



BC Transit Special Provincial Constables

1985 – Origins

Transit Security in British Columbia has existed in one form or another since the streetcar era. When SkyTrain began operating in December 1985, fifteen Special Provincial Constables were appointed, employed by BC Transit. The Special Constables did not carry firearms but had powers of arrest and were able to serve

violation tickets.

1990's – A Growing Transit System – Limited Authority



Growing Responsibility

As the transit system grew, so did the need for increased security and safety. The Special Constables earned their own access to law enforcement databases and played an active role in submitting reports to crown counsel for criminal acts against transit staff and property. However, they did not have the power to enforce drug laws, could not leave transit property and could not assist in anything that happened outside transit property.

By 2003, 16 stations had been added to the original 15, B-Line bus routes were very popular and ridership had increased exponentially. TransLink applied to have the Special Constables transitioned into a Designated Policing Unit, a move strongly supported by the British Columbia Association of Chiefs of Police. Studies and assessments were conducted and once approved, the transition into a police service was complete.

2005 – First Dedicated Transit Police Service in Canada



Transit Police became operational in December 2005. Many of the Special Constables transitioned into fully qualified police officers after completing the training at the Police Academy at the Justice Institute of British Columbia.

In 2009, new constables were added in anticipation of the launch of the new Canada

Designated Policing Unit

Line. The Canada Line became operational in August of that year, adding 19 kilometres of track and 16 stations to the light rail system.

Vancouver 2010 Olympics



Throughout the 2010 Olympics, Metro Vancouver saw an unprecedented number of travellers. Working very closely with our police and transit partners, we provided a safe, secure and resilient public transit system for 1.6 million people each day during the Olympic period.

Transit Police's participation in the Olympic Games security effort was the most intensively executed operation in the organization's history.

2015 – New Service Delivery Model



In early 2015, Transit Police changed officer deployment. Our vast service area was divided into two separate divisions (East and West), each with their own commanding inspector. Under the two divisions, six distinct geographic Community Service Areas (CSAs) were established. These six CSAs are routinely patrolled by the same Transit

Police officers day-in and day-out. This helps us to build partnerships with a variety of stakeholders and improve our understanding of individual neighbourhoods to address

root causes of crime in and around transit. Find out more about our [Community Policing Model](#).

1. EXECUTIVE SUMMARY

2. ANALYSIS OF TRANS LINK SECURITY'S ABILITY TO FIELD LAW ENFORCEMENT SERVICES

JUSTICE INSTITUTE OF BRITISH COLUMBIA

3. OPERATIONAL REVIEW OF BRITISH COLUMBIA SECURITY

*KEN HIGGINS
DEPUTY CHIEF CONSTABLE
VANCOUVER POLICE DEPARTMENT (RETIRED)*

4. ANALYSIS OF DEMAND FOR LAW ENFORCEMENT SERVICES

POLICE SERVICES DIVISION

EXECUTIVE SUMMARY

PART I – ANALYSIS OF TRANSLINK SECURITY’S ABILITY TO FIELD LAW ENFORCEMENT SERVICES

(Justice Institute of British Columbia – Steve Hess)

An application for status as a “designated policing unit” under the *Police Act* of British Columbia by the Greater Vancouver Transportation Authority (TransLink) and the resulting consultation process led to a review of policing on SkyTrain, a part of the regional transportation system of the Authority. SkyTrain, an above ground railway passing through four municipalities, provides public transit along a 30 km guideway for an average of 130,000 passenger boardings daily. Transit crime as documented in recent studies, while not extreme in Greater Vancouver, combines with fear of crime to demonstrate the need for a specialized policing structure for the system.

Translink Security has a budget of approximately \$5 million and is comprised of 73 positions, structured as follows:

- Sworn Special Provincial Constable (SPC) positions - 42 (1 Mgr, 6 NCOs, 3 Admin, 32 Csts)
- Civilian Staff – 31 (8 Fare Inspectors, 20 Security Guards, 3 Admin)

Studies have shown links between ridership and public perceptions of transit safety, and many transit systems use a strategy of uniformed police and security services to attempt to deal with crime and fear of crime. This extends to ensuring that systems deal adequately with order maintenance issues, such as nuisance and disorder activity as well as transit fare evasion. Feeling safe and secure on public transit is more than a matter of ensuring that criminals are removed. Notwithstanding the model used, the use of a dedicated police and security structure is both key to providing public confidence and necessary given the unique dynamics of policing a transit system.

There are many models for transit policing, for example a contracted police department supplying a dedicated service model as used in Portland (OR), a regional agency providing service using police officers as casual contract employees as used in King County (WA), or a corporate security department using persons with special constable status, as in Toronto. Many models combine police personnel with civilian private security staff, either as a contract or proprietary service. Consultation for this report revealed a wide range of transit policing issues faced by other agencies, however many representatives were prepared to provide direction to effective transit police systems. Regardless of the system used, it is important that it fit within the dynamics of the way in which policing is provided in adjacent communities.

Security and law enforcement duties on SkyTrain are currently provided by TransLink Transit Security, an arm of the Authority. Civilian staff provide physical security, fare audit and inspection, and crime prevention functions, while initial law enforcement response is provided by a unit of uniformed special provincial constables appointed

under the *Police Act*. Transit constables are expected to provide a “police-like” response under the terms of an operating agreement with the Province and within agreements with local police agencies. They function in a structure similar to that of police departments in B.C., and internal policies and procedures are intended to approximate those of police departments in B.C. There are, however, some areas in which policies and procedures fall short of those necessary in providing such a service. Some policies, such as recruiting, training, and use of force, show gaps which would affect the unit’s abilities to continue to provide the service expected of them.

Special provincial constables provide, by definition, a limited form of policing. TransLink’s law enforcement operations using special provincial constables have been the primary method of providing the police response services needed for the system, a service which the Authority feels is unavailable from jurisdictional police departments. Although there is ample precedent for the application of limited law enforcement units within government, questions arise as to whether a limited policing authority properly fills the transit policing need. Many police representative agencies in B.C. are opposed to the establishment of “corporate” police forces, although there appears to be a lack of understanding of the current role of TransLink special provincial constables by that community.

This confusion is compounded by a lack of clarity in the type of service expected of these personnel. Confusion also exists in the eyes of the public. TransLink special provincial constables wear a uniform distinct from that of municipal police agencies in B.C., however this distinction appears to lead to an escalation of incidents in which transit constables are not recognized as lawful peace officers. The clarification of uniform is tied to the issue of a greater level of police status and must therefore also address the appropriateness of a non-armed police force.

At present, TransLink special provincial constables are restricted in their lawful authorities. They are unable to lawfully arrest by warrant or enforce Canada’s drug and other federal statutes, issues which compromise adequate and effective policing on the SkyTrain system. Although these authorities are desired by TransLink Transit Security and are in the public interest, they could only be conducted by a recognized police force and operationalized by persons with the training to conduct them safely, a level of training which many special provincial constables do not currently have. Memoranda for the operation of TransLink special provincial constables required training development, which in turn recommended certain levels of Provincially standardized police training that have not been completed, and this stands as a barrier to fulfillment of a policing role for TransLink. Other barriers, such as internal organizational issues and overlapping security roles, also prevent provision of effective police service.

A significant barrier to law enforcement operations is the lack of adequate fare enforcement on the SkyTrain system for a number of reasons. Fare inspectors have as their primary role the audit of fare payment methods and they are unable to provide deterrence in the form of legal process, such as a violation ticket. The combination of fare enforcement as a secondary duty and the need to summon a special provincial

constable in order to provide meaningful deterrence both encourages fare evasion and its concomitant link to crime and fear of crime, as well as takes away from more productive law enforcement duties.

The tasks of special provincial constables, as well as those of the other members of the TransLink security team, have increased over time both in diversity and complexity. The task and job analyses conducted for this review demonstrate increases over levels determined in similar processes conducted in 1993. These increases have a number of causes, however show that the role of special provincial constables is evolving into one which increasingly reflects the duties of a police officer.

TransLink is being asked, both directly and indirectly to, in essence, provide a police service to the transit system. Although often couched in other terms, their activities reflect what we ask police forces in B.C. to do. An expansion of authority is sought by TransLink in order to address issues important to continued public confidence in SkyTrain, drug enforcement and the ability to arrest persons by warrant. Although this ability is endorsed in some quarters, expanding their authority does not address the real issue: transit policing requires dedicated policing, and not only has the need for policing services on SkyTrain been increasing, the type of services being provided by TransLink have also expanded over time. Their role in providing these services would be no more clear with additional authority, and it is doubtful that they would be seen as an equal police partner to all of the stakeholders, police and public.

A more coordinated approach to providing transit policing involving police agencies affected by SkyTrain would remove some of the existing barriers and would assist in clarifying the police service provided to the public on the system. Despite the best efforts of TransLink, the needs of the public and the requirement that the transit system and government provide effective policing will not be best served until a more coordinated approach is taken.

Part II - TRANSLINK FILE REVIEW - OVERVIEW AND SUMMARY OF SELECTED COMMENTS

(Ken Higgins – Dep. Chief Constable, Vancouver City Police– ret'd)

The Operational Review found that, generally speaking, Translink Security was well organised, staffed and equipped for the tasks collectively undertaken, a conclusion reached after reviewing the overall security operation. There are, however, some aspects of the work performed, the equipment in place and policy and procedure that merit further discussion if that process is not already underway. These issues will be referred to briefly in this overview and in more detail in the body of the report and include: - Investigating Translink employees – Intelligence Sharing – Arrest for Obstruction – Recording Incidents/Reporting Crime – Radio Transmissions – Collective Agreement conflicts – Complaints from Citizens (i.e. the process laid out in the SPC Complaint Regulation). The following comments are extracted from the body of the report.

Summary of Comments

Communication

- Intra-squad communication is not frequent, Patrol Squads keep in touch via the shift end reports. The Physical Security section will generate a bulletin on fare fraud, for example. Awareness of the hot spots that develop (some appear permanent) are all part of the considerable local knowledge possessed by the Constables, similar to constables walking a high street beat. Improving the exchange of information between Translink Security and the JPD's should be considered.

Court Liaison

- Crown's opinion on fare evasion offences varies from municipality to municipality. Similarly assaulting a bus driver with a laser beam bounced off an interior (bus) mirror also has mixed reception. All Violation tickets for transit offences go to traffic court in Vancouver. All other offences charged, including Provincial Appearance Notices for fare evasion, now go to the jurisdiction where the offence occurred. Crown's knowledge of the *Transit Act* and the numerous ways to avoid fare payment also varies considerably. Transit regulations are not well known to Crown Counsel with prosecutorial difficulties arising.

Racial Bias Incidents

- It could be of value to record when an incident contains a demonstrated element of racial bias towards a party, particularly if the recipient is an employee.
- A good system (SIRS) plus a meticulous attention to detail by the administration staff concerning Exhibit Control, RTCC's and Subpoenas etcetera. merits a high rating for work standard and accuracy.

Premises/Fleet/Equipment: Radio Transmissions General

- Translink Security have an operational need for dedicated air time when necessary. The present system does not allow this and matters will only deteriorate as incidents and related radio broadcasts increase with system expansion.

Human Resources

- The in-house union local to which some Translink Security members belong presses hard for the selection of their member or members if they have achieved in excess of the minimum acceptable score. There is more than one union within Translink. If a member from another union achieves a higher score this applicant must, nonetheless, be bypassed in favour of one from the Translink Security local, albeit with a lower score. Agreement was finally reached on establishing eligibility for in-house

candidates approved for possible engagement. This was a big step forward but has generated disagreements between Translink Security Management and the Union particularly over how long it is to remain effective.

- The in-house selection process has generated six grievances in the past, none of which went to arbitration.

CPIC

- The question of whether or not the change of title from BC Transit Police to Translink Security would have cancelled the Category 2 status given in the 1991 correspondence has never been asked. Suffice to say the protocol or contract for CPIC work agreed to with New Westminster Police Department appears to be the prerogative of the Chief Constable if satisfied that CPIC policy in general regarding confidentiality and dissemination of information is complied with by the recipient.

Physical Security Supervisor

- Internal investigations – BC Transit employees were suspected of involvement in fourteen cases and this led to twelve investigations, nine of which included CPIC checks. The jurisdictional police department was notified in forty-two of the incidents and sanctioned the Physical Security continuing an investigation role in twenty-seven of them.
- Closed circuit television provides extensive coverage of the ALRT operations but the primary function of the system is to ensure the trains keep running. Translink Security feel strongly that a position(s) dedicated to monitoring the system for security and prevention benefits would be very productive. This would require a doubling of the console monitoring capability as well as negotiating a “different” unionised job into that work site. Nonetheless with the expanded system now imminent and requiring an expanded monitoring facility it is probably timely to explore the options – monitoring trains plus monitoring the stations.

Intelligence

- There is a lot of information useful to police agencies contained within SIRS. The system records observed events that might not rate as a crime but certainly identifies people for the record (tickets) and also associates of those who get in conflicts (fights) or disorderly conduct as a group requiring intervention by the Special Constables. There are very few requests by JPD's to see what offenders or violators are known by name and address to Translink Security.

Operations Procedures

- Generally speaking the operations manual is comprehensive and well laid out. There are a couple of omissions. For example, Incident Investigation contains no

reference to thefts of fare media and related procedures for enhancing a united response and case preparation. Granted there are problems in proving a possession of stolen property charge for reasons referred to previously. Nonetheless, as this is a significant problem for Translink and plainclothes enforcement operations are also carried out, evidence requirements for this particular type of offences would be a useful addition to consider.

Arrest Procedures

- The curtailment of the practice of arresting those wanted on outstanding warrants has raised operational frustration, embarrassment and also a perceived loss of credibility for the Special Provincial Constables. Delaying a decision to charge or release for obstruction is nonetheless an assumption of potential liabilities that will not be supportable in the event of a legal challenge. This will most likely occur when there has been a lengthy delay in the arrival of the local police to effect transportation on the obstruction charge.

