

Clause No. 5 in Report No. 9 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on May 15, 2014.

**5**

**YORK REGION TRANSIT (YRT/VIVA)  
2013 ENFORCEMENT AND SECURITY ANNUAL REPORT**

**Committee of the Whole recommends adoption of the following recommendation contained in the report dated April 16, 2014 from the Commissioner of Transportation and Community Planning:**

**1. RECOMMENDATION**

It is recommended that:

1. A copy of this report and the Enforcement and Security Annual Report be submitted to the Regional Municipality of York Police Services Board as per the Joint Services Agreement.

**2. PURPOSE**

This report provides a summary of the York Region Transit (YRT/Viva) 2013 Enforcement and Security Annual Report (Annual Report). A copy of the Annual Report will be provided to the Regional Municipality of York Police Services Board as required under the Joint Services Agreement. (*Attachment 1*)

**3. BACKGROUND**

**In September 2005, York Region Transit (YRT/Viva) began operation of its Viva bus rapid transit service. The Viva service operates using an off-board fare collection system known as proof-of-payment**

A Joint Services Agreement was established between York Region and The Regional Municipality of York Police Services Board to provide for Special Constables to administer the Proof-of-Payment Program for the Region's new Viva service. The agreement assigned certain powers to YRT/Viva's Special Constable unit to allow staff to enforce revenue protection and provide security services for YRT/Viva in conjunction with York Regional Police (YRP)

The Joint Services Agreement requires an annual report to the York Police Services Board outlining all Special Constable activities that occurred throughout the year including recruitment, training, complaints and statistics by YRT/Viva Enforcement and Security section.

**YRT/Viva Special Constables have Peace Officer powers as set out in the Criminal Code of Canada and are permitted to enforce the Region's Transit Bylaw R-1415-2005-028 as amended**

YRT/Viva Special Constables have Peace Officer powers as set out in the Criminal Code of Canada. This includes enforcement of offences relating to 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.

The Region's Transit By-law includes provisions for the enforcement of proper fare payment, the safe conduct and protection of all persons travelling on public transit vehicles and using transit facilities within the YRT/Viva system.

**In 2010, the Joint Services Agreement was amended to provide Special Constables with enforcement powers within the City of Toronto**

The Chiefs of Police for York Region and the City of Toronto entered into a Memorandum of Understanding (MOU) governing the terms under which YRT/Viva Special Constables may carry out their duties, as they pertain to YRT/Viva within the City of Toronto. The MOU provides for the York Region Police Services Board to forward a copy of the Annual Report to the City of Toronto Police Services Board.

**4. ANALYSIS AND OPTIONS**

**The Annual Report provides the York Region Police Services Board with a summary of all 2013 YRT/Viva enforcement activities.**

The YRT/Viva Enforcement and Security section travels the YRT/Viva system to monitor the correct use of fares and compliance with Viva's proof-of-payment system. They also monitor peoples' behaviour on YRT/Viva vehicles and properties to ensure the safety, security and comfort of all customers.

**Based on 2010-2011 information available to staff through the Transit Co-operative Research Program report, the average evasion rate for proof-of-payment systems across sampled North American agencies was 2.7 per cent.**

In 2014, staff will complete a best practice review to obtain current trends across agencies in North America that have a proof-of-payment system.

**In 2013, evasion rates for the Viva proof-of-payment system were 2.02 per cent.**

New in 2013, inspections are now being reported by fare type. Table 1 below shows the number of inspections by fare type, corresponding number of evasions and the annual evasion rate.

**Table 1**  
2013 Inspections Performed by Fare Type

<b>Fare Type</b>	<b>Inspections</b>	<b>Evasions</b>	<b>Evasion Rate%</b>
Proof-of-payment	359,472	7,247	2.02
PRESTO	23,125	152	0.66
Conventional Farebox	82,554	74	0.08
<b>Total</b>	<b>465,151</b>	<b>7,473</b>	<b>1.61</b>

Table 2 outlines the number of inspections performed by the Enforcement and Security section from 2011 to 2013, and provides the corresponding evasion numbers and annual evasion rate.

