

Clause 6 in Report No. 12 of Committee of the Whole was adopted, as amended, by the Council of The Regional Municipality of York at its meeting held on September 20, 2018.

- 126 It was moved by Mayor Bevilacqua, seconded by Regional Councillor Ferri that Council receive the communication from Paul Jankowski, Commissioner of Transportation Services dated September 13, 2018 and refer it to consideration of Clause 6 of Committee of the Whole Report No. 12.

Carried

(See Minute No. 128)

- 128 Amend the report of the Commissioner of Transportation Services dated August 10, 2018 to include additional powers be granted to York Region Transit Special Constables to enforce limited provisions under the *Cannabis Act, 2017*.

Carried

(See Minute No. 126)

6

York Region and York Regional Police
Joint Services Agreement Amendment

Committee of the Whole recommends adoption of the following recommendations contained in the report dated August 10, 2018 from the Commissioner of Transportation Services:

1. Council request that York Regional Police Services Board grant York Region Transit Special Constables additional powers to permit them to enforce certain provisions of the Mental Health Act, Liquor Licence Act and Trespass to Property Act.
2. Council authorize an amendment to the joint services agreement between the Region and York Regional Police Services Board to reflect the expanded powers.
3. The Regional Solicitor be authorized to prepare the necessary agreement amendment.

Report dated August 10, 2018 from the Commissioner of Transportation Services now follows:

1. Recommendations

It is recommended that:

1. Council request that York Regional Police Services Board grant York Region Transit Special Constables additional powers to permit them to enforce certain provisions of the *Mental Health Act*, *Liquor Licence Act* and *Trespass to Property Act*.
2. Council authorize an amendment to the joint services agreement between the Region and York Regional Police Services Board to reflect the expanded powers.
3. The Regional Solicitor be authorized to prepare the necessary agreement amendment.

2. Purpose

This report seeks Council approval to request York Regional Police (YRP) Services Board to grant additional powers to York Region Transit (YRT) Special Constables under the *Trespass to Property Act*, *the Mental Health Act* and *the Liquor License Act*.

Approval is also requested to amend the joint services agreement between the Region and York Regional Police Services Board to reflect the additional powers should YRP Services Board approval be obtained.

3. Background

York Region Transit is committed to providing travellers with a safe and enjoyable experience. Every day, the Transit Enforcement and Security team helps to make this happen.

YRT Special Constables have peace officer authorities, as set out in the *Criminal Code of Canada*. These include enforcement of offences related to obstructing or resisting a peace officer, obstructing justice, false pretences, forgery, uttering a threat, forging documents, fraud under \$5,000 and fraud in relation to fares. Under the *Police Services Act*, the York Regional Police Services Board is empowered to appoint special constables and establish the scope of their responsibilities. Special constables are, however, Regional employees and not members of York Regional Police.

In [June 2005](#), Council approved a joint services agreement with the York Regional Police Services Board

In September 2005, YRT began operating its Viva bus rapid transit service. This service uses an off-board fare collection system, commonly known as proof-of-payment.

A joint services agreement was established between the Region and York Regional Police Services Board to provide a Special Constable program for the new service. The agreement included the YRT Enforcement and Security team providing transit revenue protection and security services in partnership with York Regional Police.

The YRT Special Constable program was introduced as an 18-month pilot project with the launch of Viva. In June 2007, the program received approval by the Ministry of Community Safety and Correctional Services.

In 2010, the jurisdiction for enforcement and security expanded into the City of Toronto through a formalized agreement with the Toronto and York Regional Police Services Boards.

4. Analysis and Implications

The joint services agreement sets out the responsibilities of both parties, including supervisory and integrity controls

The joint services agreement specifies the responsibilities and terms of the appointment and management of the YRT Special Constables and addresses the following matters:

- Qualifications, application and appointment process
- Training

- Powers, duties and responsibilities
- Exchange of information between the Region and the YRP Services Board
- Complaints investigation

The last update was in 2010 and further revisions are now required to ensure the agreement reflects the needs and services of both YRT and YRP.

Staff are seeking an expansion of specific authorities to better equip Special Constables to ensure safety for travellers

YRT Special Constables currently have limited authorities, focusing on fare related offences. Transit service reflects a diverse traveller base, which at times includes the most vulnerable travellers. As such, YRT staff is recommending additional authorities to better protect the public and assist police. Accordingly, the following additional powers are proposed.

