

THE REGIONAL MUNICIPALITY OF YORK
POLICE SERVICES BOARD

REPORT OF THE CHIEF OF POLICE

22 APRIL 2009

**2008 York Region Transit Special Constables
Annual Report**

RECOMMENDATION

1. That the Board receive this report pursuant to Section 52 of the Agreement between the Regional Municipality of York Police Services Board and the Regional Municipality of York.

SYNOPSIS

This report has been submitted in accordance with an Amending Agreement signed on February 13, 2008, between the Regional Municipality of York Police Services Board and the Regional Municipality of York. Section 52 of the Agreement requires the Region to annually report to the Board statistical information regarding enforcement activities, training, supervision, complaints and other issues of concern. A copy of the 2008 Annual Report from York Region Transit Enforcement is submitted with this report.

FINANCIAL IMPLICATIONS

There are no financial implications.

BACKGROUND

On September 14, 2005, the Board and the Region entered into a joint services agreement to facilitate an eighteen-month pilot project dealing with Special Constables for York Region Transit. Upon completion of the pilot project in June 2007, the Ministry of Community Safety and Correctional Services approved the program, and on February 13, 2008, the Board and the Region signed an amending agreement extending the joint services agreement for five years.

York Region Transit has an approved Special Constable workforce of 16 officers. New YRT Special Constables must complete a comprehensive, four-week training course provided by the Control Institute, a private company owned and operated by an experienced police instructor. This initial training covers Use of Force and defensive tactics, conflict resolution, both federal and provincial legal authorities, tactical communications and officer safety. Final testing consists of academic, practical and judgemental. The Special Constables also have to pass an annual requalification. The requalification is three days in length and consists of legislative information and updates, use of force and court training.

Special Constable appointments by the Board allow the Special Constables the authority to enforce the Region's By-law #R-1415-2005-28, being a by-law to regulate the use of public transit vehicles and facilities in the Regional Municipality of York. This includes the enforcement of proper fare payment and conduct on transit vehicles and the protection of the safety of all persons travelling on public transit vehicles and located on public transit facilities.

In addition, for the purpose of their appointment the Special Constables have Peace Officer powers as set out in the Criminal Code. 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.

Currently, the geographic jurisdiction of the Special Constables is restricted to the property and vehicles under the control of the Region situated within the boundaries of the Regional Municipality of York. Application has been made to the Toronto Police Services Board to allow York Region Transit Special Constables the authority to enforce certain laws within the City of Toronto.

General supervision of the Special Constables comes under the Transit Enforcement Supervisor. This Special Constable holds an office position and is responsible for all aspects of the YRT Special Constables program including human resources issues, training, supervision, complaints and discipline. He has received additional training in all of these areas and attends educational forums as well. He is a member of the Municipal Law Enforcement committee and is on the board of the Investigation and Enforcement Directors Council of Ontario which includes other agencies such as the Ministry of Transportation of Ontario, the Ministry of Natural Resources and the Ministry of Finance.

All public complaints relating to staff conduct, security and safety, fare evasion and fine disputes are forwarded to the Enforcement Supervisor for review, assessment and investigation. Serious complaints relating to the Special Constables' conduct are forwarded to the York Regional Police Professional Standards Bureau. There were 51 complaints lodged in 2008 of which all 51 were investigated by the Enforcement Supervisor and resolved. There are no outstanding complaints from 2008 and there were no serious complaints sent to York Regional Police for investigation.

The attached 2008 Annual Report from York Region Transit Enforcement satisfies Section 52 of the Agreement between the Regional Municipality of York Police Services

Board and the Regional Municipality of York. York Regional Police staff will continue to liaise with York Region Transit staff to ensure the terms of the Agreement are fulfilled.

Armand P. La Barge, O.O.M
Chief of Police

APL/km
Attach.