Incident Reporting

- To appreciate the value of the Translink Security data all entries must be considered and not just the smaller number with the highest evidentiary content. To understand what happens on the trains, at the stations and interchanges and on the buses the full range of occurrences has to be considered. Some do not disclose a source of reliable verification. Others, however, disclose all the elements of a crime having been committed but these do not become a JPD statistic.

- The figures certainly support the contention that a lot of incidents that should be recorded and scored by the JPD's are not. Translink Security defers totally to the JPD exercising their prerogative to investigate , or not, and if they do not the offence is never recorded for statistical purposes.

- Multiply this throughout twenty ALRT stations and the result is a strong indication that an accurate record of what occurs is not being compiled due to an unnecessary fragmentation of effort. The citizen (Victim) meanwhile is probably quite convinced he or she did make a report to the police.

Offences Against the Person

- The arrest of a suspect on more than one occasion demonstrated a slickness of operation that can only be acquired by thorough extensive knowledge of the ALRT system. For example, Special Constables converge from adjacent sectors with a quicker response time than would have occurred with a patrol car. A devious suspect had changed trains to avoid detection but was still identified and apprehended. And all the while the system kept trains moving.

Obstruction of a Peace Officer

- Giving false particulars is certainly a good indication that the citizen is intent on avoiding due process. It does not prove the party intends to take flight or fight. Translink Security policy allows handcuffing at the discretion of the arresting constable.
- The reason why so many citizens either ignore the constable's requests or respond with falsehood should be considered.
- Of the thirty files reviewed all but one obstruction charge was abandoned at the scene once identification was established satisfactorily. Sometimes the abandonment of the charge was not simultaneous with establishing the correct identity of the person. If a warrant was in effect, the decision to abandon the obstruction charge did not occur until the police of local jurisdiction arrived. Coinciding with that arrival came the decision to abandon the obstruction charge leaving the party to be taken away by local police to have the warrant taken care of.
- The need for making an obstruction arrest was never questioned by the Road Supervisor but on more than one occasion it was queried by the Operational Supervisor who required further details.
- From the five hundred and twenty-six arrests thirty-five cases of obstruction led to a Report to Crown Counsel.

Incidents of Obstruction and Handcuffing

- The concerns expressed by Translink Security management are well founded. A constable must be seen to act fairly and without undue haste. This requires giving the person obstructing every opportunity to make an explanation or correcting anything said now suspected of being inaccurate or false. Several of the Complaints made against Translink Security Special Constables by members of the public include an arrest for obstruction scenario. As an effective communication goal, a significant reduction in the arrest "For Obstruction" category is very achievable.

Offences Against Property

- The reports were of high quality and did not, apparently, generate any returns from Crown. Of interest was the level of expertise demonstrated by the Special Constable when describing the background of a particular "tag". This expertise is requested by JPD's to assist in prosecuting other cases of vandalism.

Reports to Crown Counsel

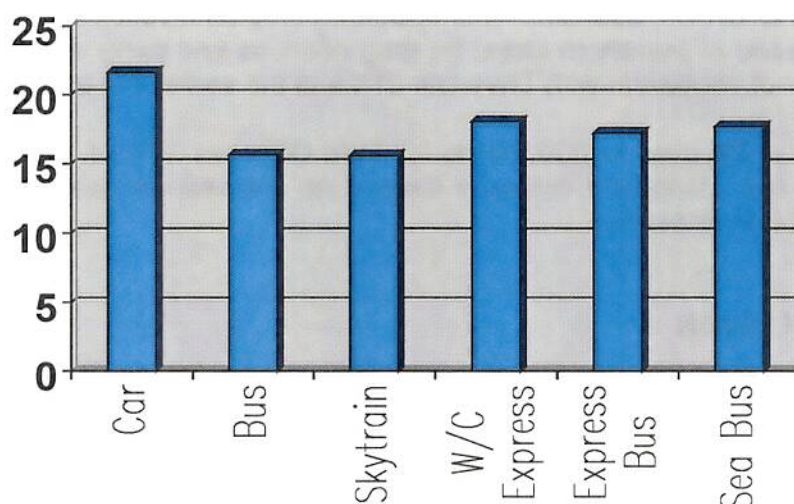
- Based on the files reviewed, Translink Security members demonstrate consistently the job knowledge, skills and abilities necessary to write an acceptable investigation and Crown report on: Robbery- Assault – Sexual Assault - Assault Peace Officer – Obstruction – Disturbance – Possession of a Weapon.

PART III - ANALYSIS OF EXISTING RESEARCH AND CRIME STATISTICS

(Police Services Division – Luke Krayenhoff, Program Manager/Analyst)

Of all modes of transportation, transit users feel the least secure on Skytrain, as shown in the following table (data obtained by the Rapid Transit Project Office):

Commuters' Perceived Safety



The level of security on Skytrain experienced by commuters affects the percentage of commuters which use this service. Skytrain's share of commuter trips could increase by 22% if potential riders felt sufficiently secure. Conversely it would drop by about the same amount if riders felt less secure.

Drug Offences

A consistent complaint of the public and Skytrain passengers is the level of drug trafficking which operates by and large unchecked at stations. Translink SPCs are empowered to enforce the Criminal Code and Provincial Statutes, but not the Controlled Drugs and Substances Act. Jurisdictional Police conduct sweeps from time to time but this does not provide a permanent solution to a pressing problem.

Review of Translink Crime Statistics

Translink Security was compared with two police agencies (RCMP Detachments) which experienced comparable levels of reported crime.

For the same or higher level of Criminal Code offences the comparable agencies fielded fewer peace officers. While Translink fields 42, they fielded 23 and 25.

This difference is magnified by the size of the geography covered by the RCMP detachments which requires a longer time to respond to calls for service. As well, Translink Security hands off serious investigations to JPDs, consuming additional police resources, which is not reflected in the fielded P.O. strength.

On the other hand, unlike regular police, Translink must deploy SPCs proactively to provide a presence over the Skytrain system regardless of the level of reported crime.

There is a high number of offences relating to Obstruct P.O. relative to the comparable detachments (377 vs. 12 and 39). As Ken Higgins noted in his report, only about 10% result in reports to Crown Counsel. This appears partly as a result of Translink's use of this charge in lieu of powers to arrest for drug offences and partly due to the fact that the public does not cooperate with Translink SPCs in the same way as regular police.

Translink SPCs wrote over 14,000 tickets for Fare Offences. Other Translink staff are also involved in fare inspection, however there is no one unit with overall responsibility for fare inspection/enforcement.

PART III CONCLUSION

It would appear that there is demand for full scale policing on the Skytrain corridor, both from a point of view of crime which occurs at stations as well as the public's perception of its safety while travelling. It is open to further research, however, whether a complement of 42 peace officers is required for this duty, and whether other members of Translink Security could be involved with Fare Enforcement.

OPTIONS AND RECOMMENDATIONS

Guiding Principles

Based on the review conducted, previous consultations with the police community, and consistent with the Ministry of Attorney General's position on the direction of policing in B.C., five guiding principles are set out regarding law enforcement services on the Skytrain/Seabus corridor.

1. Full public policing authority is required on the Skytrain/Seabus corridor to deal with Criminal Code offences, drug matters and outstanding warrants.
2. Policing services, information management systems, radio communication and intelligence sharing with respect to policing on the Skytrain/Seabus corridor should be coordinated and integrated with Jurisdictional Police Departments (JPDs).
3. Full public policing services should not be provided directly by a corporation, as this can lead to a real or perceived conflict of interest with other corporate objectives.
4. Police must be fully accountable to an independent board and the *Police Act* public complaints process.
5. To ensure sufficient law enforcement resources are dedicated to the Skytrain/Seabus corridor, Translink should continue to reimburse related costs, with a funding management structure designed to ensure an arm's length relationship between the corporation and the police agency.

Six options (Options A through F) are presented below and assessed against these principles and their general advantages and disadvantages.

OPTION	Process Required to Achieve Option	Advantages	Disadvantages	Rank 6=low; 1=high
A. Railway Constable Appointments	Provincial police designate individual constables.	<ul style="list-style-type: none"> ▪ ease of implementation ▪ similar to other railway operations ▪ provides full policing authority for Skytrain (although not Seabus) 	<ul style="list-style-type: none"> ▪ fragments policing in the Lower Mainland by overlaying a separate police force on JPDs ▪ creates a corporate police agency for Translink, although other railways have this ▪ No accountability to AG for policing: <ul style="list-style-type: none"> ▪ no Police Act oversight ▪ no Police Board oversight ▪ no governance consistency with other law enforcement units ▪ Railway police have limited geographical jurisdiction and require additional peace officer authority (currently achieved by granting SPC appointments) 	6
B. Status Quo -> S. 18.1 Designated Law Enforcement Unit (DLEU)	Attorney General establishes DLEU	<ul style="list-style-type: none"> ▪ can second or hire officers ▪ could be expanded to provide oversight of Fare Enforcement DLEU, should it be established ▪ can absorb current Translink SPC security personnel ▪ DLEUs are complementary to, not a replacement for, JPD authority 	<ul style="list-style-type: none"> ▪ continues a separate force overlapping other jurisdictions ▪ no drug enforcement or warrant execution ▪ continues as a first-response force only, thereby requiring JPD assistance for serious crime ▪ does not address need for fully empowered public police agency on Skytrain/Seabus 	5
C. Contracted Police Delivery	Translink would contract with RCMP or Municipal Police for policing services.	<ul style="list-style-type: none"> ▪ ease of implementation ▪ responsive to Translink's needs ▪ provides full policing services 	<ul style="list-style-type: none"> ▪ accountability for police service would be to Translink ▪ maintains difficulties associated with a corporate police force ▪ contracted police agency would overlap other JPDs, although it could sub-contract with other JPDs to achieve better representation ▪ does not have independent board overseeing transit police operations 	4
D. S. 4.1 Designated Police Unit (DPU) consisting of employed officers	Attorney General establishes DPU	<ul style="list-style-type: none"> ▪ provides full policing services ▪ could be expanded to provide oversight of Fare Enforcement DLEU, should it be established 	<ul style="list-style-type: none"> ▪ continues a separate force overlapping other jurisdictions without full operational coordination with JPDs ▪ policing linked to a corporation unless Board is comprised of members independent of Translink 	3

OPTION	Process Required to Achieve Option	Advantages	Disadvantages	Rank 6=low; 1=high
			<ul style="list-style-type: none"> sets a precedent for other corporate entities to apply for DPU status, e.g. BC Hydro, BC Tel, Alcan 	
E. Independent Joint Forces Operation (JFO) (similar to the Auto Theft Task Force JFO model)	Established by MOU between Translink, AG, and JPDs. Members would be seconded from JPDs to patrol line but focus primarily on stations in their home jurisdiction – subject to local availability.	<ul style="list-style-type: none"> ease of implementation flexible administration and set up via MOU would be fully empowered to deal with all criminal matters, relieving JPDs of their responsibility for followup, except for specialty services better coordination with JPDs overlapping jurisdiction with JPDs not an issue if local police agency cannot second members, seconded members from other JPDs could patrol area 	<ul style="list-style-type: none"> no clear accountability to public for policing service issues flow of payments would likely need to be through the Ministry of Attorney General different complaint processes for seconded officers seconded officers subject to local availability, JPDs might require a cost premium to train additional recruits 	2
F. S. 4.1 Designated Police Unit (DPU) consisting of seconded JPD officers and staff	Attorney General establishes DPU comprised of personnel seconded from JPDs and deployed as per JFO model	<ul style="list-style-type: none"> same advantages as JFO, although requires more formal implementation (by OIC) board structure provides better accountability to public – board could have public representatives could also provide oversight of Fare Enforcement DLEU, should it be established if local police agency cannot second members, seconded members from other JPDs could patrol area 	<ul style="list-style-type: none"> sets a precedent for other corporate entities to apply for DPU status, e.g. BC Hydro, BC Tel, Alcan different complaint processes for seconded officers, i.e. RCMP vs municipal police seconded officers subject to local availability, JPDs might require a cost premium to train additional recruits 	1

It is expected that a JFO or DPU could take 12 months to implement fully, which would also permit Translink to deal with employment transition issues.

INTERIM SOLUTION

The most pressing law enforcement need on the Skytrain is drug enforcement. When a single jurisdiction tackles the problem, it merely shifts along the line. Until the long term solution is implemented **it is recommended that a Task Force be established involving all Jurisdictional Police and Translink Security focussing on the drug trafficking problem. The Jurisdictional Police would retain sole responsibility for enforcement of Controlled Drug and Substances Act and warrant execution.**

FARE ENFORCEMENT

The Ministry of Attorney General should work with Translink to develop a coordinated model for fare enforcement, which could be established as a Translink sponsored Designated Law Enforcement Unit.

Acknowledgements

Police Services Division appreciates the efforts of the two primary consultants on this study: Ken Higgins, Deputy Chief Constable Vancouver City Police – ret'd, and Steve Hess, Director of Contract Law Enforcement Programs for the Justice Institute.

As well, Translink Security spared no effort to accommodate the information requirements of Police Services Division and the consultants.

Members of the jurisdictional police forces which adjoin Skytrain and members of the BC Association of Chiefs of Police provided valuable insight into the nature of policing services in conjunction with transit law enforcement.

The Review/Audit was managed by Luke Krayenhoff, Program Manager/Analyst, Police Services Division.

Report to the Director of Police Services
Ministry of Attorney General
Province of British Columbia

***Review of the Law Enforcement
Activities of TransLink Transit Security***

Prepared by: Steve Hess
Justice Institute of British Columbia

October 1999

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1. Introduction

This report has been requested by the Director of Police Services, Ministry of Attorney General, Province of British Columbia, as part of a review of policing on the mass transit system serving Greater Vancouver commonly known as SkyTrain. For the purposes of this report, SkyTrain was defined to include the following:

- The light rail corridor which passes through the cities of Vancouver, Burnaby, New Westminster, and Surrey;
- The stations along the corridor;
- The parking lots adjacent to the corridor in Surrey; and
- The SeaBus passenger ferry system operating between Vancouver and North Vancouver

It should be noted that immediately prior to the commencement of this review, changes to the governance structure of transit services in Greater Vancouver resulted in the establishment of the Greater Vancouver Transportation Authority as a governing body using the name TransLink. As such, there are many references to both B.C. Transit and TransLink throughout this report. The B.C. Transit Corporate Security department has continued as part of TransLink for the provision of transit security in Greater Vancouver.