**Table 2**  
2011 to 2013 Inspections Performed

<b>Category</b>	<b>Inspections</b>	<b>Evasions</b>	<b>Evasion Rate%</b>
2011	396,495	5,488	1.38
2012	526,270*	3,853**	0.73
2013	465,151	7,473	1.61
<b>Three-year Total</b>	<b>1,387,916</b>	<b>16,814</b>	<b>1.21</b>

\* Higher inspection totals due to the introduction of the Unclassified Farebox Inspections Program

\*\* Decrease resulting from 56 days of free transit service following the 2011/2012 bus operator strike

Identified in the 2013 Annual Report are other activities performed by Special Constables outside of the proof-of-payment activity. Table 3 below shows the activities most often performed by Special Constables.

**Table 3**  
2013 Activities by Type

<b>Activity</b>	<b>Occurrences</b>
Closed circuit television video seizures	1,660
Lost and found articles processed	338
Assist calls (passenger emergency, disturbance)	133
Property damage	67
Safety and security concerns	42

**Annually, Enforcement and Security staff participates in a number of transit initiatives and events pertaining to revenue protection and collection, operations, and customer service**

Listed below are the transit initiatives YRT/Viva Enforcement and Security staff were involved in 2013.

- Increased fare revenue recovery by monitoring data, cash and ticket deposits into conventional vehicle fareboxes
- Increased fine revenue collection through court process improvements and efficient staff scheduling
- Reduced monthly credit card fraud at on-street fare machines from 30 per cent in January 2013, to 1.5 per cent in December 2013. A full investigation was completed by Enforcement staff, and an upgrade to the existing software associated with the machines was implemented to block fraudulent “gift” cards.
- Helped reduce bus operator speeding, through monitoring of real time data and communications with the operation and maintenance contractors
- Provided customer service, security and assistance through the PRESTO community outreach program
- Developed and oversaw a staffing deployment strategy for transit terminals during peak business hours to provide additional customer service and improve service reliability
- Assisted with the launch of the Highway 7 rapidway, and developed the station staffing plan for Transit staff and Paid Duty Officers
- Assisted in the development of staff terminal training programs
- Partnered with York Regional Police Community Oriented Response for proof-of-payment activities
- Participated in activities pertaining to the Special Olympics

## 5. FINANCIAL IMPLICATIONS

### **YRT/Viva Enforcement and Security issued 4,099 provincial offences and recovered revenue totalling \$203,978**

Table 4 outlines revenue collected in 2011, 2012 and 2013

**Table 4**  
Provincial Offences

<b>Year</b>	<b>Offences Issued</b>	<b>Revenue Collected</b>
2011	4,317	\$259,329
2012	2,416*	\$139,965
2013	4,099	\$203,978

\* Decrease resulting from 56 days of free transit service following the 2011/2012 bus operator strike

In 2013, staff worked with the Region's Legal Department and Court Services to improve the scheduling of court dates so that enforcement staff would be available to attend court more often. The anticipated result is a higher fine recovery moving forward.

The YRT/Viva Enforcement and Security section operating expenditure in 2013 was \$3.4 million.

## 6. LOCAL MUNICIPAL IMPACT

The presence of YRT/Viva Special Constables on the YRT/Viva system improves security and customer service, helps protect Regional assets, serves as a proactive deterrent in reducing graffiti and vandalism, and community appearance.

## 7. CONCLUSION

In 2013 YRT/Viva Enforcement and Security provided a safe and secure environment to customers, employees the general public, and required revenue protection.

The Joint Services Agreement between the Region and the Police Services Board requires an Annual Report to be submitted by the Region to the Board. The York Region Police Services Board will forward the report to the City of Toronto Police Services Board as required under the MOU. Staff will continue to liaise with York Regional and City of Toronto Police to ensure the terms of the Agreement and MOU are fulfilled.

For more information on this report, please contact Ryan Keay, Manager, Transit Enforcement and Security at ext. 75769.

