

Background

The purpose of this report is to inform Committee about a service level enhancement for security services at the Transit Terminal and on board Transit buses. The following will describe a recommendation that better supports ensuring the safety of staff and riders, while reducing the gap between what can be effectively handled by a Municipal Law Enforcement Officer and what needs to be escalated to Police.

Greater Sudbury Transit is committed to delivering a transportation system that promotes the health, safety and security of passengers and Transit Operators. A number of initiatives are currently underway, with significant emphasis on enhancing customer experience, by creating a transit system that is easily accessible, convenient, comfortable and enjoyable for all passengers.

One key initiative consists of a service level review for security practices both at the Downtown Transit Terminal, on board Transit buses and more broadly in the downtown core. The safety of Transit Riders and Staff at the Transit Terminal is a priority. Perceptions of safety among riders and generally within the Downtown is also a priority. Transit and Security & Bylaw City Staff are recommending immediate changes to service level for security at the Terminal and further, more broadly across a number of CGS facilities.

Several factors that have led to the undertaking of this initiative include:

- The Transit Action Plan Engagement process and a Greater Sudbury Transit employee survey, where “safety and security” was identified as a priority, requiring improvement.
- A Downtown Transit Area Working Group has been formed with the purpose of reviewing what can be done to reduce loitering of non-transit users at the Transit Terminal and reduce the perceived sense of risk in the Downtown core, resulting from the behavior of some citizens in the area.
- Operator assaults and other undesirable behavior as experienced across Canada and at the Transit Terminal and on buses, are problems experienced by Greater Sudbury Transit. The Transit Safety Task Force is reviewing safety practices as a result of recent physical assaults on operators.

Incidents highlighting safety and security risks, include:

- May 28, 2017- A Transit Operator was injured when a male suspect assaulted him with a knife on board a Transit Bus
- March 29, 2018- After being escorted from property by Security, a male suspect physically assaults a contracted security guard and threatens the guard with a knife.

- April 01, 2018- A male suspect, armed with two (2) knives, is shot by Police within the Transit Terminal after attempting to gain access to the security office and charging at police while armed.
- April 25, 2018- A male suspect, is arrested by Police within the Transit Terminal after it was confirmed that the suspect was armed with a knife and had a desire for self harm/suicide.

Police respond to higher level criminal activity at the Transit Terminal and on board buses, yet more minor offences do not attract the same response by Police when considering their call volume. These ongoing security incidents at Transit are negatively impacting the perception that the system and facility is safe, and if left unchecked, will negatively impact ridership.

Proposed Enhanced Service Level- Security

Staff recommend doubling the billable contract security hours at Transit, ensuring two guards will be physically posted at the Transit Terminal for all hours of operation, between 6:00 am and 12:30 am. In order to respond to identified risks at the Transit Terminal and to support obligation within the Occupational Health and Safety Act, it is recommended this remain in place until such time that the delivery of security services is transferred to City employees, or a more permanent contracted solution is in place.

City Staff recommend that security services work is better aligned, internally, under Corporate Services and within the Bylaw and Security Department. This recommendation is based on the need for the creation of an environment, at the Terminal and on board buses, that is perceived safe and secure by Transit Riders and Staff. A recent security incident at the Transit Terminal, where a man armed with two knives was shot by Police, has gravely impacted the perception that the area is safe, and if left unchecked, will undoubtedly negatively impact ridership, employee engagement and trust in the Municipality.

Considering that, two (2) business days following the April 01, 2018 shooting at the Transit Terminal, two (2) knives/weapons were located stashed on Transit property, there is a clear illustration that immediate changes are needed. As suggested by the Ontario MTO, *"patrol and educational programs can also mitigate the impacts of crime and traveller fears. Implementation of these measures can deter criminals and reduce the financial and operational costs of crime, increasing the sense of security for travellers, and preventing loss of ridership."*

City Staff recommend an enhancement to the delivery of Security/Enforcement Services in the Municipality that would see the transfer of funds from contracted services to City staff. This proposal recommends an enhanced service level for the

delivery of security services for Transit Services. In addition to the current service level of Municipal Law Enforcement Officers (MLEO's) in the City of Greater Sudbury, Staff recommend the provision of Municipal Law Enforcement/Security at the Transit Terminal and on board Transit Buses by a team of four (4) MLEO's per day. This would eliminate the need for the existing security contract, which expires on September 30, 2018.

