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TRANSIT ENFORCEMENT 2010 ANNUAL REPORT

The Transportation Services Committee recommends the adoption of the recommendation contained in the following report dated April 13, 2011 from the Commissioner of Transportation Services.

1. RECOMMENDATION

It is recommended that this report be received for information

2. PURPOSE

The York Region Transit Enforcement and Security Annual Report must be submitted to The Regional Municipality of York, York Police Services Board and Toronto Police Services Board pursuant to Section 52 of the Joint Services Agreement.

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 2010.

3. BACKGROUND

On September 14, 2005, the Region and The Regional Municipality of York Police Services 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 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 2011, 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 2010 enforcement activities, including Proof-of-Payment statistics, training, occurrences, criminal charges and complaints.

The 2010 Annual Report notes three incident types that are dealt with most often outside of Proof-of-Payment activities. These are:

- 630 occurrences for processing lost and found articles;
- 624 occurrences for seized CCTV (Closed Circuit Television) video for incidents and investigations and;
- 107 occurrences for crimes against property, these include graffiti and vandalism on buses and at transit facilities.

There remains a low instance of major criminal activity on YRT/Viva services.

In September 2010, the Enforcement and Security section began an extensive Fare Evasion Campaign.

The campaign focused on secondary and post-secondary school students. It was designed to raise awareness, to these groups early in the school year, on the consequences of fare evasion on YRT/Viva services.

The campaign was conducted in three phases, an education phase, an enforcement phase and an ad campaign phase.

Twenty-four thousand passengers were inspected during the two week enforcement phase and 350 charges relating to fare evasion were issued. During the full campaign 170,000 passengers were inspected over a four month period from September to December 2010.

In 2010, the system fare evasion rate on YRT/Viva for was dramatically reduced.

In 2010, the section inspected 351,184 passengers, an increase of 161,093 over 2009, and reduced the evasion rate to 1.6% from 2.3% in 2009. The increase in inspections and decrease in evasions is largely due to Regional Council's approved staffing increase for the section and high density fare inspection strategies.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the recommendations of this report. The 2011 Operating Budget allocates \$3.9 million for the Enforcement and Security section and revenues of \$180,000 are estimated through fine collection in 2011.

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 2010 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, Transit 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.)

2010 Annual Report

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Background

In September 2005, York Region Transit began operation of a bus rapid transit service called Viva. This service used 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 23 and an approved Fare Media Inspector workforce of 5 in the Transit Enforcement and Security section.

Appointments

Number of Total Applications (Jan 01 to Dec 31)	Number of New Appointments (Jan 01 to Dec 31)	Number Of Re- Appointments (Jan 01 to Dec 31)	Total Number of Special Constables (Jan 01 to Dec 31)
3	3	0	20

YRT Special Constable approved workforce was 23 as of December 31, 2010

- 1 Shift Supervisor was recruited and appointed in 2010
- 2 Special Constables hired in late 2009 were appointed in 2010
- 7 Special Constables were recruited in 2010 (5 expansion positions and 2 replacement positions)
- 3 Special Constable positions were vacant in 2010 (1 due to long term disability and 2 from resignations) and will be filled in 2011

YRT Fare Media Inspector approved workforce was 5 as of December 31, 2010

- 1 Fare Media Inspector position was vacant due to a promotion and will be filled in 2011

Terminations / Suspensions / Resignations / Retirements

Number of Terminations (Jan 01 to Dec 31)	Number of Suspensions (Jan 01 to Dec 31)	Number of Resignations (Jan 01 to Dec 31)	Number of Retirements (Jan 01 to Dec 31)
0	1	2	0

- One Special Constable accepted a position with York Regional Police.
- One Special Constable accepted a position with GO Transit.
- One Special Constable was placed on Long Term Disability and the appointment was suspended.

Training

The table below outlines training members of York Region Transit Enforcement received in 2010.

Training	Staff	Duration	Facilitated By
January			
WHIMIS	1 SC	1/2 day	York Region
Respect & Diversity	3 SC	1/2 day	York Region
New Employee Orientation	3 SC	1 day	York Region
February			
WHMIS	1 SC	1/2 day	York Region
Effective Business Writing	1 SC	1 day	York Region
Customer Service	1 SC	1/2 day	York Region
March			
Dispatch Training	1 FI	9 days	In House
True Colours	1 FI	1/2 day	York Region
Use of Force Recertification	5 SC	3 days	Control Institute
Recruitment & Selection	2 Sup	1/2 day	York Region
Attendance Awareness	2 Sup	1/2 day	York Region
Collective Agreement Interpretation	1 Sup	1/2 day	York Region
Grievance & Arbitration	1 Sup	1/2 day	York Region
WHMIS Full Course / OHS Act Overview	1 Sup	1/2 day	York Region
Defensive Driving	1 Sup	1 day	York Region
April			
True Colours	1 SC	1/2 day	York Region
ECI Interviewing and Background Investigations	1 Man	5 days	OACP/OPC
Administrative Professionals Development Workshop	1 Clerk	1 day	York Region
May			
Customer Service	1 SC	1/2 day	York Region
June			
IEDC Education Forum (3 days)	1 Sup, 3 SC, 1 FI	3 days	IEDC
Basic Special Constable Training	6 SC	25 days	Control Institute
Stress Lets Talk About it	1 SC	1/2 day	York Region
Bike Rack Training	4 SC, 1 FI	1/2 day	In House
July			
First Aid & CPR Level C/AED Training	6 SC	2 days	Control Institute
Dispatch/RMMS Training	3 SC	12 days	In House
AED Training	4 SC, 3 FI	1 day	York EMS
August			
Dispatch/RMMS Training	3 SC	24 days	In House