The Senior Management Group has reviewed this report.

*Attachment (1)*



# York Region Transit

## 2013 Enforcement & Security

### Annual Report

Prepared by: Ryan Keay  
Manager, Enforcement and Security

## **Background**

In September 2005, York Region Transit (YRT/Viva) began operation of 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 York Region and The Regional Municipality of York Police Services Board to provide a Special Constable program for the new service. The Enforcement and Security section would provide revenue protection and security services for YRT/Viva, and work in conjunction with York Regional Police (YRP)

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

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.

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

In 2013, YRT/Viva has an approved Special Constable workforce of 19, and an approved Fare Media Inspector workforce of seven.

## **Appointments**

<b>Total Applications</b>	<b>New Appointments</b>	<b>Re-Appointments</b>	<b>Total Number of Special Constables</b>
(Jan. 01 to Dec. 31)	(Jan. 01 to Dec. 31)	(Jan. 01 to Dec. 31)	(Jan. 01 to Dec. 31)
0	0	0	0

## **Terminations/Suspensions/Resignations/Retirements**

<b>Terminations</b>	<b>Suspensions</b>	<b>Resignations</b>	<b>Retirements</b>
(Jan 01 to Dec 31)	(Jan 01 to Dec 31)	(Jan 01 to Dec 31)	(Jan 01 to Dec 31)
1	0	2	0

- One Special Constable resigned in 2013
- One Fare Media Inspector was terminated in 2013
- One Enforcement Manager resigned in 2013

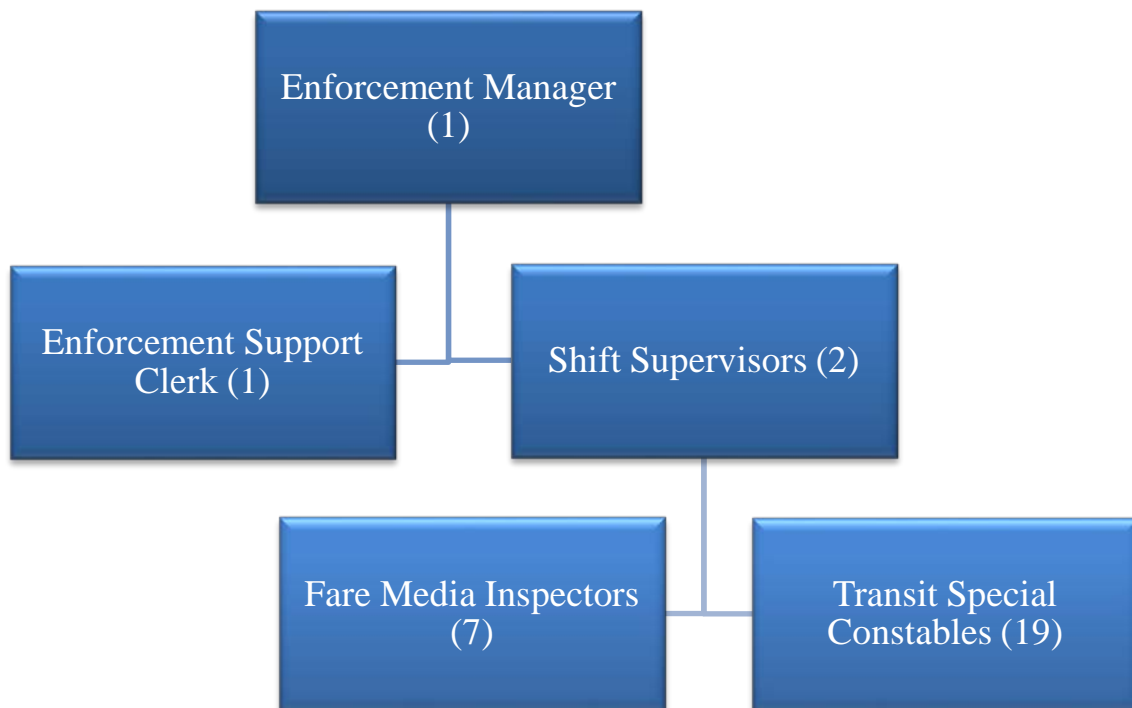


**Supervision**

There are 30 positions in the YRT/Viva Enforcement and Security unit. Twenty-two are designated as Special Constables (including the Manager and two Shift Supervisors). Nineteen uniformed Special Constables provide dedicated security and law enforcement duties and maintain revenue protection through fare inspection.