In House Municipal Law Enforcement Officer (MLEO) Enforcement Services

As investigated by the Canadian Urban Transit Association *"to discourage threats and deal with incidents that occur, some transit systems are enhancing the legal powers of security personnel"*. The provision of security and enforcement services by MLEO's is a model of service in place within other large Ontario Cities. An MLEO, often referred to as a By-law Officer, hosts additional legal authorities as delegated to them by the Municipality, and coupled with authorities to enforce other Municipal, Provincial and Federal legislation, offers a higher level of service than a comparable contracted security guard.

Within their Corporate Security Department, the Municipality designates all City of Mississauga Corporate Security Officer's as MLEO's. Equipped with higher level of legal authority and training, these Officers actively patrol and respond to security incidents at Transit and all City property. Within their security operations center, all calls for service are received and dispatched to a team of mobile MLEO's to attend to incidents at all City facilities. To provide an active level of deterrence, MLEO's are posted to patrol and enforce By-laws at City Facilities and the Transit Terminal/Hub, while a crew of MLEO's are also deployed on buses or mobile patrol to effectively respond to on board transit incidents.

In Mississauga, MLEO's have the ability to inform, educate or enforce on a wide variety of Municipal, Provincial and Federal legislation. Enforcement action can range from general occurrence report, trespass issuance, provincial offence notice (fine) issuance, through to arrest under the Criminal Code or Trespass to Property Act.

In addition to Mississauga, the City of Brampton and Toronto both host a dedicated internal security staff to actively patrol City facilities, whether posted at key locations or on mobile patrol. The City of Ottawa uses MLEO's to patrol and enforce in City parks.

Consistent Security Incidents

While the incidence of crime may be lower compared to public perception, some high-risk security incidents do occur on property and aboard the system; with incidents resulting in serious injury. An examination of security related incidents occurring at the Transit Terminal between January 2017 and March 2018 reveals security engagements as outlined in Table 1. These stats do not consider the number of security incidents that occur on board buses, where it has been reported by Driver's that it is normal to be

yelled at or harassed.

2017	GSPS on site. Assisting Security OR Police matter not involving Security	EMS on site. Assisting Security	Person removed from Terminal by Security No Disturbance	Person removed from Terminal by Security Disturbance	Total Security Engagements (A) + (B)	Weapon found or confiscated by Security.
January	19	9	46	10	56	No data
February	25	7	36	24	60	No data
March	22	14	38	22	60	No data
April	23	15	31	28	59	No data
May	20	13	26	29	55	No data
June	27	13	30	32	62	No data
July	26	18	30	30	60	No data
August	18	9	23	24	47	No data
September	18	10	13	36	49	1
October	16	7	24	11	35	0
November	16	4	24	29	53	1
December	12	10	26	20	46	0
2017 Annual Totals	242	129	347	295	642	2
2018						
January	16	7	17	22	39	0

February	23	8	16	24	40	4
March	21	10	11	29	40	6

Table 1: Security Incidents January 2017 to March 2018

The heading "Removed from Terminal by Security- No Disturbance" refers to situations where an individual was found on Transit property acting in a manner that negatively impacted the service delivery for Transit. Often times, these incidents consist of a resident displaying signs of intoxication (drugs and/or alcohol). These incidents are addressed by contracted Security on site, who will engage with the individual in order to remove them from Transit property without a disturbance (Criminal Code definition) being created. In some cases, the assistance of EMS is required.

The heading "Removed from Terminal by Security- Disturbance" refers to a wide variety of anti-social situations where an individual or groups of individuals have caused a disturbance (Criminal Code definition) on Transit property. These incidents are addressed through the contracted Security Guard on site, who engage with the individual(s) in order to discourage or discontinue the activity. In some cases, the assistance of the Greater Sudbury Police and/or EMS is required.

Often times, more serious security incidents result in the issuance of a Trespass to Property Notice, which is enforced by contracted security to ensure the person does not attend the Terminal or ride a bus. Higher level incidents will result in Greater Sudbury Police Services being called to support with addressing the immediate safety and security concern.

In 2017, there was an average of 54 higher risk interactions reported per month on Transit property by contracted uniformed security, with only the Trespass to Property Act to support enforcement. Q1 2018 was slightly lower than Q1 2017, with an average of 40 higher risk interactions reported per month. A trend that is alarming currently is the increase in weapons (edged or other) found on site.

Fare evasion, and unruly behavior are common issues on buses and there is currently not an effective response model for these concerns to be addressed in a timely manner. Keeping in mind that Greater Sudbury Police will respond to all emergencies with priority, and that hours of operation for Greater Sudbury Transit Services are from 6:00am until 2:00am, incidents occurring on buses and at the Terminal that are not causing an immediate physical threat can be better addressed by an enhanced level of service through the Municipality.