Steve Hess
Justice Institute of British Columbia
October 1999

2. Background

Applications to the Director of Police Services

In March 1998, the Manager of Transit Security for B.C. Transit applied to the Director of Police Services for status as a “designated policing unit” as defined in s. 4.1 of the *Police Act*. The stated purpose of the s. 4.1 application was to provide a better service to transit passengers and heighten support to local police agencies [B.C. Transit Application to the Director of Police Services, undated]. B.C. Transit Security felt that “designation as a Policing Unit in our view would resolve

our concerns as well as those of police and the public over the issues of warrant execution and drug enforcement along the SkyTrain system.” [Ibid.]

As part of this application, B.C. Transit submitted proposed operating criteria which would allow for the enforcement of some from which they are presently prohibited. These proposed criteria also would allow them to reflect the visible status of a designated policing unit both within B.C. Transit Security and also to the public, for example, *inter alia* the designation of “Transit Police”, the use of roof lights on vehicles, and uniform changes which would reflect standards for municipal police departments in B.C.

A concomitant application was made for “designated enforcement unit” status as defined in s. 18.1 of the *Act* for the purposes of fare inspection by existing staff employed for this purpose. Fare inspectors identify persons in violation of the provisions of the *B.C. Transit Act* which require passengers to pay fares and possess proof of payment, with enforcement by violation ticket conducted by special provincial constables. The cost of fare evasion to the transit system and an escalation in fare related incidents, such as assaults on transit operators, are described as directly attributable to an inability to provide proper enforcement on both the SkyTrain and bus systems. [Ibid.]

This application also was accompanied by proposed operating criteria which describe an enforcement unit with authority to enforce the *B.C. Transit Act*, the *Transit Conduct and Safety Regulation*, the *Offence Act*, and the *Young Offenders Act*. Members would be dressed in uniforms similar to existing special provincial constable uniforms, but without authority to carry weapons.

Consultation With and the Response of the British Columbia Association of Chiefs of Police

One of the requirements of the s. 4.1 and s. 18.1 application processes is endorsement by local police authorities. In this case, the agreed upon method of obtaining endorsement was consultation with the British Columbia Association of Chiefs of Police (BCACP). In a February 1999 report, the BCACP considered the applications of B.C. Transit Security and did not support either application. BCACP support in this document was limited to the establishment of a designated enforcement unit for B.C. Transit Security’s existing special provincial constable unit, which under the revisions to the *Police Act* would essentially reinforce the *status quo*. The BCACP cited a series of reasons for their position and presented proposed regulations and guidelines for their vision of a B.C. Transit designated enforcement unit.

The BCACP further recommended that the Director of Police Services

...conduct an audit of the need for police services the [sic] Transit System (SkyTrain, SeaBus, and at B.C. Transit bus loops and Park and Ride stations). The audit should assess the need for full police services at these locations. Should the audit recommend full-time policing, B.C. Transit should be invited to sponsor a dedicated joint-forces police unit comprised of police officers from affected jurisdictions.

The audit should identify strategies for crime prevention through environmental design to address safety issues including fare evasion and operator assaults. [British Columbia Association of Chiefs of Police, response to the B.C. Transit Application under Sections 4.1 and 18.1 B.C. Police Act as Designated Policing Unit and Designated Law Enforcement Unit, February 1999]

As part of their response, the BCACP also addressed B.C. Transit's proposed operating criteria, again largely reinforcing the *status quo* in respect of issues related to the visibility of B.C. Transit as police officers, such as uniforms and vehicles. The BCACP did, however, respond in several key areas with agreement to an expansion of existing B.C. Transit Security duties, specifically authority to arrest by warrant in certain circumstances and the authority to seize "drugs and other illicit substances and weapons found during the course of performing their regular duties", although the latter specifically proposed exclusion of authority to conduct covert drug operations or investigations. [*Ibid.*]

3. Mandate and Structure of Review

On 1999 May 05, the Attorney General announced a review of policing at SkyTrain stations and SeaBus terminals. The stated focus of the review was to assess the role of existing special provincial constables, assess the need for an expanded multi-jurisdictional police presence, and to examine the extent of crime on SkyTrain and fear of crime among transit users. [Media release, Ministry of Attorney General]

The Justice Institute of British Columbia was subsequently retained by the Director of Police Services to report with the following general mandate:

To examine the capability of Greater Vancouver Transit Authority (GVTA) (TransLink) Security to field law enforcement services on the SeaBus/SkyTrain corridor.

Specifically, this mandate was to be filled by addressing the following:

- The current structure of the Corporate Security Department, including the deployment schedule of [special provincial constables], Security Officers, and Fare Inspectors
- The activities of the Department in the enforcement of criminal law and provincial statutes
- The specific task of special provincial constables and other corporate security staff related to enforcement of criminal law and provincial statutes, identifying any inconsistencies in these duties
- The *bona fides* of the relevant operating procedures of the Department and the level of their consistency with current police practice in the Province
- The role of the Department *vis a vis* municipal police departments and RCMP detachments affected by the presence of SkyTrain
- The ability and capacity of the Department to provide law enforcement services within their current and possible structure

The structure of this review included the following:

- A review of corporate security policies and procedures
- Interviews with TransLink Security and operations administration staff
- Reviews of other transit law enforcement operations
- Interviews with police and other government agencies and groups affected by the operations of TransLink Security
- A review of the tasks of special provincial constables, fare inspectors, and security staff

4. Public Transit in Greater Vancouver and the SkyTrain System

The management and operation of the regional transportation system in Vancouver is the responsibility of the Greater Vancouver Transportation Authority (GVTA) under the provisions of the *Greater Vancouver Transportation Authority Act*. The effective date of the *Act* was 1999 April 01, and at that time the Authority adopted the name TransLink for public reference.

TransLink describes itself in the following terms in reference to the *Act*:

The GVTA Act sets out a broad mandate for transportation planning and service delivery within the region, including development of a strategic transportation plan, management and operation of the regional transportation system, and development of transportation demand management programs to support the Livable Region Strategic Plan...TransLink is primarily a planning and financing agency, with a few additional functions – security, communications, marketing, and customer information – which are most effective when delivered centrally. [Memo from Ken Dobell, Chief Executive Officer, to TransLink Board of Directors, 1999 May 20]

The actual provision of service is the direct responsibility of separate subsidiary companies constituted as follows:

- Coast Mountain BusLink – responsible for the operation of the bus system and SeaBus
- British Columbia Rapid Transit Company – responsible for the operation of the SkyTrain system

Issues such as staffing, maintenance, and scheduling are the responsibility of these operating companies which exercise substantial operating independence in service delivery. [Ibid.]

The SkyTrain system is an above ground mass transit railway. Most of the twenty stations along the 29.8 km guideway are either elevated or underground. Passenger boardings are an average of approximately 130,000 per day, fewer on weekends. Annual passenger boardings are approximately 42 million, and Chart 1 demonstrates the steady growth in ridership.

At the time of the writing of this report, the Province of British Columbia is embarking on the Rapid Transit Project. This project is defined in the *Act* as

a rail transportation system connecting a location in the general vicinity of the intersection of Broadway Avenue and Granville Street in the City of Vancouver to a location in the general vicinity of the Coquitlam Centre at the intersection of Lougheed Highway and Barnet Highway in the City of Coquitlam and connecting to a location in the general vicinity of a Skytrain station in the City of New Westminster. [*Greater Vancouver Transportation Authority Act*, s. 1 (1)]

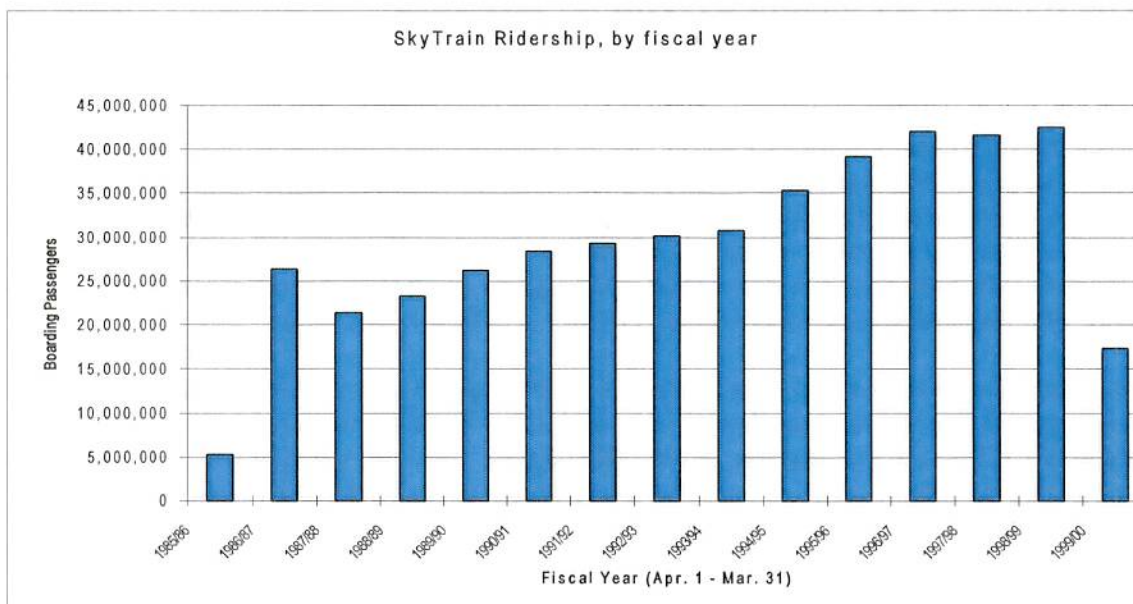


Chart 1 [1999-2000 ridership to mid-October 1999. Chart courtesy TransLink]

This project will significantly increase the scope of SkyTrain and will have a correspondingly significant impact on TransLink Transit Security, as the *Act* provides that, at a time agreed upon by the GVTA and the government, the responsibility for the Rapid Transit Project becomes part of the regional transportation system. [*Greater Vancouver Transportation Authority Act*, s. 1 (1)]

SkyTrain and the B.C. Railway Act

SkyTrain is, by definition, a railway and as such is regulated to a large extent by the B.C. *Railway Act*, which maintains statutory control over intra-provincial railways. The *Act* requires, among other things, that railways are subject to inspection to ensure public safety, that incidents involving injury to the public or railway staff be reported to the Ministry of Municipal Affairs, and it provides for the investigation of accidents (this is addressed later in this report). Approval to provide a railway service is granted by the issuance of an operating certificate.

One of the provisions of the *Railway Act* is that a railway, subject to stated authority in its operating certificate, may be permitted to employ persons in the capacity of railway constables (Appendix A). The operating certificate for SkyTrain (Appendix B) specifically includes the provision for the appointment of railway constables. [Certificate provided by the Ministry of Municipal Affairs. The section numbers which reference the authority to appoint railway constables are those of the *Railway Act* (1979)]. Presumably it is open for the Commissioner of the Provincial Police to appoint railway constables without the advice and consent of the British Columbia Association of Chiefs of Police or without considering the *Police Act*. Significantly this section does not contain any provision for the governance, accountability or other issues dealt with in the *Police Act*, and as such should be addressed.

5. The Need for a Policing System for SkyTrain

It is not the intent of this report to comprehensively identify the nature of crime or fear of crime on or in relation to transit systems, and another report will address the level of crime on SkyTrain. Nevertheless, it is difficult to discuss policing on transit systems without some context for police presence. This report argues that there are fundamental connections between the presence of police or security on public transit and the levels of fear of crime felt by the public. Further, it argues that ridership is directly affected by the level of safety felt in using public transit. Therefore, both transit system operators and government have a stake in whether the presence of police and security is important, and if it is, why it is important.

Crime clearly occurs on the SkyTrain system. In a 1999 report for the Rapid Transit Project, Gisborne reports that the total number of crime and safety incidents recorded by B.C. Transit for SkyTrain in 1997 was 2,232, and that despite this number, the system is relatively safe for users. It is, however, not simply crime activity that is of concern to the public and transit authorities, but very significantly the fear of crime and feelings of safety. Recent Canadian studies point to some of the concerns of the public about safety on transit systems. Gruberman (1994) reports on a study in Toronto which examined the feelings of women in the metro Toronto bus and subway system and found that 40 percent of the women who responded to the study stated that they felt unsafe/uncomfortable when using public transit (this in a system in which women constitute 58 percent of transit users).

The strategy of using uniformed police and security services on transit systems is pervasive throughout North America. There appears to be no question that both preventive and reactive policing of one form or another is required, and the determination of the service level of each is best left to a detailed analysis of the needs of a particular transit system with all of its variable dynamics. Recent studies on transit security by the Transportation Research Board (1997) have cited the deployment of uniformed patrols as the most used strategy among a survey of the most effective strategies to prevent and control crime and violence.

