records Management System (PRIME-BC)

RECOMMENDATION

1. THAT this report be received for information.

REPORT

Burnaby City Council, under the New Business portion of the Open Council meeting held on 2011 April 04, expressed concern regarding the PRIME-BC police database which includes the names of people who have applied for criminal record checks.

Arising from consideration of the matter, Council introduced and adopted the following motion:

“THAT staff prepare a report regarding PRIME-BC police database, particularly referencing criminal record checks containing a ‘negative police contact’.”

BACKGROUND

The Police Records Information Management Environment (PRIME-BC) is a legislatively-mandated police records management system (RMS) that came into force in April 2003 in British Columbia. By November of 2005, all Municipal Police Departments and at least seventeen RCMP Detachments across BC were live with PRIME-BC. The Burnaby RCMP Detachment went live with PRIME-BC in November 2006.

Pursuant to section 68.1 of the *British Columbia Police Act*, the Minister of Public Safety and Solicitor General of BC requires that all law enforcement services in the Province of BC utilize PRIME-BC as the approved police information/records management system. The Solicitor General has the authority to make regulations and set standards for all aspects of the implementation and operation of PRIME-BC.

The Solicitor General, through the Director of Police Services, oversees the governance of PRIME-BC, approves user levies, and works with the Governing Council to establish any regulations and standards required for the efficient operation of PRIME-BC.

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The members of the Governing Council are appointed by the Director of Police Services, and they include members of executive rank from municipal police departments, the RCMP, the Organized Crime Agency of BC (OCABC), the Combined Forces Special Enforcement Unit of BC (CFSEU-BC), and Criminal Justice Branch within the Ministry of the Attorney General.

The Governing Council provides executive level direction and decision-making for the operation of PRIME-BC. This includes; recommending budgets, levies, and strategic plans; overseeing and directing the Operations Committee, the Security Office, the Audit and Compliance Unit and any special committees established by the Governing Council; and suspending, revoking or re-instating the access rights of any agency with access to PRIME-BC.

CURRENT SITUATION

PRIME-BC is an operational information/records management system (RMS) for the lawful collection, storage and use of information and data with respect to police operational records. PRIME-BC integrates all information collected by all police agencies in British Columbia, be they RCMP Detachments, municipal police departments, the Transit Police or various Integrated Units. Information that is collected by each agency is managed and retained according to legislative requirements, but accessible by police agencies.

Whenever a citizen of British Columbia makes a call for service to police, an information or data file is created within the PRIME-BC environment. For example, if a citizen reports a Break & Enter to their residence, or a suspicious person lurking in their neighbourhood or a nearby park, a file is opened/created within PRIME-BC. This data file will include the name, address and telephone number of the citizen making the report. If police initiate a criminal investigation, for example an impaired driving arrest, a similar data file is opened/created within PRIME-BC. That data file will also include the name, date of birth, address and telephone number of the suspect/charged person. It may also include other information related to their criminal history.

PRIME-BC gives every police officer across British Columbia instant access to current information related to contacts with police, crimes occurring across jurisdictions, and the offenders responsible for criminal activity. PRIME-BC is not a “criminal record system”, rather, it is an automated records management system for police to record, manage and retain information according to legislative requirements.

PRIME-BC eliminates the “information silos” that existed in the past, when there were multiple computer systems and information databases individually maintained by various police agencies. Entries and information on PRIME-BC can be associated to suspects, charged persons, witnesses, victims, complainants, registered owners, drivers, passengers and perhaps others. Entries are placed on PRIME-BC by authorized police agencies in the Province of British Columbia, for the purpose of managing police record information. PRIME-BC assigns file numbers to occurrences, and has various searchable data fields which allow police agencies to extract information.

PRIME-BC has important safeguards in place, the most significant being that only accredited police agencies and personnel have direct access to the database. Further, an Audit and Compliance Unit ensures all accredited agencies adhere to policies governing the collection, retention, use and release of personal information.

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CRIMINAL RECORD CHECKS

RCMP Detachments across British Columbia provide residents with “Criminal Record Checks” if required as a condition of employment or volunteer service. Criminal Record Checks ensure that business and volunteer agencies can rely on the RCMP to conduct a complete and competent check of an applicant, thereby reducing the risk profile posed by the applicant to their business or agency.