Partnership with Greater Sudbury Police Services

There is a positive relationship between the City of Greater Sudbury's Transit Services and Greater Sudbury Police Services. On a daily basis, GSPS Officers check in at transit and provide support to Security Guards posted at that site. Between January 01, 2018 and June 15, 2018, GSPS have been at the Transit Terminal in excess of 214 times whether called for assistance or for a proactive patrol.

In the Fall of 2017, Greater Sudbury Transit and Security and By-Law Services met with Greater Sudbury Police, and their feedback was that the issues of concern are primarily operational in nature. At the highest level, Police confirmed that providing a police staff team at transit would not be an efficient use of resources. Their commitments going forward are as follows:

- Continuing focused patrols in the area and provide support when requested in emergencies
- Looking for opportunities to collaborate; all involved will continue to look for partnership opportunities with Mental Health Services in hopes to positively impact the environment at the Transit Terminal.
- Promoting Transit Safety Messages to the public through their social media platforms.

MLEO at posted at Transit- Additional Mobile Response/On Board

Equipped with higher legislative authorities than a contracted security guard, MLEO's will provide active deterrence and enforcement for residents and Staff at the Transit Terminal, while supporting the operation of the Transit Terminal and overseeing and managing all disruptive activities on the property. Two (2) MLEO's will be physically posted at the Transit Terminal for all hours of operation, between 6:00 am and 12:30 am. In addition to having higher legislative authorities to respond to a variety of incidents, the provision of a second dedicated Officer at the Terminal will allow for a higher level of deterrence and safety for Staff that work at the terminal. This service better allows for safer and more active monitor and deterrence of anti-social or criminal behaviours, and support for effective resolution.

Further, whether assigned to ride City buses, or assigned to a mobile response vehicle, two (2) MLEO's will be deployed to respond to security incidents that take place away from the terminal and on board buses. This mobile response unit will be able to proactively or reactively deploy on board buses and offer an aspect of education, deterrence and enforcement for incidents such as fare evasion, disruption or harassment/threats toward Bus Operators.

When considering the prevalence of incidents of assault, alcohol use, fare evasion and disruptive behaviours on board buses and at the Terminal, there is a cost to the Municipality as it relates to the use of the Transit Service. As noted by the MTO, *"actual and perceived lack of safety at transit stops, stations and platforms can result in lost ridership, stigmatization and lower revenue. Vandalism and crime also cause damaged equipment, lost workdays, and compensation payments, and affect employee health and morale."* Whether aboard a bus, or at the Transit Terminal, MLEO's have the authority to arrest, issue fines or trespass someone from all City of Greater Sudbury facilities. Their authorization to do so comes from various forms of legislation, including the Criminal Code of Canada, the Trespass to Property Act and a variety of City By-laws. With a higher level of training for use of force and an increase ability to enforce legislation, this service will better address risks to staff and riders, creating a safe working environment, conducive to requirements within the Occupational Health and Safety Act.

This enhanced service level results in a total of 28,392 hours annually in the Junior Bylaw Officer Classification. .

Proposed Officer Deployment

Sr. By-law Officer (current position)

- Enforce all (applicable) City By-laws
- Animal Control Enforcement
- Support for Jr. Enforcement Services

Jr. By-law Officer- Animal/Parking (current position)

- Operate Animal Shelter
- Dedicated Response- Animal Control
- Parking Enforcement
- Portable Sign Enforcement

Jr. By-law Officer- Enforcement/Parking (new position)

- Security Enforcement at Transit Terminal
- Mobile Response for Transit and Community Development Facilities
- Parking Enforcement

This service level enhancement is comprised of eight (8) Full Time FTE's, with the remainder supported by P/T hours and assuming the rating of Group 10 (3), the annual cost for two (2) MLEO's at the Terminal and on Mobile Response would be \$1,087,787. Transferring a total of \$134,775 from contract dollars for the current provision of contracted security at Transit, the increased annual cost is estimated to be \$953,012. .

Costs for contracted uniform security is predicted to increase due to the new minimum wage legislation and very likely will cost more than prior contracts. The current security

contract, CPS15-4, has been in place since November 20, 2015 and expires on September 30, 2018. The City has an option to enter into a two (2) year extension term, with the same terms and conditions, and agreed upon rate of payment. The current billing rate is for a security guard at Transit or for Mobile Patrol is \$19.47/hr (guard makes \$14/hr). Since the implementation of Bill 148, the contractor has expressed challenges with operating under the current fee schedule and it is anticipated that any extension will be negotiated at a much higher billing rate.