One area in which there is some discussion is the form of uniformed presence necessary to accomplish the goals of dealing with actual crime and fear of crime. In describing the commuter rail system for the North [San Diego] County Transit District, Hanlon (1997) states that notwithstanding that a high level of security was being provided by contract and proprietary security personnel, police presence offered a much higher level of comfort to passengers and created a significant deterrence. In their case, notwithstanding that the transit district had the statutory authority to create a separate agency, they felt that, like Portland, the resources needed to support a full police agency were so great that policing was provided by an police agency on contract. Carr and Spring (1993) report on efforts to improve commuter rail security by the Victoria (Australia) Public Transport Corporation by enhancing security patrol and police presence, a move which ultimately led to absorption of all security and police duties by the Victoria Police (including investigation, crime prevention, and surveillance duties). In a more situational approach, the American Public Transit Association, of which B.C. Transit is a member, believes that the appropriate level of presence of police officers vs. private security personnel largely depends upon the environment of the system, and that in a relatively high

crime area there should be a higher preponderance of police officer presence. [Personal Interview with Greg Hull, Manager, Operations Safety and Security Programs, American Public Transit Association]

The stake transit authorities have in addressing crime and the fear of crime directly impacts on their role in providing public transit, and on the bottom line. Acts and perceptions of violence and fear of crime cause loss of ridership and revenues (Needle and Cobb, 1997, Del Castillo, 1993). Brantingham *et al* (1991), in a preamble to a study of SkyTrain crime, indicates that fear of crime can deleteriously affect utilization levels. What then, is fear of crime in a transit context? Sullivan's position (1997), is one the author heard repeatedly in speaking with transit police authorities, and states that dealing with order maintenance issues is paramount in addressing fear of crime

In order to make regional railways a viable option for daily commuters, the system must be perceived as being free from the types of activities and subtle clues, such as incivility, which contribute to fear or apprehension. Lack of order – as evidenced by aggressive panhandling, excessive litter, vandalism, graffiti, persons vending unauthorized items, persons avoiding payment of fare or flagrant violations of a system's rules – is perhaps the most important security issue a transit system can face. While seemingly minor at first glance, these quality-of-life violations often result in patron discomfort. The discomfort fuels perceptions of fear. If left unchecked, such activity can influence patrons to seek another mode of transportation and, in fact, act as a stimulus for serious crime.

This last conclusion is of significance in determining why a police and security presence is important to both government and transit authorities. Nelson (1997) reports on a study of 1990-1993 crime statistics in the New York City transit system, in which analysts conclude that police action on minor crime and disorder offences has an inverse effect on the number of serious crime incidents, i.e. an increase in police attention to order maintenance issues led to a decrease in reported serious crime.

This extends to include dealing appropriately with the presence of those who would make the general public fearful of transit systems. Winfield (1993), as reported in Weidner (1996) offers that evidence exists that criminals who enter the [New York City transit] system to commit a serious offence first fail to pay a fare, and that one of every six persons arrested for fare evasion is wanted on an outstanding warrant for another crime. The direct relationship of persons who evade fare payment having a higher incidence of warrant was echoed anecdotally by the American Public Transit Association. The concept that timely and effective strategies for dealing with order maintenance issues leads to fewer problems was echoed by virtually all of the transit system workers contacted by the author, whether police, operators, or administrators.

It is safe to say that if fear of crime and disorder on a transit system are sufficient to impact on ridership, then the actual presence of crime will also have at least an equal, if not greater impact. As such, it is incumbent upon a transit system, at least in its own interest of promoting ridership, to ensure that both fear of crime and actual crime are addressed as completely as possible, and it is equally important that government ensure that transit authorities take all steps necessary to ensure public safety as a matter of public policy. TransLink Security management refer to TransLink's own passenger surveys which allude to the need for more enforcement and uniform presence on the system. At the same time, feeling safe and secure on public transit is more than a

matter of ensuring that known criminals are removed – it requires that quality of life issues which matter to the passenger be addressed as well.

This discussion should be considered in the context of the comments discussed below that transit policing should not necessarily import a system from another jurisdiction without reflecting on whether the system can co-exist with the existing policing environment. While there are many models for providing transit policing, and as will be discussed the use of private security is widespread in providing security on transit systems, different types of systems and environments may require different solutions. An important solution which emerges clearly from all of this discussion, however, is that a dedicated police presence, at whatever level, is one component of effective safety and security on public transit systems.

(7)TransLink Transit Security Structure

This section describes the organizational structure and administration of the TransLink Transit Security department and is based largely on information provided by them. It describes their authorities and limitations to their statutory law enforcement capabilities. Law enforcement and non-law enforcement operations are outlined in the next chapter.

Present Structure of TransLink Transit Security [Analysis in this report is based on the current published job descriptions as provided by TransLink]

TransLink Transit Security operates in an organizational structure which is similar to that found in many enforcement operations, i.e. divided into an operations and an administration sections (Appendix C). At the time of this report, 42 special provincial constable positions are deployed, with four vacant positions and four new positions to be filled. Constables and other non-exempt positions within the department are members of the Office and Professional Employees' International Union, Local 378 (OPEIU).

The Manager of TransLink Transit Security reports to the Senior Vice President/Director of TransLink Transit Security, however the Manager is the senior staff member with responsibility for transit security. He is supported by a Security Administration Manager and an Operations Manager, all of which are union exempt positions. Administration includes responsibility for directing the following areas:

- Physical security
- Fare inspection
- Security guards
- Operational Support (including court liaison)

The Administration Manager is responsible for directing the operational activities of the above staff, as well as managing training requirements, policies and procedures, and records management. The Operations Manager is responsible for the overall direction of the day to day law enforcement operations of the special provincial constables who provide policing services to the public. The position directs

- Patrol squads
- Crime Prevention unit
- Park and Ride Patrol
- Transit Centre liaison constable

In addition, the Operations Manager directs "the conducting of investigations by various investigative and enforcement employees to ensure that BC Transit personnel, ridership and assets are protected from criminal acts, fire, theft and vandalism". [BC Transit Position Description, Security Operations Supervisor]. This includes investigative follow-up, ensuring the laying of charges and conducting internal investigations involving BC Transit and British Columbia Rapid Transit Company employees.

Special Provincial Constables

Special provincial constables are the primary law enforcement service providers for TransLink Security. Their position description provides for a wide range of policing duties as follows:

Responds to and investigates acts of a criminal nature committed against BC Transit personnel and property and persons using SkyTrain and adjacent bus services, performing duties from a mobile unit when working alone. Acts as a resource to other Security personnel, maintains liaison with police and other agencies or persons investigating incidents or supporting victims. Conducts fare enforcement strategies and provides direction to employees assigned to revenue enforcement programs. Provides liaison between BC Transit Security and BC Rapid Transit Company personnel as required. Attends crowd situations in stations, advises SkyTrain Attendants in these situations, and recommends crowd control requirements to Rapid Transit Control, Field Supervisors and jurisdictional police.

The duties and responsibilities adjunct to the position description are largely congruent with those of police constables except for their specific application to the SkyTrain and transit environments.

Staff operates in a platoon-type model common to many municipal police departments, and largely work independently. Supervision is by persons using common police rank titles of corporal and sergeant. Constables work in a uniform similar to that of British Columbia municipal police, including handcuffs, oleoresin capicum (pepper spray), and a baton, and uniformed patrol is conducted both on foot and in unmarked police-type vehicles. Communications is provided through radio channels which also control SkyTrain operations. TransLink Security management report that the availability of radio communications is becoming increasingly difficult, and for this reason members have also been equipped with cellular telephones.

Some support and related services are provided by staff with special provincial constable appointments. This includes persons who supervise other security functions as described below, report quality control, crime analysis, physical security and asset control, crime prevention, court liaison, and transit centre liaison.

Law enforcement response services by special provincial constables are provided between the hours of 0500 and 0215 hrs. Monday to Friday, beginning at 0600 on Saturdays, and beginning at 0700 on Sundays. At full strength, a maximum of eight constables provide regular patrol duties, although constables providing support services may also be available if required.

Fare Enforcement

Fare enforcement is the responsibility of a group of eight fare inspectors with the following position description:

Conducts fare media audits and investigations at designated locations throughout the Lower Mainland transit system (SkyTrain, SeaBus, West Coast Express and buses) by examining

proofs of payment, checking validity of tickets, transfers, passes, etc. Conducts similar random fare checks by riding the systems, expels uncooperative passengers or detains passengers found in possession of fraudulent tickets, calling for BC Transit police [sic] or jurisdictional police to take follow-up actions. Obtains identification from offenders and makes citizen arrests in serious cases, preparing Crown Counsel reports as required. Attends Criminal Court as a witness or to present evidence, maintains current and in-depth knowledge of relevant legislation, Charter of Rights, Freedom of Information Act and BC Transit fare structure and its various forms of payment. Works special assignments to control passenger activities and performs the duties of Crime Prevention Officer or Security Guard. Provides information to passengers regarding BC Transit services, bus routes, zone boundaries and fare structure.

The term “inspector”, however, is somewhat a misnomer, as their primary purpose is to conduct audits of fare payment methods. Work is conducted in a “soft” uniform, and inspectors also provide some limited security presence. This group, unlike special provincial constables, is also responsible for their function on buses. There are four fare inspectors per shift.

Security Guards and Bicycle Patrols

TransLink employs security guards to provide static guard and limited mobile security patrol duties. Staff report to the Physical Security Supervisor, a supervisory level special provincial constable. Like most security guards, their role is to provide a high visibility presence, in a distinct security uniform, whether assigned to static posts such as the Vancouver SeaBus terminal, or maintaining the security of money transfers. The security guard

Performs any of several Security Guard functions in accordance with shift sign-up or as detailed. Conducts patrols within compounds and buildings, checks for fire and security hazards, reports problems and summons help in emergencies. Records daily activities in daily work logs. Patrols other areas such as bus loops and ferry terminal areas to ensure adherence by patrols to Transit’s Conduct and Safety Regulations. Summons police assistance or takes other approved measures to ensure safety of passengers and employees. Provides the public with transit related information such as fares, tariff structure, and major connection points. Summons assistance in event of attack, and reports suspicious activities. May perform limited fare inspections.

Security at the Scott Road Park and Ride lot is provided by a bicycle patrol. They perform the same functions as other security guards, except on wheels according to the following position description:

Conducts bicycle patrols of Park and Ride lots and adjacent property as a visible deterrent to criminal activities, summons police assistance or takes approved measures to ensure the security of patrons’ vehicles and property and the safety of passengers and employees. Approaches individuals engaged in suspected criminal acts, summons BC Transit Special Constables and/or appropriate jurisdictional police, and, within the bounds of BC Transit policy and personal safety, uses power of citizen arrest to detain suspects or keep suspects under surveillance until police arrives. Maintains activities logs and prepares detailed incident reports to facilitate further investigations by others and criminal prosecution. Checks

for fire and safety hazards, reports problems and summons help in emergencies. Provides the public with transit related information such as fares, tariff structure, training schedules and major connection points.

Crime Prevention

Three crime prevention officers, under a special provincial constable supervisor, provide services for the purpose of reducing crime and vandalism on the system. This position

Patrols the transit system in plain clothes to watch for and investigate acts of willful damage, vandalism, harassment of passengers, inappropriate or deviant behaviour and other related security and criminal offenses. Identifies, investigates and follows up on security related offenses against BC Transit passengers, personnel and property. Works with jurisdictional police agencies and other BC Transit departments on community relations projects, committees and public information displays relating to crime prevention. Works with school officials, jurisdictional police officers and others in preventing the recurrence or continuation of youth and gang problems. Prepares and presents information to BC Transit employees, schools, community organizations and police agencies regarding BC Transit's security and crime prevention functions and services. Responds to calls for assistance from passengers, SkyTrain staff and other Transit personnel regarding unruly passengers and other security related problems. Performs the duties of the Security and Fare Inspection Officer, Park & Ride Patrol, and Security Guard as required.

They operate as a non-uniformed unit, and although they do provide some security service if required, are not first responders. A large part of their function is conducting follow-up investigations from a crime prevention perspective, although as described below in the job analyses section, some work overlaps with that of other groups. There are two crime prevention officers per shift.

Statutory Authority for Security Operations

Security and fare enforcement personnel have no legal authority beyond that of a citizen. The *Greater Vancouver Transit Conduct and Safety Regulation* provides for offences if any person fails to present proof of fare payment to a transit employee, does not comply with the direction of a transit employee to obey safety, order or convenience rules, or disobeys an entry refusal order by a transit employee. There is however no specific authority under this regulation that would permit citizen employees to enforce the regulation.

Certain employees of the TransLink Corporate Security Department have been appointed as special provincial constables pursuant to s. 9 of the *Police Act* as follows:

Special provincial constables

9 (1) The minister may appoint persons the minister considers suitable as special provincial constables.

(2) A special provincial constable appointed under subsection (1) is appointed for the term the minister specifies in the appointment.

(3) Subject to the restrictions the minister specifies in the appointment, a special provincial constable has the powers, duties and immunities of a provincial constable.

This appointment is described in Appendix D, and empowers transit constables to enforce the *Criminal Code of Canada* and British Columbia statutes on TransLink property as

restricted to the performance of the duties of Greater Vancouver Authority Transit Security to preserve and maintain the public peace, and to ensure the safety and security of passengers and transit employees against unlawful acts, on or in respect to the ALRT System and related Greater Vancouver Transit Authority public passenger transportation systems.

The appointment is restricted in that it permits extraordinary authority only in the case of enforcement of the named statutes, the *Criminal Code of Canada* and British Columbia statutes. While the *Criminal Code of Canada* provides a wide range of authorities, it does not include drug law, and as such TransLink special provincial constables are not permitted to enforce Canada's drug laws as provided for in the *Controlled Drugs and Substances Act*.

Recruiting and Training

Recruiting for all positions follows standard labour relations practice, and security guards and fare inspectors are required to complete acceptable minimal standards of training for their positions prior to entering the position. TransLink Security management state that special provincial constables are hired in one of two ways, essentially as applicants with a policing background, so-called exemption candidates, or those with no policing background. Currently, applicants with a police background are required to demonstrate a minimum of three years of police experience, with one year in B.C. immediately preceding the application. Applicants must provide the two most recent years' performance appraisals from their existing police service, pass a security clearance and medical test, and take part in several interviews. No physical test, assessment centre-type process or polygraph is conducted. TransLink Security management state that they look for persons with general duty police experience, although they indicate that they would not reject a person with other types of police background because of a feeling that general duty skills once obtained are not forgotten. All persons hired for these positions complete an orientation course, and Block I training members complete a structured three month field training process.

