

4

YORK REGION TRANSIT/VIVA ENFORCEMENT ANNUAL REPORT – 2011

The Transportation Services Committee recommends the adoption of the recommendation contained in the following report dated April 10, 2012, from the Commissioner of Transportation and Community Planning.

1. RECOMMENDATION

It is recommended that this report be received for information.

2. PURPOSE

The York Region Transit Enforcement and Security Annual Report is submitted to The Regional Municipality of York Police Services Board pursuant to Section 52 of the Joint Services Agreement between The Regional Municipality of York and The Regional Municipality of York Police Services Board, The Toronto Police Services Board pursuant to the Memorandum of Understanding between York Regional Police Service and The Toronto Police Service and to Regional Council for information.

As the main function of the Enforcement and Security section is revenue protection, this report also provides an overview of revenue protection activities and statistics for 2011.

3. BACKGROUND

On September 14, 2005, The Regional Municipality of York (the Region) and The Regional Municipality of York Police Services Board (the Board) entered into a Joint Services Agreement

The Joint Services Agreement facilitated an 18-month pilot project dealing with Special Constables for York Region Transit/Viva (YRT/Viva). Upon completion of the pilot project in June 2007, the Ministry of Community Safety and Correctional Services approved the program. On February 13, 2008, the Region and the Police Services Board signed an Amending Agreement extending the Joint Services Agreement for five years.

The agreement allows YRT/Viva Special Constables the authority to enforce Regional *By-law R-1415-2005-028 as amended*, being a by-law that regulates the use of public transit vehicles and facilities in The Regional Municipality of York. This includes the enforcement of proper fare payment, conduct and the protection of the safety of all persons travelling on public transit vehicles and located on transit facilities.

In addition, YRT/Viva Special Constables have Peace Officer powers as set out in the *Criminal Code of Canada*. They enforce sections dealing with Obstructing or Resisting a Peace Officer, Obstructing Justice, False Pretences, Forgery, Uttering a Forged Document, Fraud Under \$5,000 and Fraud in Relation to Fares.

In January 2010, York Regional Police and Toronto Police entered into a Memorandum of Understanding (MOU) allowing YRT/Viva Special Constables jurisdiction within the City of Toronto. The appointing authority is governed by The Regional Municipality of York Police Services Board for both the jurisdiction of York Region and the City of Toronto. As a result of the MOU, the Annual Report is now submitted to both Police Services Boards.

4. ANALYSIS AND OPTIONS

In June 2012, the Annual Report will be submitted to The Regional Municipality of York Police Services Board and the City of Toronto Police Services Board

The report provides both Police Services Boards with an in-depth overview of all 2011 enforcement activities, including Proof-of-Payment statistics, training, occurrences, criminal charges and complaints.

The 2011 Annual Report notes three incident types which are dealt with most often outside of Proof-of-Payment activities. These are:

- 930 occurrences for seized CCTV (Closed Circuit Television) video for incidents and investigations.
- 495 occurrences for processing lost and found articles.
- 135 occurrences for crimes against property, including graffiti and vandalism on buses and at transit facilities.

There remains a low instance of major criminal activity on YRT/Viva services for the 2011 reporting year.

In 2011, the Enforcement and Security section was involved in three major operational undertakings

In June 2011, staff assisted in the planning, security, and logistics for transit services for the funeral of PC Garrett Styles of York Regional Police. Along with staffing allocated for funeral logistics support, 14 officers volunteered to represent YRT/Viva in the funeral procession honouring the fallen officer.

In July 2011, staff provided assistance and customer service for the launch of the PRESTO fare card. Staff also assisted with the PRESTO fare card distribution, in conjunction with the Marketing section, at various transit terminals. In August 2011, staff began pre-strike planning and were deployed to provide security, customer service and operational support during the 14-week transit strike.

In 2011, the system fare evasion rate on YRT/Viva was again reduced

The section inspected 396,495 passengers, a 4.9% inspection rate, an increase of 45,311 over 2010, and reduced the evasion rate to 1.38% from 1.6% in 2010, a decrease of .22%. The decrease is a result of strategically-focussed areas for revenue protection based on seven years of statistical analysis and operational experience.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report. The 2012 Operating Budget allocates \$ 4.1 million for the Enforcement and Security section and an estimated \$180,000 of revenue through fine collection in 2012.

6. LOCAL MUNICIPAL IMPACT

YRT/Viva Special Constables travelling throughout the transit service area and situated at terminals and stations improve customer service and security. The presence of Special Constables also serves as a proactive deterrent in reducing graffiti and vandalism which enhances community appearance.