Departmental operational budget costs of approximately \$40,000 annually are expected with this enhanced service. There will be a requirement for annual training (use of force, tactical communication, first aid/mental health first aid) an increase in uniforms and required office expenses as well as costs associated with a fleet vehicle. Inquiries with Greater Sudbury Police Service have been made in hopes to partner with their Training Branch for training needs that would be similar to an Auxiliary Police Officer.

With an ability to recruit and retain a high caliber employee(s), this enhanced service level will address a current gap in the provision of security services in the municipality, where the current model of service does not allow for a dedicated response for staff and residents. Where incidents occur daily on-board buses, in absence of a direct and immediate threat to safety, Police have a difficult time responding. Although Corporate Security staff currently work to investigate all incidents and provide support through the issuance of trespass and cease and desist notices, this enhanced service would allow for a trained, uniformed Officer to provide a timely and more immediate response to a number of incidents at Transit or on board buses. Using a variety of legislative authorities, this would provide for the safety and security of those staff and residents that use CGS services.

Transit By-Law

While Greater Sudbury Transit has always requested that passengers behave in a safe and appropriate manner, a Transit By-Law should be considered, similar to other Municipalities such as Sault Ste. Marie, Hamilton, Mississauga, York and Ottawa. A Transit By-Law establishes rules and regulations governing the use of the Transit system and provide the opportunity for enforcement officers to issue offence notices to those contravening the By-Law, thereby providing a deterrent to undesirable behavior.

Examples of conduct that is inappropriate and could be included in a Transit By-Law:

- Failing to pay fare to access Greater Sudbury Transit Services
- Smoking cigarettes or e-cigarettes on buses, in terminals, shelters or bus stops
- Riding a bicycle, skateboard or rollerblading inside a transit station or terminal
- Riding or holding on to the exterior of a transit vehicle

- Operating a radio or other device without headphones
- Failing to wear shirt or shoes
- Spitting
- Improper handling of animals
- Begging, soliciting or panhandling
- Damaging or attempting to damage transit property
- Holding the doors of a transit vehicle, or blocking the doors
- Using profane, obscene language, or causing disturbance or nuisance
- Carrying an open container of alcohol

Next Steps

In order to reduce the risk to security staff working at the Terminal, continuing from the additional seven (7) hours of security services per day that has already been added, Staff recommend doubling the billable contract security hours at Transit. This ensures two (2) uniformed contracted security guards on shift for all hours that the Terminal is open to Staff and Riders, between 6:00 AM and 12:30 AM per day. Staff will make best efforts to monitor revenues and expenditures throughout the remainder of 2018 to manage the additional costs. The 2019 base operating budget will be adjusted to reflect the full cost. This service level will remain until such time that the delivery of security services is transferred to City employees.

In time for the expiry date of the contract, City Staff will negotiate the optional two (2) year Extension Term for contract CPS15-4, with any increased costs being added to the 2019 base operating budget.

City Staff will refresh Risk Assessments at the Terminal, on board buses, more broadly in the Downtown and in other areas that could be served by an enhanced patrol capability, such as Parks, Libraries, Pools, CSC's.

In collaboration with the Transit Safety Task Force, Greater Sudbury Transit Staff will develop a Transit Safety plan. The plan will be distributed to all Transit employees, and will be a living document requiring updates and reviews as risks are identified and programs or policies are implemented.

Staff will develop a business case for two (2) MLEO's posted at the Transit Terminal and two (2) MELO's on Patrol. As part of the 2019 Budget process, this will provide Council with options and a proposed finalized plan.

Staff will develop a Communications Plan to support immediate and next steps.

Staff will develop a Transit Bylaw to support the recommended service level enhancements and overall safety and security at the Terminal and on board buses.

Resources Cited

Canadian Urban Transit Association: <http://cutaactu.ca/en/advocacy/policy-issues-and-research>

The National Academies of Sciences, Engineering, Medicine: Security 101: A Physical Security Primer for Transportation Agencies (2009)
<https://www.nap.edu/read/22998/chapter/6>

Ministry of Transportation- Transit-Supportive Guidelines:
<http://www.mto.gov.on.ca/english/transit/supportive-guideline/passenger-accommodation-service.shtml>

City of Mississauga-
http://www.mississauga.ca/portal/residents/passengersafety?paf_gear_id=9700018&itmId=103000571n

<https://www.mississauga.com/news-story/3162074-mississauga-transit-beefs-up-security/>