General supervision is provided by the two Shift Supervisors who report to the Manager, Enforcement and Security.

**Unit Organizational Chart**



**2013 Training**

SC – Special Constable, FI - Fare Media Inspector, Sup – Shift Supervisor, M - Manager

<b>2013 Training</b>	<b>Staff</b>	<b>Duration</b>	<b>York Region</b>	<b>Contractor</b>
<b>January</b>				
CPR/First Aid	5 SC/1 FI	1 day	✓	
<b>February</b>				
CPR/First Aid	10 SC/2 FI	1 day	✓	
WHMIS Refresher	7 SC/1 FI/1M	online	✓	
<b>March</b>				
Terminal	5 SC/1 FI	1 day	✓	
Fire and Life Safety	1 SC	0.5 day	✓	
Autism Awareness	6 SC/2 FI	0.5 day		✓
Use of force Recertification	4 S/ 1Sup	3 days		✓
<b>April</b>				
JHSC Basic 1 Certification	1 SC	1 day	✓	
JHSC Basic 2 Certification	1 SC	1 day	✓	
Customer Service Core Competency	1 FI	0.5 day	✓	
Graffiti Investigation	1 Sup	online		✓
<b>May</b>				
Major Events Security	1 Sup	online		✓
Use of force Recertification	4 SC	3 days		✓
<b>June</b>				
New Employee Orientation	3 FI	0.5 day	✓	
Basic Fare Inspector Class	3 FI	3 weeks		✓
OHS Act Overview	1 FI	0.5 day	✓	
WHMIS Full	1FI	0.5 day	✓	
<b>July</b>				
New Employee Orientation	1 FI	0.5 day	✓	
Business As Unusual	1 M	1 day	✓	
<b>August</b>				
Basic Fare Inspector Class	1 FI	3 weeks		✓
<b>September</b>				
Joint Health and Safety Committee	2 SC	1 day	✓	
OHS Act Overview	2 FI	0.5 day	✓	
WHIMIS Full	1 FI	0.5 day	✓	
Use Of force Recertification	5 SC	3 days		✓
New Employee Orientation	1 FI	0.5 day	✓	
AODA: Creating an Accessible York Region	16 SC/1M/6FI	online	✓	
Corporate Privacy Policy	6 FI	online	✓	
Customer Service Core Competency	2 FI	0.5 day	✓	
Defensive Driving	1 FI	0.5 day	✓	
<b>October</b>				
Defensive Driving	1 FI	1 day	✓	
AODA: Creating an Accessible York Region	1 FI/1SC	online	✓	
Workplace Violence	1 FI/1SC	1 day	✓	

Fostering a Healthy Workplace for Management	1 M	1 day	✓	
Non-Violent Crisis Intervention	1 SC	1 day	✓	
<b>November</b>				
CPR/First Aid	2 FI	1 day	✓	
WHIMS Refresher	6 SC/1 M/2 FI	online	✓	
WHIMS Full	2 FI	0.5 day	✓	
Health and Safety for Management	1 M	2 days	✓	
Defensive Driving	2 FI	0.5 day	✓	
AODA: Creating an Accessible York Region	1 Sup	online	✓	
Preventing and Managing Violence in the Workplace, Management	1 Sup	1 day	✓	
OHS Act Overview	1 FI	0.5 day	✓	
Fuel Handling Safety	7 FI	online	✓	
Business As Unusual	1 Sup	1 day	✓	
<b>December</b>				
Use of force Recertification	3 SC/5 FI	3 days		✓
Corporate Privacy Policy	14 SC/1 FI/1 M/ 2 Sup	online	✓	
WHIMS Refresher	11 SC	0.5 day	✓	
Workplace Violence	1 SC/1 FI	1 day	✓	
AODA: Creating an Accessible York Region	1 FI	online	✓	