Mental Health Act (s. 17)

Authority under the *Mental Health Act*, S. 17, would give YRT Special Constables the ability to intervene in situations where a person is experiencing mental health challenges that could be life-threatening or result in serious injury, and ensure the individual receives the assistance and care required to prevent harm to themselves or others.

This power would be exercised judiciously by Special Constables, in the most limited way possible, and only in accordance with specific mental health training.

Liquor Licence Act (s. 31(5), 32 (5), 47(1) (1.1)

These sections under the *Liquor Licence Act* provide for arrest and seizure powers with respect to liquor licensing offences. Authority under these would give YRT Special Constables the ability to deal with infractions that may pose an immediate risk to the public, and enable them to more effectively preserve order in the transit system and minimize service interruptions.

Trespass to Property Act (s. 9)

Authority under S. 9 of the *Trespass to Property Act* would give YRT Special Constables the ability to deal with infractions related to arrest and release of persons who are trespassing on or engaging in prohibited activities on YRT properties, or who refuse to leave YRT property when directed.

The authorities York Region Transit Enforcement currently has are less extensive than other jurisdictions

A review of other Ontario transit agencies determined that YRT has fewer enforcement powers compared to similar organizations servicing the same traveller base, i.e. customers travelling across municipal boundaries.

Currently, YRT Special Constable authorities are limited to transportation fraud and select offences under the Criminal Code. In comparison to other similar agencies, YRT is the most restricted in its ability to address situations involving mental health emergencies, liquor licence incidents, and acts of trespass.

Table 1 sets out the authorities granted to each agency in addition to their Peace Officer status.

Table 1
Comparison of Agency Authorities

| Authority | YRT | TTC | GO/Metrolinx | Ottawa Transit |
|-----------------------------------|-----|-----|--------------|----------------|
| <i>Trespass to Property Act</i> | | ✓ | ✓ | ✓ |
| <i>Liquor License Act</i> | | ✓ | ✓ | ✓ |
| <i>Mental Health Act</i> | | ✓ | ✓ | |
| <i>Youth Criminal Justice Act</i> | | | ✓ | |
| <i>Safe Streets Act</i> | | | ✓ | ✓ |
| <i>Highway Traffic Act</i> | | | ✓ | |

The proposed authorities would provide YRT Special Constables with the ability to act immediately in situations involving public safety

YRT Special Constables currently have limited options when assisting persons experiencing a mental health emergency or who are unable to care for themselves due to intoxication. The new authorities would provide Special Constables with the ability to care for and support individuals in these types of situations, including intervening to assist those experiencing suicidal thoughts and self-harm, until police services arrive and further assistance can be offered.

YRT would be afforded the ability to release persons committing acts of trespass without the requirement for police officers to attend. These minor offences are best serviced by YRT in the first instance. This may free up police resources to

address other matters and attend only when required, which would help offset costs to York Regional Police.

YRT, YRP and the Region's Legal Services have been consulted on these changes and all parties agree to move forward with the amendments to the Joint Services Agreement.

YRT Special Constables receive specialized training in assisting travellers experiencing mental health emergencies and additional situations involving conflict and traveller support

YRT Special Constables receive four weeks initial and three days annual refresher training. Training includes use of force re-certification, dynamic simulations, conflict resolution and legislative requirements.

In addition, YRT Special Constables participate in specialized training to better serve travellers, including:

- Safe Talk (recognizing those thinking of suicide)
- ASIST (Applied Suicide Intervention Skills Training)
- Mental Health First Aid
- Defusing Anger Resistance and Hostility

Additional scenario and refresher training would be provided to all YRT Special Constables, focusing on updates to the *Mental Health Act*, *Liquor Licence Act* and *Trespass to Property Act*, upon approval of the expanded authorities.

Further amendments to the joint services agreement may be required in the future if provincial legislation proceeds

Bill 175, the *Safer Ontario Act*, introduced by the previous provincial government, was put on hold when the new provincial government came into power.

Bill 175 would provide for a number of changes, such as SIU oversight of Special Constables and enhanced reporting requirements for complaints, which would necessitate further amendments to the joint services agreement.

Should this legislation move forward or is amended by the provincial government and re-introduced, staff will bring forward a further report to amend the joint services agreement to conform to provincial legislation.

5. Financial Considerations

Costs associated with YRT Special Constables including training, equipment and recruitment, are included in YRT's operating budget

No significant costs have been identified with expanding the authorities of YRT's Special Constables.

York Regional Police are reimbursed for costs incurred to provide service for York Region Transit in accordance with the joint services agreement. These costs are calculated based on the time spent providing services. Costs included are for recruitment and equipment, at an hourly rate that is determined based on actual salary and material costs.