It is the preference of TransLink Security at the time of this report to hire non-police applicants in order to promote a balance of experienced and newly trained special provincial constables, a practice widely used by municipal agencies. The lack of availability of Block I training from the Justice Institute is of concern to TransLink Security management, and at this time they are exploring other options for police training. [TransLink has difficulty obtaining confirmed training seats in the Police Academy recruit training program because of the ever-changing needs of municipal departments. Often, training positions are not available until the day a recruit training program begins.] Non-exempt constable applicants are required to complete an intake exam and Police Academy assessment centre, pass a security clearance, medical test, and the Police Officer Physical Abilities Test, and take part in several interviews. Most non-exempt applicants come from within the corporation.

In 1993, in conjunction with the job and task analyses discussed below and as a requirement of the 1992 Memorandum of Understanding, BC Transit engaged the Justice Institute of B.C. to develop a curriculum and an employment and training continuum for the four security staff functions. This was intended to provide not only training standards for each area, but also a continuum of training in the event that staff members were willing and able to progress through the security functions to the special provincial constable position. This plan was based on a formal task analysis process which identified job competencies and associated activities appropriate for the different positions at that time, a process which included B.C. Transit, Ministry of Attorney General and B.C. Police Commission participation.

The resulting report identified that “while some candidates for the Special Constable Training Program may be lateral entry candidates...most individuals entering the Special Constable Program will have been previously employed by B.C. Transit Corporation as Security Guards, Fare Inspection Officers and/or Crime Prevention Officers.” [B.C. Transit Security Services Training Program: Training Standard and Instructor’s Manual, 1993] It further required that

In order to qualify as a Special Constable, individuals must now successfully complete Block I, II and III of the municipal police recruit training program offered at the Police Academy, Justice Institute of B.C. This pre-requisite has been established in the protocol between B.C. Transit Security Services and the Ministry of Attorney General. In addition, special constables will be required to complete successfully, the stipulated probation period. [Ibid.]

Since the 1993 report, seventeen new-hire special provincial constables have completed an incomplete Block I program [TransLink special provincial constables did not participate in either firearms or driver training in the Block I program] and nine persons have been hired with a policing background. Notwithstanding the three block training need identified in the report, none of the special provincial constables who attended Block I have attended Block III of the B.C. municipal police training program. This issue is discussed further in respect of law enforcement operations.

Governance

At this time, the governance of TransLink special provincial constables is exclusively through the corporate structure of the organization.

Policies and Procedures

The B.C. Transit Security Operations Manual (1998) establishes policy, guidelines, standards and procedures for the operations of the security department. Content covers the following ten areas:

- Emergency Response
- Incident Response and Investigation
- Arrest and Detention
- Seizure of Property/Evidence
- Court/Charges

- Young Offenders
- Patrol
- Communications
- Reporting Requirements
- Dealing with the Public

A complete list of contents is shown at Appendix E. All staff are required to be familiar with its contents – each staff member receives training on its contents prior to commencing operations, and follow-up is conducted in the event of a file review.

Insofar as this report is to address the *bona fides* of the relevant operating procedures of the Department and the level of their consistency with current police practice in the Province, it should be noted that there is no consistent form of policy and procedure manual for municipal police departments in British Columbia. Some policies may vary from agency to agency, except in the case of provincial policies, such as the Provincial spousal assault policies. All departments have policy and procedure documents, the primary objectives of which are to ensure consistency and completeness of action. The existing B.C. Transit Operations Manual is designed to ensure these as well, and largely serves its purpose.

In its form and content, the operations manual is clear and easy to read. It appears to provide a complete set of guidelines for security staff members with regard to both policies and procedures. With one exception, its direction to special provincial constables is generally clear in both required and suggested procedures, particularly when outlining actions transit constables shall not take. Many of the sections of the manual reinforce for the reader the ultimate command and control authority of jurisdictional police departments, particularly in the areas of incident response. In the area of emergency response policy and procedure, the reader is referred to the existing Corporate Emergency Plan, as well as existing policies for emergencies such as bomb threats, natural disasters, and toxic spills. The manual is current in respect of Provincial policies to the extent that the manual was completed in March 1998, and TransLink Security management advise that a review of the manual is in progress to ensure it remains current.

The only area of concern in this manual arises from a review of the use of force policies. Use of force policies in B.C. municipal police departments generally

- Describe any weapons issued to officers
- Describe general situations in which weapons may or may not be appropriate
- Describe what responses are appropriate for officers to employ
- Specify training standards
- Describe the lawful authority under which officers act
- Describe internal processes to be followed subsequent to uses of force

Most, but not all, of these issues are covered in the Operations Manual, and in some cases the terminology is dated. Of more concern is whether these policies are adequate to allow for the execution of the duties encompassed by their appointment, mission and goals, and the Provincial protocol. With respect to this issue, these policies fail to meet a professional standard. The primary deficiency is inadequate direction regarding special provincial constable conduct in

incidents where the situation involves deadly force. The powers conferred upon transit constables, coupled with the specifically stated goal of responding to all calls, make intervention in such situations both foreseeable and likely. The only mention of these situations in the policy, however, is a synopsis of s.25(3) of the *Criminal Code of Canada*, and an unsupported opinion that a special provincial constable striking the throat or eyes of a subject is considered to be using deadly force. Because constables are not equipped with firearms, great care must be taken in providing direction to personnel who encounter a situation involving deadly force. Creation of a deadly force policy also raises the issue of whether or not special provincial constables are able to competently respond to these situations at all, without the potential option of using a firearm to protect themselves or others.

These and other deficiencies in use of force policy are correctable, and like all issues regarding use of force should be reviewed regularly both by TransLink as well as the Ministry to ensure proper accountability.

6. Transit Security and Policing

There is not a large body of literature on the topic of the policing of transportation systems compared to the body of knowledge which exists on other forms of public policing and private security. Transit policing is, nevertheless, a distinct form of policing, and like other forms can be offered in a variety of ways. Most transit policing and security falls within one of the following categories, depending upon the status of the transit provider:

Publicly Provided

- Police service alone
- Private security service alone
- Combination

Transit System Provided

- Police service alone
- Private security service alone
- Combination

Private Security *vis a vis* Police Services

There is a widely recognized trend in the United States [Cunningham (1990), Sklansky (1999)] toward private security providing law enforcement services as an adjunct to the public police, and this trend is increasingly being felt in Canada. Private security plays a part in the policing of many transit systems, both in combination with public police, and also as a stand-alone function. The Wackenhut Corporation, based in Palm Beach, Florida, provides transit security and policing services to over eighty public transit systems in the United States. These services range from security guards with no extraordinary arrest authorities contracted to provide a uniformed presence, to security guards with fully commissioned police status to provide complete policing services, as in the case of the Salt Lake City (UT) metropolitan transit system. Indeed, TransLink Transit Security provides, by definition, a privatized law enforcement and security service.

Comparative Studies

Throughout the course of the research for this paper, it became clear that there are many models for the provision of police and security services to public transit systems in North America. Several government and transit industry organizations provide advice with regard to transit security and these were contacted in order to provide referral to appropriate agencies. In attempting to synthesize these structures, a number of agencies were contacted for comparative information and two transit systems, Portland and Seattle, compared regularly with Vancouver in respect of transit issues ["Our Future: Making the *Right* Moves", TransLink Strategic Transportation Plan Discussion Paper, 1999], were visited for this report. The network of agencies providing specialized transit police services is a close one, and many transit police commanders freely provided information and were quick to direct the author to colleagues at other systems they felt provided good examples of transit policing. One example of this the number of times the author was directed to the transit policing system in Portland as a positive example.

The consultation with different agencies providing transit policing services produced a broad range of ideas, however while there was a wide variety of opinions on the best way in which to provide transit policing, personnel generally agreed on two things. The first is that the structure of their policing model fit within the dynamics of their jurisdiction, i.e. their system's structure takes into account the other policing structures and the policing history of their area. This was not always viewed as a positive situation. In one case, an agency felt that their structure was extremely constrained both operationally and financially by the historical use of casual police staffing. The comment most often heard was "It works for us". The second general feeling was that their own structure was in a perpetual state of transition, that finding the best policing model for their system was an evolutionary process. While this can also be said of policing in general, many agencies contacted felt that their system could be improved.

Transit Policing in Portland [Information in this section was obtained by interviews with TRI-MET police and system operations staff, as well as various TRI-MET reports and plans provided to the author.]

The Tri-County Metropolitan Transportation District of Oregon (TRI-MET) is a municipal corporation responsible for providing public transportation within the three county area surrounding metropolitan Portland. This includes 101 bus routes, 9000 bus stops, 61 park and ride lots, and a thirty-three mile commuter light rail system known as the Metropolitan Area Express (MAX), which connects city and county jurisdictions, as well as the transit system of Vancouver, Washington. The bus and light rail systems are integrated and have an annual daily service of approximately 200,000 and 31,000 daily boardings respectively. TRI-MET statistics show an increased of 61% for MAX ridership in it's 12-year history, and the system is in the process of substantial expansion.

The TRI-MET Security Department is an internal division of the operating authority and has the responsibility to provide security and policing system-wide. It operated with a direct budget of US\$2.4 million in fiscal 1997 paid for by TRI-MET, a figure which includes the cost of a prosecutor assigned to, and working in, the department offices. Although TRI-MET has the statutory authority to constitute its own police force, police services are provided by contract with the Portland Police Bureau, the largest single jurisdictional police force in the area. This is a significant issue for TRI-MET and is addressed below. The department's Director of Security is a seconded police captain supervising a staff of twenty-seven police personnel drawn from the police departments of Portland and other jurisdictions which are a part of TRI-MET. At the present time, the Director and a majority of these personnel are employees of the Portland Police Bureau and the police officers from some of the twenty-one other police jurisdictions within system boundaries are sub-contracted by the Portland Police Bureau for this unit. Because all municipal police officers in Oregon have state-wide authority, there are no legal jurisdiction issues to address and all TRI-MET based police officers work on all parts of the system regardless of their employing agency and work in the uniform of their employing agency on foot, on bicycles, and using police vehicles.

TRI-MET police officers provide full police response services and also benefit the public by having the capability to investigate all crimes either associated or not associated with the transit system, although the terms of the TRI-MET contract with the Portland Bureau provide that these officers are generally dedicated to the enforcement activities associated with the system. This

includes special activities, such as undercover drug enforcement. As well, officers enforce the TRI-MET code, a statute of the State of Oregon which regulates conduct and fare payment on the system. In the event of an incident they attend which requires follow-up investigation, TRI-MET officers will generally contact the police jurisdiction in which the incident takes place and inquire if that jurisdiction wishes to conduct the follow-up, or if they wish TRI-MET officers to continue the investigation. The feeling of most TRI-MET officers polled was that the local jurisdictions tend to conduct follow-up on serious, i.e. felony, matters, while TRI-MET officers would be asked to continue the investigation of less serious matters. In any event, jurisdictional police agencies retain primary control despite TRI-MET's operational independence.

Notwithstanding that TRI-MET police officers are jurisdictional police officers acting within the structure of a corporate security department, they do not perform internal security functions. TRI-MET management maintains that it is important to have a coordinated approach to security which includes all transit employees, and in order to promote this, any internal criminal issues are handled by the jurisdictional police agency.

TRI-MET police officers do not conduct fare enforcement, the role of a dedicated group of civilian personnel whose primary function is to check the fare payment of individual patrons. These staff work in a non-police style enforcement uniform and have the authority to issue state-uniform violation tickets for fare evasion. They also primarily use a proprietary database of violators in order to assist in determining the level of enforcement action. Transit operators are considered "fare advisors", rather than "fare enforcers", i.e. they do not perform any fare enforcement duties. This position is taken with the specific intent of reducing assaults against operators, as it is the anecdotal impression of Transit Police administration that almost all operator assaults are the result of fare disputes. It is their view that this position, combined with appropriate operator conflict resolution training and the fact that transit operator assault is a "felony" offence, directly contributes to the distinct lack of operator assault cases.

TRI-MET police officers also do not have as their sole purpose the responsibility to provide a uniform presence on the MAX or bus systems. This activity is conducted on the MAX system by private security guards in a police-style uniform [The private security uniform is different in colour scheme from the Portland-area police uniform (which is remarkably similar to the B.C. police standard), although it is easily identifiable from that of the "softer" fare enforcement officer uniform.] contracted by TRI-MET and under the general oversight of the Director of Security. These personnel ride on trains, provide a regular visible presence on station platforms, patrol some park and ride lots, and contact police officers if an arrest is required. This is not to say that TRI-MET police officers do not conduct preventive patrols, however it is the feeling of TRI-MET that both a regular uniformed police presence, and security in a police-style uniform, is required. A uniformed presence is provided between the hours of 0600 and 2400 Monday through Friday and 1400 – 2400 hours Saturday and Sunday. While some TRI-MET police officers feel that all uniformed personnel on the system should be police officers, TRI-MET police commanders feel that this mixed model works well.

The current TRI-MET model reflects a change from an earlier enforcement model which consisted of an in-house law enforcement agency with staff having limited police authorities, under a civilian manager. When asked to describe why a change was made, TRI-MET staff indicated that these officers began conducting enforcement activities outside the transit areas in

an attempt to act as “real” police officers. This led to issues of the control and liability of these activities. In addition, it was felt that this form of policing did not provide for adequate coordination and interaction with jurisdictional police in that there was a perception that these officers, and the civilian management, were inadequately trained and controlled. These perceptions were confirmed in conversations with current TRI-MET officers.

In discussing this issue with TRI-MET operations management staff, they indicated that ultimately their decision to move to a police-based structure was based on the notions that a higher quality service would be provided and that it was much easier to mold properly selected, fully functioning police officers into meeting the needs of a transit system than it was to take transit employees and have them become fully functioning police officers with the ability to interact in a police environment. In their view, this was particularly true for the person in charge in respect of obtaining credibility with and the assistance of the metropolitan police forces. [Personal interview with Clyde Earl, Director, Bus Transportation, TRI-MET]

Some officers believe that these notions are borne out by an increased level of confidence by jurisdictional police departments in the ability of the system to conduct its own policing and provide assistance in dealing with transit-related crime. Portland Police Bureau members of the TRI-MET unit questioned about the perceptions of their unit among non-TRI-MET members reported anecdotally a substantial increase in the perception that participating in TRI-MET was advantageous to their career because of positive feedback throughout the Bureau.