Defensive Driving	5 SC	1 day	York Region
AED Training	3 SC	1 day	York EMS
New Employee Orientation	5 SC	1 day	York Region
Provincial Offences	1 SC	On-line	CPKN
Mobility Fare Collection Training	2 SC	1.5 hours	In House
September			
New Employee Orientation	1 Disp	1 day	York Region
Dispatch/RMMS Training	3 SC	11 days	In House
Respect/Diversity	5 SC	1/2 day	York Region
Customer Service	5 SC	1/2 day	York Region
OHS Act/WHIMIS	3 SC	1/2 day	York Region
Use of Force Recertification	1 Man,6 SC,2 Sup	3 days	Control Institute
Fire & Life Safety Training	1 Clerk	1/2 day	York Region
Refresher Training	4 FI	3 days	Control Institute
October			
Dispatch/RMMS Training	1 SC	1 day	In House
November			
OHS Act/ WHIMIS	2 SC	1/2 day	York Region
WHIMIS	1 Clerk	.5 hours	York Region
December			
Dispatch/RMMS Training	1 Disp	2 days	In House

Man = Manager, Enforcement and Security

Sup = Shift Supervisor

SC = Special Constable

FI = Fare Media Inspector

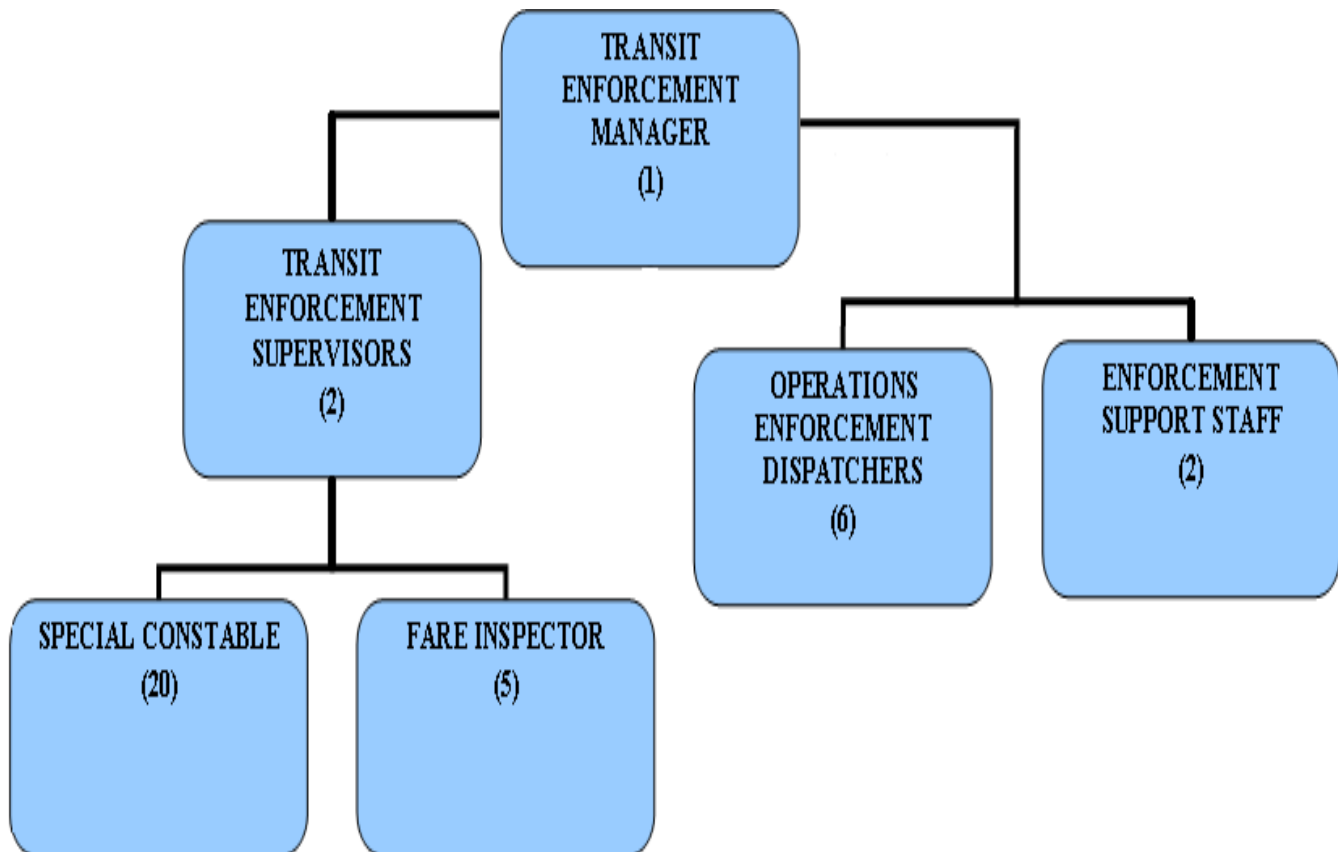
Disp = Operations Enforcement Dispatcher