Applicants requesting Criminal Record Checks must do so in person, and must provide written consent in order for the checks to be conducted. Proper identification must be provided by the applicant at the time of application, and the results are released only to that person. All Criminal Record Checks must be processed by the jurisdiction where the applicant currently resides.

Applicants for a Criminal Record Check complete a “Consent for Disclosure of Criminal Record Information” (Form 3584). Please find attached a copy of Form 3584 for your reference. Once received from the applicant, the police agency searches a number of police databases, including PIRS (Police Information Retrieval System), CPIC (Canadian Police Information Centre), PROS (Police Reporting & Occurrence Reporting), PRIME (Police Records Information Management Environment), LEIP (Law Enforcement Information Portal) and information located through local indices checks through the Police Information Portal System (PIP).

Criminal Record Check results can be received the same day, if no adverse information or records exist, or within a few days if the record exists in another jurisdiction. On occasion, however, it may take several weeks to complete the check when the identity of the applicant must be verified by way of fingerprints, and to then verify any adverse information with agencies that may have entries on PRIME-BC, or other databases that pre-date PRIME-BC.

The cost associated with a Criminal Record Check performed by Burnaby Detachment is \$50.00, except where the applicant is a volunteer. In that case, the Criminal Record Check services are provided at no-cost.

The terminology “negative police contact” is not used in the RCMP’s Criminal Record Check policy. Instead, as indicated the terminology “adverse information” is used, to indicate that the applicant is the subject of a founded and substantiated complaint relating to a provincial or federal offence, or is/was a bona fide suspect charged with a provincial or federal offence, whether acquitted or convicted. Adverse information **does not** include any police record or file where the applicant is considered to be only a complainant, victim, witness or other. Applicants appearing in the PRIME-BC database referenced as these latter categories will receive an indication on the Form 3584 that there was “None Located” related to police records.

If an applicant is the subject of adverse information, the Box 4 on Form 3584 is checked to indicate that information “May or May Not Exist”. Details as to why Box 4 has been checked are discussed with the applicant at that time. It is up to the applicant, at their discretion, to provide any specific details to a potential employer or volunteer agency as to the nature of the adverse information contained within the Criminal Record Check. It is then up to the potential employer or volunteer agency to complete their own due diligence and risk assessment, to determine whether or not to accept the applicant as an employee or volunteer.

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If any applicant feels that the information about them in any police records database is incorrect or unwarranted, the applicant may contact the Detachment or police agency where the file originated, to discuss with them why the information is wrong. As a matter of policy, if the agency agrees that the information is wrong, it can be amended or removed from the database.

Every citizen of Canada has the right to request disclosure of information held in an RCMP file through the Access to Information Process (ATIP) when dealing with an RCMP file, or a Freedom of Information Process (FOIP) request when asking for a municipal police force file. Such requests are subject to privacy laws to protect individuals.

CONCLUSION

The PRIME-BC records management system is an integral tool for police agencies to lawfully collect, record, store and utilize appropriate personal information of citizens, to ensure accurate record keeping and public safety in all communities.

I trust that this information is sufficient.

Sincerely,



R.B. (Rick) TAYLOR, Chief Superintendent
Officer in Charge
Burnaby Detachment

cc Mr. Rick EARLE – Deputy City Manager
Insp. Walt SUTHERLAND – Client Services Officer

OICBRD:re



Royal Canadian
Mounted Police

Gendarmerie royale
du Canada

CONSENT FOR DISCLOSURE OF CRIMINAL RECORD INFORMATION

PART 1

IF COMPLETED MANUALLY, PLEASE PRINT

Surname	Given name (1)	Given name (2)	Sex <input type="checkbox"/> M <input type="checkbox"/> F	Tel no. (incl. area code)
Address (no., street, apt.)		City	Province	Postal code
Date of birth (yyyy-mm-d)	Place of birth	Driver's licence no.	Usual first name or alias	Maiden name/Any other Surname
Previous address if less than 5 years at current address Address (no., street, apt.)		City	Province	Postal code

PART 2

Pursuant to Section 8(1) of the Privacy Act of Canada, I hereby authorize the Royal Canadian Mounted Police to disclose my personal information to:

Full name	Title	Name of organization
Address (no., street, apt.)	City	Province Postal code

PART 3

WAIVER AND RELEASE:

I hereby release and forever discharge Her Majesty the Queen in Right of Canada, the Royal Canadian Mounted Police, their members, employees, agents and assigns from any and all actions, causes of actions, claims and demands for damages, loss or injury, which may hereafter be sustained by myself, howsoever arising out of the above authorized disclosure of information and waive all rights thereto.