### Annual Enforcement Statistics

Fine Revenue		Provincial Offences	
Year	Fine Recovery	Year	Number of Tickets Filed
2006	\$136,835	2006	3,365
2007	\$232,308	2007	4,747
2008	\$166,067	2008	3,684
2009	\$189,937	2009	3,657
2010	\$199,302	2010	4,452
2011	\$259,329	2011	4,317
2012	\$139,965*	2012	2,416*
2013	\$203,978	2013	4,099

\* Decrease resulting from 96-day bus operator strike and 56-days of free transit service

### Annual System Inspections and Evasions

Year	Fares Inspected	Evasions	Evasion Rate %
2010	351,184	5,730	1.60***
2011	396,495	5,488	1.38***
2012	526,270*	3,853**	0.73
2013	465,151	7,473	1.61

\* Higher inspection totals due to the introduction of the Unclassified Inspections Program

\*\* Decrease of evasions resulting from 96-day bus operator strike and 56-days of free transit services.

\*\*\* Proof-of-Payment only

**Fare box Unclassified Revenue by Contractor**

Contractor	Revenue	Unclassified Revenue	Percentage Unclassified Revenue %
Miller Transit	\$1,917,081	\$87,807.38	4.58
Veolia Southwest	\$4,216,825	\$180,115.19	4.32
TOK Transit	\$1,330,437	\$49,325.14	3.71

**Provincial Offences – No Arrest**

Occurrence Type	2010	2011	2012	2013
Liquor License Act	8	6	13	15
Trespass to Property Act	0	2	30	11
<b>Total</b>	<b>8</b>	<b>8</b>	<b>43</b>	<b>26</b>

**Provincial Offences – Arrest**

Occurrence Type	2010	2011	2012	2013
Liquor License Act	1	4	1	6
Trespass to Property Act	0	4	11	10
Mental Health Act	0	0	1	0
<b>Total</b>	<b>1</b>	<b>8</b>	<b>13</b>	<b>16</b>

**Criminal Code of Canada**

Section Number & Charge	2010	2011	2012	2013
Sec. 129 Obstruct Peace Officer	1	0	1	0
Sec. 139 (2) Obstruct Justice	0	0	0	0
Sec. 362 (2)(b) False Pretense Under \$5,000.00	0	0	0	0
Sec. 366 Forgery	0	0	0	0
Sec. 368 Uttering Forged Document	0	0	0	1
Sec. 380 Fraud Under \$5,000.00	0	0	0	1
Sec. 393 Fraud in Relation to Fares	41	77	28	38
<b>Total</b>	<b>42</b>	<b>77</b>	<b>29</b>	<b>39</b>

**Occurrence Reporting**

In 2013, YRT/Viva Enforcement and Security investigated 2,492 occurrences listed by category:

Occurrence Type	2010	2011	2012	2013
Seized Video	624	930	1,300	*1,660
Property	630	495	498	**338
Assistance	32	48	115	***133
Disturbance	54	69	77	84

2013 Annual Report

Damage to Property	107	125	72	67
Fraud	51	77	28	43
Safety/Security Concern	24	39	48	42
Special Detail	5	1	11	30
Fare Dispute	6	9	11	15
Assault	13	23	22	14
Motor Vehicle Collision	17	47	36	9
Drugs/Drug Paraphernalia	12	8	1	7
Information	14	21	12	7
Missing Person	1	1	2	7
Other	11	0	11	5
Weapons	1	0	1	5
Safety/Security Hazard	1	0	2	4
No Category	4	0	5	4
Suspicious Incident	6	10	10	3
Theft	4	8	2	3
Uttering Threats	0	0	3	3
Fire	1	8	5	2
Indecent Act	0	0	1	2
Bomb Threat	0	0	2	1
Policy Violation	1	2	5	1
Vehicle	1	0	2	1
Warrants - Arrest	0	2	1	1
Mischief	2	10	2	1
Terrorist Incident	0	0	1	0
Obstruct Peace Officer	1	0	1	0
Robbery	4	2	0	0
Breach of Probation	0	1	0	0
<b>Totals</b>	<b>1627</b>	<b>1936</b>	<b>2287</b>	<b>2492</b>

\* Increase in occurrences resulting from requests from Risk Management and contractors to mitigate and/or substantiate risk and accident claims.