7. CONCLUSION

The 2011 Annual Report from York Region Transit Enforcement and Security satisfies Section 52 of the Joint Services Agreement between the Region and the Police Services Board and the Memorandum of Understanding between York Regional Police and Toronto Police. Staff will continue to liaise with York Regional Police and Toronto Police to ensure the terms of the Agreement and MOU are fulfilled.

For more information on this report, please contact Angelo Apfelbaum, Manager Enforcement and Security at Ext. 5766.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)

2011 Annual Report

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Background

In September 2005, York Region Transit began operation of a bus rapid transit service known as Viva. This service uses an off-board fare collection system more commonly known as Proof-of-Payment.

A Joint Services Agreement was established between The Regional Municipality of York and The Regional Municipality of York Police Services Board to provide for a Special Constable program for the transit initiative. The newly-established Enforcement and Security section would provide revenue protection and security services for transit and work in conjunction with York Regional Police.

The Transit Special Constable program underwent an 18-month pilot project and was approved as a program by the Ministry of Community Safety and Correctional Services in June 2007.

In 2010, the jurisdiction for the Enforcement and Security section was expanded into the City of Toronto through a formalized agreement with the Toronto Police Service and the York Regional Police Service.

As part of the Joint Services Agreement, Transit Enforcement and Security must provide an annual report to the Police Services Board outlining all activities including recruitment, training, complaints and statistics.

York Region Transit has an approved Special Constable workforce of 24 and an approved Fare Media Inspector workforce of four in the Transit Enforcement and Security section.

Appointments

Number of Total Applications* (Jan. 1 to Dec. 31)	Number of New Appointments (Jan. 1 to Dec. 31)	Number Of Re- Appointments (Jan. 1 to Dec. 31)	Total Number of Special Constables (Jan. 1 to Dec. 31)
7	7	0	24

*Applications submitted to the Police Services Board for Special Constable appointments.

YRT Special Constable approved workforce was 24 as of December 31, 2011.

- 1 Replacement Shift Supervisor was recruited in 2011 and promoted from current staff.
- 7 Special Constables were recruited in 2010 and appointed in 2011.
- 1 Special Constable position was vacant in 2011 due to long-term disability.
- 4 Special Constables were recruited in 2011.

YRT Fare Media Inspector approved workforce was 4 as of December 31, 2011.

Terminations / Suspensions / Resignations / Retirements

Number of Terminations (Jan. 1 to Dec. 31)	Number of Suspensions (Jan. 1 to Dec. 31)	Number of Resignations (Jan. 1 to Dec. 31)	Number of Retirements (Jan. 1 to Dec. 31)
0	0	0	1

- One Shift Supervisor retired in 2011.

Training

The table below outlines training members of York Region Transit Enforcement and Security received in 2011.

Training	Staff	Duration	Facilitated By
January			
Time To Be Effective	1 SC	1 Day	York Region
February			
E-Docs	10 SC/3 FI	½ Day	York Region
March			
Use Of Force Recertification	9 SC	3 Days	Control Institute
E-Docs	1 Clerk	½ Day	York Region
April			
E-Docs	1 Sup	½ Day	York Region
Preventing Violence in the Workplace	2 SC/ 1 Disp	½ Day	York Region
True Colours	1 FI	½ Day	York Region
May			
E-Docs	1 Disp	½ Day	York Region
Fire & Life Safety	1 Sup	½ Day	York Region
Effective Business Writing	1 SC	1 Day	York Region
June			
IEDC Education Forum	2 SC	3 Days	IEDC
Progressive Discipline	2 Sup	½ Day	York Region
Four Generations in the Workplace	1 SC	½ Days	York Region
July			
N/A			
August			
First Aid & CPR Level C/AED Recertification	2 SC/2 FI/1 Sup/1 Man	1 Day	St Johns Ambulance
Dispatch RMMS Training	1 Disp	25 Days	In House
September			
First Aid & CPR Level C/AED Recertification	11 SC/2 FI	1 Day	St Johns Ambulance
Use Of Force Recertification	8 SC/2 Sup/1 Man	3 Days	Control Institute
Preventing Violence in the Workplace	1 SC	½ Day	York Region
JHSC Basic Certification	1 SC	2 Days	York Region
Preventing & Managing Violence for Management	1 Sup	½ Day	York Region
Fare Inspectors Annual Training	4 FI	3 Days	Control Institute