There were no concerns voiced among any of the TRI-MET officers or administrators regarding the issue of a “separate” police jurisdiction working within numerous other agency areas. Portland Police Bureau senior management indicate that negotiations held prior to the implementation of this unit with neighbouring police agencies generally forestalled any feelings of territoriality, and in fact the agencies that did have such concerns at the time and chose not to initially participate in secondments have since actively applied to participate. [Personal Interview, Assistant Chief Bruce Prunk, Portland Police Bureau]

Ultimately, it was the overwhelming opinion of TRI-MET operations staff and police officers that the most important issue with respect to the policing of the system was the selection of appropriate police officers for the unit. Opinions were overwhelmingly united that the successes of their unit in providing a police service that led to public feelings of safety and security were the direct result of the unit’s ability to attract police officers with an interest in dealing with quality of life issues that might not otherwise be addressed.

Transit Policing in Seattle [Information in this section was obtained by interviews with King County Police and Metro system operations staff, as well as various Metro reports and plans provided to the author.]

King County (WA) is comprised of thirty-nine municipal jurisdictions including the city of Seattle. The Transit Division of the King County Department of Transportation, commonly known as Metro Transit, is responsible for providing public transit for King County primarily through a surface and underground bus system. This system had a ridership of approximately 80.2 million passenger trips in 1998 (14 percent greater than Portland) and links with several

other area transit systems. This system has also seen a generally regular increase in ridership over the past ten years, and is intending to forge closer ties with other regional systems in the near future. One of the features of this system is a 1.3 mile underground electric bus system with platform-style stops under the downtown core of Seattle.

The Metro Transit Police is a unit of the King County Police, the police agency which is also responsible, under contract, for the policing of twelve of the thirty-nine jurisdictions within the county. The Metro Transit system merged into the King County Department of Transportation in January 1996, and two years later the King County Police, as a county agency, assumed responsibility for providing first response police services. Prior to this time, dedicated policing was provided only to that portion of the system within the City of Seattle by a civilian manager of security supervising a small staff of seconded King County police sergeants. These sergeants in turn supervised off-duty Seattle Police Department officers working on individual contract to Metro Transit. Since assumption of service by the Metro Transit Police unit, King County Police have added ten county officers to the strength of the unit to provide dedicated transit policing, including park and ride lot patrols, to those portions of the system outside Seattle and currently operates with a 1998 budget of US\$3.8 million.

The majority of police service, however, and the majority of incidents requiring police response, continue to be handled by off-duty Seattle Police Department officers, supervised by seconded King County Police sergeants. Seattle Police Department officers apply for shifts of between five and eight hours on a casual basis and are assigned by a Metro Transit Police administrative sergeant. They are responsible for reactive policing only, and are assigned to fixed posts at stations and platforms. This uniformed presence is in place daily from 0400 – 2315 hours, although there is reduced service during the mid-day period and on weekends.

All officers have full police authorities, notwithstanding that Seattle Police Department members work off-duty. Transit enforcement action is authorized by the King County Transit Code of Conduct, a statute constituted as part of the County Code, and offences can be criminal misdemeanor in nature or an infraction enforceable by citation. No fare evasion enforcement is conducted on the system. There is no dedicated group to conduct fare inspections other than actual transit operators, and they are directed only to ask for fares and record incidents of non-payment, not to challenge persons without the proper fare. Transit Police officers do occasionally conduct fare evasion operations in the event of problem situations.

Several Transit Police staff regularly described their policing structure as “in transition”. When asked about this phrase, it was often explained as a move to a more dedicated force, both in terms of increasing the number of County officers directly assigned to the Transit Police as well as attempting to change the attitude of police officers working within, but not directly accountable to, the system. Transit Police administrators reported regular absences among Seattle Police Department officers from the shifts they had requested, and they attributed this to a lack of enthusiasm for transit policing and a lack of direct accountability to the transit system. The only disciplinary action available to County Police supervisors for these or other performance concerns appeared to be cancellation of further paid assignments. They report that a move to a dedicated force would also have financial benefits, as a substantial amount of their operating budget is used for the payment of these casual assignments.

A difference in attitude between County Police Officers and Seattle Police Department officers was also noticed among other transit employees. Several operational staff volunteered comments to the author in passing regarding differences in attitude and performance between the casual and full-time officers. Metro Police administrators, like their Portland counterparts, feel strongly that only officers tasked with transit policing as a stable and dedicated unit are able to adequately address the quality of life issues they view as key to transit policing. They feel that one of the fundamental ways in which these issues are addressed is by high visibility on the system, as well as constant liaison and contact with their “customers”, which they define as transit staff as well as system riders. Administrators do feel that they have been able to make inroads in the past year in liaison with transit operators, and they point to a substantial statistical increase in the number of minor incident reports filed by operators over the past year. They attribute this to the beginnings of a shift in the attitude of operators from one of “it doesn’t do any good” toward the belief that it is in fact helpful to report minor incidents and that they will be addressed.

Finally, Metro Transit Police administrators volunteered that, again like their Portland counterparts, the selection of officers who will view their role as assisting the transit community was the key to success. They identified transit policing in general, and their system in particular, as a fundamental application of the principles of community policing in terms of their role as a partner in ensuring the safety and security of the transit “community”, a role they feel requires an investment on the part of their officers.

Transit Policing in Metropolitan Toronto [Information in this section was obtained by an interview with Mike Walker, Chief Security Officer, Toronto Transit Commission, as well as the Toronto Transit Commission System Security Program Plan (1998) and the Agreement between the Municipality of Metropolitan Toronto Police Services Board and the Toronto Transit Commission.]

The Toronto Transit Commission (TTC) is responsible for the operation, management, and control of local passenger transportation services, including bus, subway, streetcar, and other rapid transit services within the Municipality of Metropolitan Toronto, and extending into other regional municipalities. It operates 66 subway stations in addition to streetcar and bus operations, and in 1998 counted 388.6 million passenger trips. Passenger trips have been increasing in the past several years, and another subway line is under construction.

The Corporate Security Department of the TTC is a direct operating unit of the Commission, headed by a Chief Security Officer, and had a 1998 budget of CDN \$5.1 million. Their mandate is one of both protection of riders and employees as well as protection of corporate assets, and they describe their major responsibilities as

- Proactive and reactive policing of the transit system including the provision of emergency response, as an adjunct to the Toronto Police Service [underlining in the original];
- Implementing security programs to enhance customer and employee security;
- Conducting internal investigations, including the Benefits Abuse Program and alleged Human Rights Code violations, either reported through the Workplace Harassment and Accommodation Policies or the Ontario Human Rights Commission. [System Security Program Plan, Toronto Transit Commission, 1998]

In order to achieve their mandate, they have a staff of 81 divided into four sections, the largest of which is responsible for patrolling subway and surface transit operations and responding to calls for service through the Transit Control System. Transit Security Officers are sworn as Special Constables by the Toronto Police Services Board, i.e. their statutory authority derives directly from their being sworn by the oversight body for the Toronto Police Service. In large part, the control of the activities of these employees is governed by an agreement between the Board and the Commission which sets out the terms of appointments, hiring and training standards, authorities and limitations, equipment, and general duties. Although sworn staff are not armed and are not permitted to engage in vehicle pursuits, they wear a police-type uniform prominently marked with "Transit Special Constable" and operate vehicles bearing police-type emergency equipment.

Staffing of law enforcement services is provided every day, between the hours of 0700 and 0300, the operating hours of the subway system. Officers patrol the subway and street car systems, and provide call response to the bus system. Their authorities extend to the *Criminal Code of Canada*, the *Controlled Drug and Substances Act*, the *Food and Drug Act*, and several Provincial statutes. Some supplemental policing is provided by Toronto Police Service officers in peak hours on subway stations. The primary enforcement tool for the system is the *Toronto Transit Commission Code*, a by-law enacted by the Commission which regulates public behaviour and establishes the requirements to pay fares. Officers are empowered to issue Provincial Offence Notices for *Code* enforcement. A dedicated 10 officer surveillance unit is responsible for "close contact" crime, e.g. pickpocketing and sexual assault, as well as surveillance in Park and Ride lots adjacent to the system. Officers do conduct fare enforcement as a direct part of their jobs, and the Transit Commission does not maintain any other fare enforcement unit for proof-of-payment areas.

When asked to describe the difference between their response to incidents and that of the Toronto Police Service, the Chief Security Officer replied that Transit special constables respond to all nature of calls for service and he described their response to calls on the system as no different from that of the Toronto Police Service. They are primarily responsible for order maintenance issues on the system, and for incidents which are beyond apparent order maintenance, both Transit special constables and the Toronto Police Service are dispatched. They describe their working relationship with the Service as "positive", and further describes their role *vis a vis* the municipal police in the following terms:

Although the Police are a valuable resource relative to major TTC occurrences and emergencies, the reality today is that they do not have sufficient resources to adequately respond to the system's total security needs. Toronto Police efforts are supplemented by the Corporate Security Department and the System Security Program Plan. [This plan describes a comprehensive security awareness and response plan that includes all system employees.]

The TTC Security Department clearly views itself as a subset of the Toronto Police Service and management states that they encounter no resistance to their activities from the Police Service. In large part, this lack of resistance seems to stem from the close span of control by the Board, although management does believe that their role *vis a vis* the public would be enhanced by the use of the word "police" on their uniforms.

8. TransLink's Law Enforcement Operations

This section will discuss the operations of TransLink's law enforcement component. It should be noted that conversations with TransLink personnel generally showed a high degree of enthusiasm for their work, and also a high degree of frustration in a perceived inability to provide a better service. Transit constables view themselves as police officers and view their role as one of providing a police service. The frustration observed generally relates to a lack of formal police authority and the perception that they are not "real" police officers and therefore are continually hampered in their efforts to provide an effective service. In determining their role, therefore, it is important to begin with their status as special provincial constables.

Taylor (1994) describes special provincial constable legislation as being used to provide for "pseudo-policing" [quotations added] services where the public police are unable or unwilling to work and outlines four perceived requirements upon which special provincial constable appointments are predicated

- To enable the employee to undertake tasks in which involvement of the public police is impractical due to demands which exceed the availability of resources; or
- To provide an element of control by the agency over the policing activities conducted within the domain of the agency; or
- To provide the employee the extra immunities which are afforded to a special provincial constable; or
- To provide a perception of "police-type" status for those appointed. The enhanced status manifests in the increased power of the special provincial constable and the consequential use of "police-type" equipment such as uniforms and identification.

Examining these requirements as the basis for the use of special provincial constables, they all appear to apply in the case of TransLink. TransLink argues that a law enforcement capability is necessary to provide for the safety and security of employees and the public, and they would not receive the services necessary for effective policing of SkyTrain if they relied on jurisdictional police departments. They believe that their policing issues would be considered trivial and a low priority response by most agencies, and, generally, police agencies interviewed agreed, stating that, major criminal issues aside, transit enforcement issues as they [the agencies] view them are not a priority. As such, the answer to this need to date is the use of special provincial constables. The conflict in which TransLink finds itself is that both proactive and reactive police services are required for the SkyTrain system, and neither are available to them from jurisdictional police agencies in a form that lends itself to proper transit policing. The fundamental question then arises as to whether a limited policing force using special provincial constables properly fills the transit policing need.

In discussing the legitimacy of the role of special provincial constables, Taylor argues that agreements, specifically such as the memorandum of understanding between the Attorney General of British Columbia and B.C. Transit, recognize that it is neither possible nor perhaps desirable for public police forces to provide police service to all public areas. Examples of limited law enforcement roles abound in British Columbia and have existed for some time for organizations as diverse as the Society for the Prevention of Cruelty to Animals, the Insurance

Corporation of B.C., and various Ministries and Agencies of the Crown. Indeed, the *Police Act*, in addressing the concerns of the Policing in British Columbia Commission of Inquiry, continues the practice of providing for the establishment of policing and enforcement units which have a limited mandate, subject to stringent requirements of governance, selection and training, and accountability.

If we accept the premise that it is neither possible nor desirable for public police to be everywhere and deal with everything contrary to every statute, and that this legitimizes the existence of agencies with limited law enforcement functions, it remains to be determined whether the law enforcement functions exercised by TransLink special provincial constables are limited. Of fundamental importance is the determination of what TransLink special provincial constables are charged with doing and what they actually do.

The Role of TransLink in Providing Law Enforcement Services

To a great extent, there is a sense of confusion about the role of TransLink in providing law enforcement services on a number of levels. TransLink is a corporate entity which provides a service on a wide basis to the public by open invitation. As discussed above, there is a need for the provision of both security and police services for transit systems in general although there are many possible models for service delivery.

TransLink presently provides security and law enforcement services as part of its corporate structure, however there is not agreement on who should be responsible for service delivery. Both the British Columbia Association of Chiefs of Police [British Columbia Association of Chiefs of Police, response to the B.C. Transit Application under Sections 4.1 and 18.1 B.C. Police Act as Designated Policing Unit and Designated Law Enforcement Unit, February 1999] and the British Columbia Federation of Police Officers [Personal interview with Sgt. John DeHaas, President] are opposed to the creation and operation of “corporate police forces”. The argument of the Federation is based on the concept that the public trust and accountability aspects of operating a police agency are incongruent with activity of a corporate entity, and they point to the example of the Ports Canada Police as an agency which was under corporate pressure. The British Columbia Association of Chiefs of Police [Personal interview with Deputy Chief Lorne Zapotichny, President] feels that the existence of a corporate police agency undermines local police jurisdiction, and that it is unnecessary to create a new agency when local police could provide police service if the necessary resources were available. Anecdotally, many police officers interviewed for this report voiced concerns about “corporate” policing that do not even exist, e.g. the belief that TransLink enforces fare evasion in order to increase corporate profit, when in reality provincial violation ticket fines, like those in any part of the Province, go to the provincial government and transit constables will regularly process chronic fare evaders by appearance notice.