Clerk = Enforcement Support Clerk

Supervision

Transit Enforcement and Security is a section within York Region Transit. Twenty-three of the section's 36 positions are designated as Special Constables. Twenty 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 the Transit Enforcement and Security Shift Supervisors who report to the Manager, Enforcement and Security. The delegated authority is outlined below.



Deployment Hours by Position & Detail

Category	Special Constable	Fare Media Inspector
Fare Inspection	8,043	3,026
Patrol	3,608.5	1,558.5
Dispatch	2,209	678
Court	137	25
Special Detail/Office	9,698	1,773
Training	1,601.75	143.75
Vacation	1,954.75	693.5
Lieu Time	1,853.5	270
Sick	668 (1,978.5)*	150 (695)**

* Bracket includes addition of 1310 sick hours resulting from employee Long Term Illness

** Bracket includes addition of 545 sick hours resulting from employee Surgery/Recovery

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 Charges

Section Number & Charge	Arrests	Form #9 Issued	Provincial Offence Issued
Sec. 129 Obstruct Peace Officer	1	0	1
Sec. 139 (2) Obstruct Justice	0	0	0
Sec. 362 (2)(b) False Pretence Under \$5000.00	0	0	0
Sec. 366 Forgery	0	0	0
Sec. 368 Uttering Forged Document	0	0	0
Sec. 380 Fraud Under \$5000.00	0	0	0
Sec. 393 Fraud in Relation to Fares	41	20	25
Totals	42	20	25

Transit By-law R-1415-2005-028

	Special Constable	Fare Media Inspector
Fares Inspected	207,222	143,962
Provincial Offence Tickets	3,286	828
Written Warnings	448	105
Verbal Warnings	497	162
Non-fare Related Provincial Offence Tickets and Written Warnings	130	2
Part I Summons	45	12
Part III Summons	315	32

Proof-of-Payment Statistics

Fares Inspected	Evasions	Inspection Rate *	Evasion Rate **
351,184	5,730	3.9%	1.6%

* Inspection Rate Benchmark 3.5%

** Evasion Rate Benchmark 2.15%

Occurrence Reporting

In 2010, York Region Transit Enforcement investigated 1,636 occurrences listed by category below:

Occurrence Type	Number of Reports
Assault	13
Fraud	51
Mischief	2
Obstruct Peace Officer – Sec 129	1
Robbery	4
Theft	2
No Category	4
Assistance	32
Damage to Property	107
Disturbance	54
Drugs\Drug Paraphernalia	12
Fare Dispute	6
Fire	1
Information	14
Missing Person	1
Motor Vehicle Accident	17
Other	11
Policy Violation	1
Property	630
Reported Theft	2
Safety\Security Concern	24
Safety\Security Hazard	1
Seized Video	624
Special Detail	5

Suspicious Incident	6
Liquor License Act	9
Weapons	1
Vehicle	1

In 2010, lost/found property, seized video & crimes against property were the top three types of occurrences investigated by Transit Enforcement and Security.

Property

In 2010, Transit Enforcement processed 630 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
75	75	0	75	0

Complaints by Category

Complaint Type	Number Received	Unsubstantiated	Substantiated	Informal Resolution
Special Constable	14	14	0	0
Fare Media Inspector	6	6	0	0
Safety/Security Concern	31	Not Applicable	Not Applicable	Not Applicable
Fare Evasion Concern	12	Not Applicable	Not Applicable	Not Applicable
Warning/Fine Dispute	10	Not Applicable	Not Applicable	Not Applicable
Hardware/Software Issues	1	Not Applicable	Not Applicable	Not Applicable
Stolen Property	1	Not Applicable	Not Applicable	Not Applicable

Affiliations and Associations

Transit Enforcement and Security maintains membership within the following organizations:

Investigation and Enforcement Director's Council (IEDC)
 Association of Black Law Enforcers (ABLE)
 Municipal Law Enforcement Officer's Association (MLEO)
 Prosecutor's Association of Ontario (PAO)
 Ontario Police Video Training Alliance (OPVTA)
 Canadian Police Knowledge Network (CPKN)