October			
OHS Act Overview	2 SC	½ Day	York Region
JHSC Basic Certification	1 SC	1 Day	York Region
Preventing Violence in the Workplace	1 SC	½ Day	York Region
Respect & Diversity	1 Disp	½ Day	York Region
Attendance Awareness	1 Sup	½ Day	York Region
Collective Agreement Interpretation	1 Sup	½ Day	York Region
November			
Workplace Inspections	1 SC	½ Day	York Region
Basic Special Constable Training	4 S/C	25 Days	Control Institute
December			
OHS Act Overview	1 FI	½ Day	York Region
WHMIS	1 FI	½ Day	York Region

Man = Manager, Enforcement and Security

Sup = Shift Supervisor

SC = Special Constable

FI = Fare Media Inspector

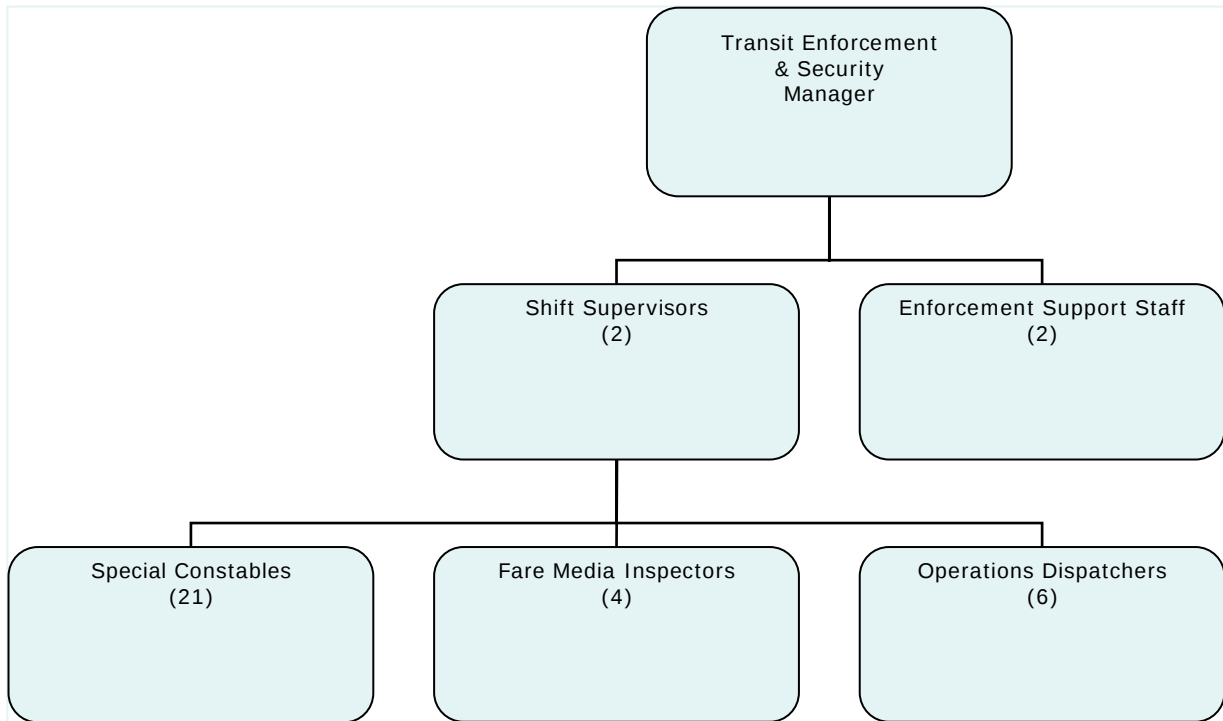
Disp = Operations Enforcement Dispatcher

Clerk = Enforcement Support Clerk

Supervision

Transit Enforcement and Security is a section within York Region Transit. Twenty-four of the section's 36 positions are designated as Special Constables. Twenty-one uniformed Special Constables provide dedicated security and law enforcement duties and maintain revenue protection through fare inspection.

General supervision is provided under the authority of two Transit Enforcement and Security Shift Supervisors who report to the Manager, Enforcement and Security. The delegated authority is outlined below.