TransLink Security management, when questioned regarding these issues, replied that TransLink is a public entity, accountable to government and the Legislature. They report no interference in any security operation by senior corporate management, although they admit that a change in senior management always raises this possibility.

The Memorandum of Understanding spells out the initial objective of then B.C. Transit, now TransLink, as

providing a uniformed Special Provincial Constable unit with the capacity to maintain public order and to provide an “initial response” [quotations in the original] police capability on or in respect to the [SkyTrain] System, to serve the safety and security needs of passengers and employees...[and] that Special Provincial Constables be appointed and reappointed to fulfil the initial response policing role on or in respect to the [SkyTrain] System. [Memorandum of Understanding between the Attorney General of British Columbia and British Columbia Transit, 1992]

The memorandum goes on to describe the need for uniforms which will identify special provincial constables in order that they are able to carry out “initial response policing roles”.

Notably, nowhere in the memorandum is the phrase “initial response policing” defined except in terms of geographical restriction. This is fundamentally contradictory to the restrictive nature of most special constable appointments and raises a substantial level of ambiguity in the role of TransLink special provincial constables *vis a vis* public police forces. This ambiguity is not lessened by the requirement that TransLink have protocol agreements with the jurisdictional police forces in which SkyTrain resides. The TransLink agreement with the New Westminster Police Service, for example, states that special provincial constables will execute their initial response in a “support capacity”. [Protocol Agreement between New Westminster Police Service and British Columbia Transit Corporation, 1995]. Further confusing the determination of a consistent level of response is the fact that to date no protocol agreement is in place with the largest single police jurisdiction within the SkyTrain area, the Vancouver Police Department. Ultimately, whether the service provided is called “initial response policing”, “law enforcement”, or “policing”, and whether the entity providing it is called a “designated law enforcement unit”, a “designated policing unit” or a “police department”, it remains that policing, in its commonly thought of form and adapted to the transit environment, is required.

It is the perception of TransLink that there is a lack of awareness by local police agencies of the nature of providing law enforcement services to SkyTrain and of their role. They argue that in many ways, transit policing requires that decision making skills be applied differently, for example scene assessment often takes place in a ten second window between the time a train arrives in a station and must depart, and that holding a train at a station is rarely a viable option in the bigger picture of providing transit services. That local police agencies are not aware of the role of TransLink special provincial constables is in little doubt, as interviews with police agency and organization representatives for this report found an almost universal misunderstanding of their stated role and of the existence of protocols for their activity notwithstanding that all police agencies reported regular, often good interaction between frontline members. In most cases, interviewees were not aware of the extent of the legal authority of special provincial constables, assuming that their legal authority and duties were restricted to dealing with fare evasion. In fact, many were very surprised that “initial police response” was part of their role. In one case, a police administrator indicated that the only time he ever heard comments about TransLink special provincial constables was when police members remarked on the frequency of TransLink requests for prisoner transport.

One of the reasons for the lack of awareness may be that there appears to be minimal jurisdictional police presence on the SkyTrain system other than call response. TransLink Security management report that they rarely receive information from members that

jurisdictional police officers spend time on the system other than dealing with specific incidents – indeed they remarked that such presence would be quickly noticed because it is largely absent. [This appears to be no less true in the interaction between TransLink Security management and jurisdictional police managers. TransLink security management reports that with the exception of the Chief Constable of the New Westminster Police Service (where the Security department offices reside), no senior jurisdictional police management staff have visited the facility.]

Ultimately, the lack of clearly defined roles and responsibilities is hampering the effectiveness of TransLink's law enforcement unit, not only in terms of providing clear direction to special provincial constables of their role, but also in providing jurisdictional police departments guidelines in what services TransLink can provide by way of assistance to police departments. Inevitably, this will also create confusion in the eyes of the public, who do not appear to be aware of the role of TransLink special provincial constables.

Uniformed Patrol

Preventive and reactive patrol is a fundamental tool of police and law enforcement agencies to attempt to reduce crime by the presence of a uniformed authority. Whether or not this actually works as a tool in reducing crime has been the subject of much debate and study in policing and research circles, but it remains an almost universally used tool in cities because the public wants it (Sparrow, Moore, Kennedy, 1990) and as discussed above it is also a widely used tool in transit policing because of a belief that it effectively deals with the order maintenance issues important to transit systems. The uniform itself, therefore, can be seen as playing an important part in public perceptions of safety.

Most TransLink special provincial constables polled believe anecdotally that their present uniform causes confusion in the minds of the public as to the nature of their authority, and that this leads to a substantial number of incidents involving an unnecessary escalation of force. They described numerous incidents where members of the public with whom they were required to interact in an enforcement capacity did not recognize them as lawful peace officers and wanted the "real" police called. Interestingly, this is in contrast to the views of TransLink administration, who believe that "police" labeling carries with it a connotation of weapons and an authority figure, and that labeling does not have an effect on their function. [Personal interview with Larry Ward, Senior Vice President, Planning and Service Contracts, TransLink]

Many of the police officers interviewed for this report, speaking unofficially, did not have concerns about transit constables wearing a police uniform, although this was generally in the context of the desire for more police uniform presence in an atmosphere of understaffing. Oppal (1994) recommended that special provincial constables be distinguishable from sworn police officers and that their uniforms do not misrepresent their powers. In the case of TransLink special provincial constables, to a large extent their powers and their agreed upon duties are not reflective of their uniform, i.e. they are in essence being asked to provide police services in a uniform not recognized, in their view, as a police uniform.

An issue which invariably arises with respect to uniforms is the carriage of firearms. TransLink has not requested the authority to carry firearms as part of its designated policing unit

application, however nowhere is the need to clarify the role of transit policing more contentious than in respect of whether a force should be armed. This is a crucial decision in terms of the role of TransLink in providing a public, uniformed, law enforcement service, regardless of their designation. There is no precedent in recent B.C. policing for a non-armed police force, and if TransLink's role is to carry out a range of duties that purports to be, and the public believes is, equal to that of a municipal police department in B.C., this issue must be addressed.

Public Complaints and Discipline

The public complaint and disciplinary processes which apply to TransLink special provincial constables has undergone change since the original appointment of these constables and the protocols for their use. The Memorandum of Understanding with the Attorney General for the establishment of special provincial constables requires that B.C. Transit adopt and administer a discipline code similar to that in the *Police Act* with modification appropriate to the activities of B.C. Transit. The code established for this purpose is an attachment to the Memorandum and mirrors the Discipline Code established by the *Police Act*.

Further, the Memorandum addresses the need for a public complaints procedure. In it, the issue of appropriate process is dealt with by an agreement that B.C. Transit commit itself to "compliance with the provisions of...the *Police Act*". This was operationalized to a certain extent by the completion of a protocol agreement between B.C. Transit and the then Complaint Commissioner established by the B.C. Police Commission.

Special provincial constables are currently subject to discipline for actions in the course of their duties by the provisions of the *Special Provincial Constable Complaint Procedure Regulation* (1998). This provides for a public complaint process that while different from that which applies to constables under the *Police Act* contains certain similarities in form and process. The TransLink Security Operations Manual at paragraph 10.3 provides a policy and procedure for accepting complaints from the public against special provincial constables as well as other security employees. [Operations Manual: B.C. Transit Security, 1998]

Present practice at TransLink is that all complaints against special provincial constables are investigated per the *Regulation*, and in the case of allegations of a criminal nature, complainants are referred to the jurisdictional police department in the interest of eliminating a perception of conflict of interest. TransLink Security management feel that most complaints referred to jurisdictional police do, however, return to TransLink because the agencies in turn refer complaints back. During police agency interviews, the author found a widespread lack of understanding of both the existence of the *Special Provincial Constable Complaint Procedure Regulation* and of the way in which it is applied. One agency having frequent contact with TransLink Security stated that front counter staff at his agency would not know how to handle such a complaint and would largely view it as an internal business matter.

Ultimately, both the Memorandum and the 1998 *Regulation* recognize significant similarities between the actions and potential consequences of the actions of special provincial constables and those of police officers. It is therefore presumably in the best interests of TransLink to ensure that complaints and discipline against special provincial constables are dealt with in a

manner that is as transparent and accountable as possible, if for no other reason than because this is a significant issue for the Ministry of Attorney General in granting the appointment. TransLink has an operating policy that, although dated, reflects the need for high standards of discipline, outlines what constitutes a breach of discipline, and provides a process for receiving complaints. [TransLink Security management advise that development of a proposed new discipline code is in progress pending the outcome of its s. 4.1 application]. As such, TransLink does provide an adequate process for receiving public complaints and imposing discipline, however the lack of clear process for the handling of criminal complaints against special provincial constables requires clarification. It is also important to ensure that there continues to be adequate oversight from government to ensure that complaint reports are reviewed and there is no suggestion of corporate influence on process.

The Effects of Limitations to Statutory Authority

Special provincial constables are, by definition, holders of a limited form of peace officer authority. The appointment is often significant in what it does not, by omission, permit special provincial constables to enforce. Like most appointments, those for TransLink limit authority to specific circumstances and legislation. The following limitations are the most significant, in that they are areas over which TransLink seeks greater authority, as evidenced by their application for status as a designated policing unit:

a. Arrest by Warrant

TransLink special provincial constables regularly come into contact with the public in enforcement situations. As a result of protocols established with the New Westminster Police Service, special provincial constables have indirect access to the resources of the Canadian Police Information Centre (CPIC) databases and are able to check the status of citizens for criminal records, outstanding warrants, and other information important in providing a police service.

One of the concerns of TransLink Security management is the inability of their special provincial constable staff to arrest persons with an outstanding warrant. Prior to a 1996 policy decision by the Ministry of Attorney General, special provincial constables arrested persons they found were the subject of a warrant and turned them over to jurisdictional police. A decision of the Supreme Court of British Columbia in *Collinson v. Canada Ports Corporation* was determined by the Ministry to hold that B.C. Transit special provincial constables did not have the authority to arrest by warrant, an opinion supported by a legal opinion obtained by B.C. Transit. [B.C. Transit Security Application section 4.1 and 18.1 Police Act as Designated Policing Unit and Law Enforcement Unit, undated]

This has been a source of regular concern for TransLink and they feel that not allowing transit constables to arrest on an outstanding warrant is not only a source of great frustration for members, but also contrary to good public policy. In addition, managers raised a concern regarding the possible liability of TransLink in not arresting a known wanted person who might continue on to commit another offence.

In their application for status as a designated policing unit, B.C. Transit feels that allowing arrest by warrant provides a better service to passenger and employees, and heightens their support role to local police jurisdictions. [ibid.]. The British Columbia Association of Chiefs

of Police supports the notion of limited arrest by warrant authority for the existing special provincial constable structure, subject to protocols “to identify circumstances when it may be undesirable for BC Transit officers to effect such arrests in the absence of police.” [British Columbia Association of Chiefs of Police, response to the B.C. Transit Application under Sections 4.1 and 18.1 B.C. Police Act as Designated Policing Unit and Designated Law Enforcement Unit, February 1999]. Asked to clarify this position, the President of the Association when interviewed indicated that their concern was for the post-arrest process only, and that the Association would “strongly support” the authority of transit constables to arrest by warrant.

Transit constables and security management were regularly asked anecdotally why the authority to arrest by warrant was important, and the general response was that arrest by warrant increased public safety on the SkyTrain system. When pressed as to how this would increase public safety other than through assisting in the administration of justice, most however were unable to articulate a direct relationship and expressed the issue in terms of frustration. This is not to say that arrest by warrant is inappropriate, however, and indeed research described above does relate the presence of fare evasion on transit systems to a greater incidence of outstanding warrants.

It is difficult to argue that the authority to arrest by warrant for special provincial constables is inappropriate, as long as the person conducting the arrest has the knowledge, skills and abilities to conduct it safely. Because people react very differently to the news that they are being arrested and everyone involved agrees that a person wanted on a warrant may be dangerous, it would be very difficult, if not impossible, to establish a protocol which would allow a special provincial constable to determine in advance whether a person with whom he or she is dealing is too dangerous to arrest prior to actually conducting the arrest. Presuming that the public interest to effect arrests on outstanding warrants is desirable, a sensible solution is to ensure that a person with the authority to conduct any type of arrest has the knowledge, skills, and abilities necessary under the circumstances. Given the type of general duty policing function performed by TransLink special provincial constables, their authority to conduct warrant arrests should be predicated on complete police training, a level which does not presently exist for them.

b. Drug Enforcement and Other Federal Statutes

As mentioned above, the appointment of special provincial constables does not permit enforcement of the *Controlled Drugs and Substances Act*. This is a fundamental concern for TransLink, and one which they seek to remedy in their s. 4.1 application for status as a designated police agency. Numerous police officers interviewed for this report tend to agree with the TransLink perception of the level of drug offences on the SkyTrain system

Drug violators now have free rein in the transit system unless located by police...Those who frequently engage in these activities are aware of the change in procedure because the level of enforcement has been reduced and now they openly violate the drug legislation. [B.C. Transit Security Application section 4.1 and 18.1 Police Act as Designated Policing Unit and Law Enforcement Unit, undated]

The need for drug enforcement is echoed by the British Columbia Association of Chiefs of Police. In their response to the TransLink application, they support the concept that TransLink law enforcement operations should have the authority to seize drugs and weapons found in the course of their duties. Indeed in an interview the Association President indicated that they would support “broad [drug] enforcement” authority for TransLink. The BCACP does not, however, support the ability of TransLink to conduct covert drug operations although there is no indication of the way in which these might be accomplished.

These positions on drug enforcement on SkyTrain coincide with recent public opinion in the media on the lack of drug enforcement in the area of SkyTrain stations and the concerns of police officers on the use of SkyTrain as an effective vehicle for persons to use in conducting drug trafficking. As we have seen, public perceptions regarding the safety of transit systems are important. All of these together point to a missing element of law enforcement in this case: someone should conduct regular drug enforcement in some form on the SkyTrain system. Should this be the role of TransLink special provincial constables and if so are they prepared for the role? The answer to the former question is beyond the scope of this report, however the answer to the latter is similar to the issue of arrest by warrant.