PART 4

This consent is valid for a period of three months from the date of signature.

Signed this _____ day of _____ Signature of applicant _____

PART 5

Following is information contained in the records of the RCMP or records from other police forces accessible through computer queries and is based on a name and date of birth check only. **A record may or may not exist for the subject of this Inquiry, positive identification and a certified criminal records check can only be obtained through a fingerprint check. This can be made with the submission of a complete set of fingerprints to:

INFORMATION AND IDENTIFICATION SERVICES
CANADIAN CRIMINAL RECORD INFORMATION SERVICES
1200 Vanier Parkway
OTTAWA, ONTARIO K1A 0R2

YOUNG OFFENDER INFORMATION - The Youth Criminal Justice Act/Young Offenders Act make it an offence to disclose young offender information. In cases where an adult's record contains young offender information or a young offender requests a copy of his/her criminal record, the criminal record information MUST be given to the requester. Individuals can disclose their own information, but even with consent the RCMP are not legally permitted to disclose young offender information.

INSTRUCTION TO REQUESTERS: The following section contains varying degrees of police information.

- Confirm with the party identified in PART 2, the exact information they require.
- Choose the category which best symbolizes the information you are providing consent for the RCMP to disclose and place your initials in the appropriate INITIALS box.
- The party identified in PART 2 will be advised accordingly of negative checks.
- Checks resulting in possible "hits" for information identified in categories 1, 2 or 3 will require confirmation by the submission of fingerprints.
- You will be required to confirm that information located through the checks stipulated in category 4, is your personal information.
- You may withdraw this consent prior to disclosure.

No	Initials	Category of Information for Disclosure	FOR POLICE USE ONLY
1.		Records of criminal convictions found in the Identification Data Bank attainable through the Canadian Police Information Centre (CPIC) for which a pardon has not been granted. RCMP: Make CPIC Criminal Record "LEVEL 1" Query ONLY.	<input type="checkbox"/> None located <input type="checkbox"/> ** May or may not exist
2.		Records of criminal convictions attainable through CPIC for which a pardon has not been granted plus records of outstanding criminal charges which the RCMP are aware of or indicated within the Investigative Data Bank of CPIC. RCMP: Make CPIC Criminal Record "LEVEL 1" Query AND a Persons CPIC Query.	<input type="checkbox"/> None located <input type="checkbox"/> ** May or may not exist
3.		Records of criminal convictions and summary of police information (including records of outstanding criminal charges which the RCMP are aware of or indicated within the Investigative Data Bank of CPIC) attainable through CPIC for which a pardon has not been granted plus records of discharges which have not been removed from the Identification Data Bank in accordance with the Criminal Records Act. This will include all charges regardless of disposition. RCMP: Make CPIC Criminal Record "LEVEL 2" Query AND a Persons CPIC Query.	<input type="checkbox"/> None located <input type="checkbox"/> ** May or may not exist
4.		Police information located on computer systems (e.g. Police Information Retrieval System (PIRS), CPIC, PROS, PRIME, LEIP) and information located through local police indices checks. This will include all information related to non convictions and all charges regardless of disposition. RCMP: Make Persons Queries on PIRS, CPIC, PROS, PRIME and LEIP. In view of the general nature of this information, confirm with requester this is in fact information pertaining to him/her. Requesters MUST confirm information which pertains to them prior to disclosure, if a discrepancy exists, do not disclose this information.	<input type="checkbox"/> None located <input type="checkbox"/> ** May or may not exist

COMPLETED BY

Member (signature)	Reg no	Unit	Date
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