Deployment Hours by Detail

Category	Special Constable & Fare Media Inspector
Fare Inspection	9,358.5
Patrol	6,764.5
Dispatch	5,356.5
Court	185.5
Special Detail/Office	6,751 (17,344*)
Training	1,482
Vacation	3,008
Lieu Time	2,009.5
Sick	814 (1,532.5**)

* Bracket includes 3,473 hours resulting from the PRESTO launch and 7,120 hours resulting from the strike

** Bracket includes 718 hours resulting from injury recovery, surgery and serious illness

Equipment

Equipment Issued to Special Constables
• One wallet badge, with wallet & agency identification card • Soft body armour with internal & external carriers • Two sets of standard handcuffs with cases • One expandable baton with carrier • One container of O.C. foam with carrier • One serialized memo book with carrier • One flashlight with carrier • One hard hat • One reflective safety vest

Enforcement

Criminal Code of Canada

Section Number & Charge	Number of Incidents
Sec. 129 Obstruct Peace Officer	0
Sec. 139 (2) Obstruct Justice	0
Sec. 362 (2)(b) False Pretence Under \$5000.00	0
Sec. 366 Forgery	0
Sec. 368 Uttering Forged Document	0
Sec. 380 Fraud Under \$5000.00	0
Sec. 393 Fraud in Relation to Fares	77
Totals	77

Transit Bylaw R-1415-2005-028

Fares Inspected	396,495
Provincial Offence Tickets	4,066
Written Warnings	447
Verbal Warnings	507
Non-fare Related Provincial Offence Tickets and Written Warnings	180
Part I Summons	71
Part III Summons	397

Proof-of-Payment Statistics

Fares Inspected*	Evasions	Inspection Rate**	Evasion Rate***
396,495	5,488	4.9%	1.38%

* Inspection number increased due to 5 additional Special Constables hired in 2010 and fielded in 2011. Number of inspections was projected to be 500,000 for 2011 but fell short due to the transit strike.

** Inspection Rate Benchmark 3.5%

*** Evasion Rate Benchmark 2.15%

Occurrence Reporting

In 2011, York Region Transit Enforcement and Security investigated 1,952 occurrences listed by category below:

Occurrence Type	Number of Reports
Assault	23
Disturbance	69
Fraud	77
Mischief	10
Robbery	2
Theft	8
Assistance	48
Breach of Probation	1
Damage to Property	125
Drugs/Drug Paraphernalia	8
Fare Dispute	9
Fire	8
Missing Person	1
Motor Vehicle Accident	47
Policy Violation	2
Property	495
Safety/Security Concern	39
Seized Video	930
Special Detail	1
Suspicious Incidents	10
Warrants - Arrest	2
Liquor License Act	10
Trespass to Property Act	6
Miscellaneous/Information	21

In 2011, seized video, lost/found property & crimes against property were the top three types of occurrences investigated by Transit Enforcement and Security.

Property

In 2011, Transit Enforcement and Security processed 495 pieces of property into their evidence lock-up. Property that was secured as lost and found, that was no longer required for court or investigative purposes was either returned to the lawful owner, or disposed of in accordance with the Transit Enforcement and Security process for disposal of property. All monies are turned over to the Transit Finance section; all items of value are donated to local charity. Eyeglasses, cell phones and batteries are all recycled. All other items are destroyed. Every item is itemized and a disposition record is maintained for audit purposes.

Complaints

All public complaints relating to staff conduct, security/safety, fare evasion and warning/fine disputes are forwarded to the Transit Enforcement and Security Shift Supervisor for review, assessment and investigation.

Serious complaints relating to Special Constable conduct are reviewed by the Manager, Enforcement and Security and, if the allegations meet the requirements of Schedule E of the Joint Services Agreement, forwarded to the York Regional Police Service Professional Standards section for investigation.

Adjudication and penalties, if any, are the responsibility of the Enforcement and Security Manager. Complainants are advised of the findings of all investigated complaints. All complaints are investigated in accordance with York Region Transit Enforcement and Security procedures and within the parameters of the Joint Services Agreement and all Regional policies and procedures.

Only investigation findings pertaining to Special Constable and Fare Inspector conduct complaints are categorized as follows:

Unsubstantiated

Substantiated

Informal Resolution

Total Number Of Complaints	Investigated by Agency	Investigated by York Regional Police	Number resolved	Number Outstanding
76	74	2	76	0

Complaints by Category

Complaint Type	Number Received	Unsubstantiated	Substantiated	Informal Resolution
Special Constable	23	22	0	1
Fare Media Inspector	9	9	0	0
Safety/Security Concern	26	Not Applicable	Not Applicable	Not Applicable
Fare Evasion Concern	10	Not Applicable	Not Applicable	Not Applicable
Warning/Fine Dispute	8	Not Applicable	Not Applicable	Not Applicable

Affiliations and Associations

Transit Enforcement and Security maintains membership within the following organizations:

Investigation and Enforcement Directors Council (IEDC)
 Association of Black Law Enforcers (ABLE)
 Municipal Law Enforcement Officers Association (MLEO)
 Prosecutors Association of Ontario (PAO)
 Ontario Police Video Training Alliance (OPVTA)
 Canadian Police Knowledge Network (CPKN)