6. Local Municipal Impact

The YRT Enforcement and Security team improves the traveller experience by providing customer service, education, safety and security.

Local municipalities, residents and businesses benefit from a transit service that continues to improve the traveller experience with quality, safe and comfortable services.

7. Conclusion

The joint services agreement outlines the framework for collaboration between York Regional Police and York Region Transit concerning the Special Constable program. An amendment to the joint services agreement to include new authorities would better equip York Region Transit Special Constables to serve its travellers and remain consistent with the expected level of services across the GTA.

York Region and York Regional Police
Joint Services Agreement Amendment

For more information on this report, please contact Ann-Marie Carroll, General Manager, York Region Transit at 1-877-464-9675 ext. 75677.

The Senior Management Group has reviewed this report.

Recommended by:

Approved for Submission:

Paul Jankowski
Commissioner of Transportation Services

Bruce Macgregor
Chief Administrative Officer

August 10, 2018

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Accessible formats or communication supports are available upon request

Memorandum

To: Regional Council

From: Paul Jankowski
Commissioner of Transportation Services

Date: September 13, 2018

Re: **York Region and York Regional Police Joint Services Agreement
Amendment**

This memorandum supplements the above-noted report and requests an amendment to that report to include additional powers be granted to YRT Special Constables to enforce limited provisions under the *Cannabis Act, 2017*.

Background

On September 6, 2018, Committee of the Whole received a report recommending that York Regional Police Services Board grant York Region Transit (YRT) Special Constables additional powers to permit them to enforce certain provisions of the *Mental Health Act, Liquor Licence Act* and *Trespass to Property Act*.

Following the submission of this report, the Region received an All Chiefs of Police memorandum from the Ministry of Community Safety and Correctional Services regarding the *Cannabis Act, 2017* and enforcement powers for Special Constables. The *Act* comes into force on October 17, 2018.

The memorandum advised that if an employer determines that a Special Constable will be enforcing the *Cannabis Act, 2017*, or particular sections of the Act, the appointment of that Special Constable will need to be amended to reference the new legislation.

Staff recommend granting limited powers under the *Cannabis Act, 2017* to enable Special Constables to address issues relating to the use and possession of recreational cannabis on the transit system

YRT Special Constables currently have limited authorities, focusing on fare-related offences.

In the report, staff has requested an expansion to those powers to respond more effectively to incidents of mental health emergencies, alcohol-related issues and trespass offences.

While the Region's Transit Bylaw (2017-7) does prohibit cannabis use on transit facilities, specific powers set out in the *Cannabis Act, 2017* would provide Special Constables with additional tools to address cannabis use on transit property, without requiring police intervention.

Staff recommends making a request to the Police Services Board to allow YRT Special Constables to enforce the following provisions of the *Cannabis Act, 2017*:

- Section 10 (Prohibitions on possession, etc., by persons under 19)
- Section 11 (Restrictions on places of consumption)
- Section 19 (Arrest without warrant)

Section 10 – *Cannabis Act, 2017*

This section provides that no one under the age of 19 shall possess, consume, attempt to purchase, purchase or distribute cannabis.

Section 11 – *Cannabis Act, 2017*

This section provides that no person shall consume cannabis in:

- a) a public place;
- b) a workplace within the meaning of the *Occupational Health and Safety Act*;
- c) a vehicle or boat; or
- d) any prescribed place.

This would include all York Region transit facilities.

York Region and York Regional Police
Joint Services Agreement Amendment

Section 19 – *Cannabis Act, 2017*

This section addresses situations where if an individual refuses to give his or her name and address to a police officer or the police officer has reasonable grounds to believe that the name or address given is false, the police officer may then arrest the person without a warrant.

The above sections would provide YRT Special Constables the ability to properly investigate and enforce offences on the transit system relating to the consumption and use of cannabis. Special Constables currently have limited authority to lay charges under the Transit Bylaw relating to the use of cannabis; however, the additional authorities would provide enhanced powers to manage incidents without the intervention of York Regional Police.

It is anticipated that granting additional powers to address incidents involving recreational cannabis use on the transit system would have a positive impact on the services provided for the Region's travellers. Staff recommend that Council request the York Regional Police Services Board to grant these additional powers and that the Joint Services Agreement be amended accordingly.

For more information on this memo, please contact Ann-Marie Carroll, General Manager, York Region Transit at 1-877-464-9675 ext. 75677.

Paul Jankowski
Commissioner of Transportation Services

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