\*\* Lost and found property processed by Transit Enforcement and Security received from the contractors.

\*\*\* Increased reported occurrences due to staffing at terminals.

In 2013, seized video, lost and found property and assistance (assist passenger/medical assist) were the top three types of occurrences investigated by Transit Enforcement and Security.

### **Property**

In 2013, YRT/Viva Enforcement and Security processed 338 pieces of property into evidence lock-up. Property that was secured as lost and found or was no longer required for court or investigative purposes, was either returned to the lawful owner, or disposed of in accordance with the YRT/Viva Enforcement and Security process for disposal of property.

All monies are turned over to the Finance section; all items of value are donated to a local charity. Eyeglasses, cell phones and batteries are recycled. All other items are destroyed. Every item is itemized and a disposition record is maintained for audit purposes.

## **Equipment**

### **Equipment Issued to Special Constables**

- Wallet badge, with wallet and agency identification card
- Soft body armour with internal and external carriers
- Two sets of standard handcuffs with cases
- Expandable baton with carrier
- Container of O.C. foam with carrier
- Serialized memo book with carrier
- Flashlight with carrier
- Hard hat
- Reflective safety vest

## **Complaints**

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

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

Adjudication and penalties are the responsibility of the Manager, Enforcement and Security. Complainants are advised of the findings of all investigations. All complaints are investigated in accordance with YRT/Viva Enforcement and Security procedures, and are 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:

### **Definition of Unsubstantiated**

1. No evidence exists to support the allegation; or
2. Evidence exists, and if believed, would not constitute misconduct; or
3. The identification of the special constable involved cannot be established.

**Definition of Substantiated**

- Complaint found to be supported by statements or evidence.

**Informal Resolution**

- May include an apology, an explanation by a management member, and referral to education, training or various forms of mediation.

Complaints	Investigated by YRT/Viva	Investigated by YRP	Resolved	Outstanding
80	80	2	80	0

**Complaints by Category**

Complaint Type	Received	Unsubstantiated	Substantiated	Informal Resolution
Special Constable	20	20	1	0
Fare Media Inspector	6	6	0	0
Safety/Security	34	N/A	N/A	N/A
Fare Evasion Concern	8	N/A	N/A	N/A
Warning/Fine Dispute	12	11	1	1

**Affiliations and Associations**

Transit Enforcement and Security maintains membership within the following organizations:

1. Investigation and Enforcement Director's Council
2. Association of Black Law Enforcers
3. Municipal Law Enforcement Officers Association
4. Prosecutor's Association of Ontario
5. Ontario Police Video Training Alliance
6. Canadian Police Knowledge Network

**Enforcement and Security - Major Operational Undertakings 2013**

- Increased fare revenue recovery by monitoring data, cash and tickets deposits into conventional vehicle fare boxes
- Increased fine revenue collection through court process improvements and efficient staff scheduling
- In conjunction with Transit branch staff reduced credit card fraud at on-street fare machines to less than 1.5 percent
- Helped reduce contractor speeding, through monitoring of over speeding data and communications

- Provided customer service, security and assistance with the PRESTO community outreach program
- Developed and oversaw a staffing deployment strategy for transit terminals during peak business hours
- Assisted with the launch of the Highway 7 rapidway, and developed the station staffing plan for transit staff and Paid Duty Officers
- Assisted in the development of staff terminal training programs
- Partnered with York Regional Police Community Oriented Response for Proof-of-Payment activities