If TransLink special provincial constables are to conduct drug enforcement, they must possess the knowledge, skills, and abilities for this specialized aspect of law enforcement. The dangers associated with all forms of drug enforcement are well known, and there are many incidents of persons possessing or trafficking in drugs also carrying weapons. It would seem prudent that active drug enforcement be accompanied by the necessary tools to ensure personal and public safety, including firearms. While some special provincial constables have the skills necessary for this level of enforcement because of past employment in policing, there is not sufficient evidence that TransLink Security is, as a unit, prepared to fulfill this role based on a review of the training and skills of their members. As with arrest by warrant, their authority to conduct drug enforcement should be predicated on complete police training, a level which does not presently exist for them.

c. Limitation of Scope

As described above, the jurisdiction of TransLink special provincial constables is limited in scope in three ways. They are restricted in that

- they must be in the performance of their duties,
- the duty must be to preserve and maintain the public peace, and to ensure the safety and security of passengers and transit employees against unlawful acts, and
- it must be on or in respect to the ALRT System and related Greater Vancouver Transit Authority public passenger transportation systems

TransLink Security management does not have any concerns about the limitations on the scope of their duties, although it is their belief that the appointment itself requires clarification. They are of the opinion that a wide variety of enforcement activity is covered under the umbrella of ensuring the safety and security of passengers and employees. One interpretation of this restriction of scope is that it includes responding to incidents which would tend to lessen feelings of security on the part of passengers. As we have seen above, it is important that whoever provides policing on a transit system have the tools to effectively deal with quality of life issues because of their negative effect on transit. Applying this interpretation gives them that ability, however this is nevertheless only their opinion. Any appointment for TransLink special provincial constables should be clear in it's authority to deal with all safety and security issues.

It is important to note that TransLink Security management does not contemplate that designated policing unit status would increase their law enforcement scope to include response to the surface bus system. [Personal interview with Martin Bremer]. It is their opinion that this remains the responsibility of jurisdictional police agencies.

Organizational Barriers to Law Enforcement Operations

In the discussion above, the lack of awareness by jurisdictional police departments, the lack of clarity in the role TransLink special provincial constables and the limitations which inhibit effective transit policing are identified as external barriers to the provision of effective law enforcement services. This review also sought to identify any internal barriers to effective law enforcement services.

TransLink Security management did not report any corporate interference in the law enforcement activities of the department, and the author is left with the general impression that an adequate amount of independence exists in this area. Only one organizational barrier was noted [The lack of a governing board is not identified as a barrier in this report, as such a board would be required for either designated enforcement unit or designated policing unit status], and that is the existence of an, at times, tense labour relations atmosphere in relation to security and law enforcement operations. Park and Ride bicycle patrollers, for example, are issued with hand-held radios for the purpose of operational communications, however because of labour relations issues, they are instructed not to transmit on those radios and use issued cellular telephones to talk to another staff member. As well, these staff are not permitted to enter station or platform areas, even to use washrooms, because of labour differences.

A significant barrier exists between SkyTrain attendants, members of the Canadian Union of Public Employees, and Security department employees. SkyTrain attendants are responsible for providing a wide variety of customer service activities on SkyTrain platforms and in the area of stations. This includes station inspections, handling emergencies and equipment operation on trains, and providing an incidental security presence. Most special provincial constables in conversation with the author described this relationship as hampering their operations, the most striking example of which is that only SkyTrain attendants are issued with keys to the doors between train cars. This allows for situations where a special provincial constable may witness a

crime in one train car from another and be unable to respond immediately other than by having the train stopped by communicating with the control centre.

These situations are a clear barrier to an effective policing service. Whether it is possible in this type of corporate environment to rectify these situations is beyond the scope of this report, however in the absence of clarification, TransLink's ability to provide such a service is being hampered by these issues.

Recruiting and Training Barriers

Earlier in this report, the recruiting and training of special provincial constables was outlined. With regard to recruiting, TransLink has set in place training-exempt hiring guidelines which require a certain amount of general duty policing experience, and they indicate that the interview process is specifically designed to ensure that potential special provincial constables are aware that their role is, at least geographically, restricted. The three year general duty policing requirement would appear to be satisfactory to provide for experiential background, however there is no objective measure in place to ensure that potential special provincial constables do in fact have a necessary level of knowledge. If the actions of a transit constable with an existing appointment were to be questioned, some liability may accrue to TransLink and the Minister, liability which could be forestalled if a general duty knowledge test was implemented.

The issue of training for non-exempt transit constables is a larger issue, particularly in view of the fact that most of the persons hired in the recent past fall into this category. There exists a gap in the nature of the training received by special provincial constables that remains unexplained. The 1993 training report recognizes that successful completion of qualified municipal constable status, i.e. completion of Blocks I, II, and III, is the appropriate level of training for special provincial constables and this has been confirmed by the author of that report. [Personal interview with Ingrid Pipke, former Police Academy Program Developer]. TransLink Security management indicate that the training plan has been followed since its inception, however, as indicated above, special provincial constables not engaged as exempt candidates have only completed Block I.

There are a number of possible reasons for this, one of which is that attitudes existed in B.C. municipal policing at the time of the writing of the training report which did not support B.C. Transit special provincial constables receiving any form of police training. Indeed, this continues to be an issue, as the response of the British Columbia Association of Chiefs of Police to the TransLink s.4.1 application states quite clearly that

BC Transit should provide training to designated law enforcement officers as defined by the Justice Institute. The training should be commensurate with the restricted authority and consistent with protocols with jurisdictional police. The practice of having BC Transit officers take Police Academy Block I training as part of a police recruit class at the JIBC is inappropriate.

This objection has two possible meanings: that transit constables should not receive training *with* municipal police recruits, or that the Block I training program itself is inappropriate for them. The former interpretation is in conflict with the past practice of transit constable recruits attending Block I training, practice for which no objection is recorded. The latter interpretation is

in conflict with the Justice Institute task analysis and report of 1993 agreed upon by the Police Commission. Either way, it remains that the duties of TransLink special provincial constables are broader than the training offered in Block I.

One example of this is in the area of use of force. Training TransLink special provincial constables to a Police Academy Block I level does not adequately prepare them to meet the professional standard of care demanded by operational implementation of their use of force policies. The critical issue arises from the powers conferred upon transit constables, coupled with the specifically stated goal of responding to all calls. This combination replicates the duty requirements of a municipal police constable, yet special provincial constables are not trained to a Block III level. It is important to appreciate the process of developing motor skills, particularly use of force tactics that are performed within the open environment of law enforcement. The Block I curriculum presently in place facilitates the acquisition of basic and necessary skills. The general intent of the Block III use of force curriculum is to then teach police recruits to apply their skills in an open context, using the practice principles of variability and contextual interference. Simply put, officers will have a significantly greater level of retention, and a broader range of potential uses of their skills when they practice application in a variety of situations that require evaluation, selection of a technique, and performance of their response. Confrontational simulation exercises are a widely used teaching method to facilitate this level of learning. Without this type of training, properly evaluated, a student has only demonstrated that they can perform a skill within the closed context of supervised practice.

It is unclear where the decision was made to limit training to Block I. The Manager of TransLink Transit Security states that it was a decision of the Police Academy, while both previous Directors of the Academy indicate that it was not an Academy decision. [Personal interviews with Phil Crosby-Jones and Bob Hull]. No Ministry of Attorney General staff members of the day contacted have been able to clarify the decision. In the end, the reasons may not matter. That the level of training agreed upon by all parties after a comprehensive task analysis has not been completed raises questions of whether special provincial constables are adequately trained to perform the tasks required of them.

Non-Law Enforcement Security Operations

The non-law enforcement security operations of TransLink, i.e. security, fare inspection, and crime prevention have a minimal effect on the work of special provincial constables to the extent that they do not hamper the transit constables' abilities to directly provide law enforcement activities. In the job analyses, security guards and bike patrol staff were the most clear on their roles and responsibilities in terms of their contribution to system safety and security. In the fare inspection and crime prevention functions, however, there is considerable overlap in duties relative to the other security roles. This confuses the overall role of TransLink Security, particularly in light of the increase in duties of all groups over time. This issue is discussed further below in the context of job analyses.

Perhaps the non-law enforcement function with the greatest impact on special provincial constables is that played by the fare inspectors. Because these staff have as their primary mandate the audit of fare payment by passengers, there is no group dedicated to dealing with fare

evasion, and the enforcement authority of current fare inspectors is hampered by their inability to adequately deal with fare enforcement in the field. At the present time, only special provincial constables have the authority to issue enforceable violation tickets under the *Greater Vancouver Transit Conduct and Safety Regulation*. If a fare inspector wishes to conduct enforcement action, they must call for a transit constable to attend a location to issue a violation ticket, and in any event do not have legal authority to detain a violator in the interim. [This is more than an issue of dealing with an individual incident. TransLink Security managers are concerned that there is no significant collection process for unpaid violation tickets, and that as such there is little real deterrent.]

Fare inspectors also check fare media as part of their duties, have the responsibility to identify persons in possession of fraudulent media, and are directed to conduct arrests using citizen powers of arrest. In these instance, special provincial constables are called to a location to continue the investigation. While this is an appropriate course of action in the case of fraudulent media, fare inspectors identified during the job analysis that they also conduct fixed and mobile surveillance of people and premises suspected of being involved in producing fraudulent tickets, as well as conducting interviews of suspects, sometimes in suspects' homes, as a result of information received either through surveillance activities or other forms of intelligence gathering. [It should be noted that surveillance is only one part of the activity of Fare Inspectors and that some surveillance activity may be integral to effectively dealing with fraudulent fare media]. The presence of this activity was raised with TransLink Security management, who were neither aware of it nor endorsed it.

An increase in the use of fraudulent media was only one of the increases in activity identified by inspectors, others including increased conflicts with citizens and increased confusion among riders regarding a more complex tariff structure. Clearly, proper fare enforcement is a complicated activity, one that requires a non-complicated process. All of these activities together result in a lack of adequate fare enforcement, something which that is closely linked to the provision of an adequate policing service for the system. Requiring special provincial constables to complete violation tickets for fare inspectors takes away from other duties, but more importantly the lack of an adequate fare enforcement process in a proof-of-payment system such as that on SkyTrain contributes both to public perception that such activity is condoned, and to an environment in which the need for policing services increases because of the link between fare evasion and criminal activity discussed above.

How fare evasion is dealt with is a subject of debate: The British Columbia Association of Chiefs of Police, in their reply to the s. 4.1 application feel that more crime prevention though environmental design strategies should be implemented, while TransLink management are steadfastly opposed to retrofitting stations with barrier systems because of the cost of such work. [Personal interview with Larry Ward]. Regardless of the outcome of the debate, unless the fare enforcement process is made a priority and streamlined, whether by inspection or physical barrier, SkyTrain special provincial constables will continue to have difficulty fulfilling a police role. Failure to address this situation will contribute to an on-going increase in criminal activity.

The Role of Other Governmental Agencies

There are several non-police agencies which also potentially interact with law enforcement operations relative to SkyTrain and SeaBus. These are agencies generally called upon in the

event of accidents in relation to the system, however they do have various forms of jurisdiction in investigations.

a. Ministry of Municipal Affairs

The Safety Engineering Services Division of the Ministry of Municipal Affairs maintains regulatory control over intra-provincial railways under the authority of the Provincial *Railway Act*, including responsibility for public safety, i.e. passengers and employees, and employs railway inspectors for this purpose. The *Act* specifies that the Ministry has authority in matters of safety to the exclusion of other safety related agencies, such as the Workers' Compensation Board. This includes all facets of a railway operation such as rights of way, buildings, premises, and offices, and the Safety Engineering Services Division maintains WCB-style reporting requirements of occupational health and workplace violence issues.

The Division attends and investigates accidents and incidents on the SkyTrain system based on written guidelines. This includes investigations of all incidents of suicide to ensure that SkyTrain operating procedures were in compliance. In these investigations, they interact with the investigation of the jurisdictional police force, and the typical role of special provincial constables has been to provide crowd control. There have been eighteen incidents of suicide on the SkyTrain system in the past five years. [Railway Accident System Annual Report, 1998]

b. Transportation Safety Board of Canada

The Transportation Safety Board of Canada (TSB) is a federal agency with a mandate to determine the causes and contributing factors of accidents by investigating transportation occurrences in the marine, pipeline, rail, and aviation sectors under the authority of the *Canadian Transportation Accident Investigation and Safety Board Act*. They operate independently of any other agency, and have certain jurisdictional authority at the scene of an accident or incident.

With this mandate, the TSB would investigate accidents involving SeaBus. Because of the possibility of overlapping investigations and concerns for accident scenes, the TSB entered into a Memorandum of Understanding with the Attorney of British Columbia in September 1995 in order to ensure coordinated response at incident scenes and recognize the independence of overlapping investigations. [Memorandum of Understanding between Transportation Safety Board of Canada and the Attorney General of British Columbia, 1995.] This Memorandum specifically refers to the activities of jurisdictional police forces, the Provincial Coroners Service, and the TSB and provides that the jurisdictional police force and the TSB would have joint management of an occurrence site and would share information where this would not be detrimental to investigations [ibid.].

Effect of Other Government Agencies on Law Enforcement Operations

The effect of the presence of these government agencies on TransLink's security and law enforcement operations at this time is minimal. Both agencies are generally aware of the activities of security personnel on the SkyTrain and SeaBus systems, and do not recognize special provincial constables as the jurisdictional police agency. If TransLink Security were to be

successful in their application for designated policing unit status, however, the issue of police jurisdiction at an accident scene *vis a vis* these agencies may be unclear unless addressed in advance. In any event, it would be necessary to ensure that if such a designated policing unit was created, it would be capable of conducting criminal or other investigations in the public interest on these systems. This would involve a level of investigative training in excess of that provided in the Police Academy Block I program presently completed by special provincial constables, indeed it may require specialized training in excess of that currently received by certified municipal constables.

a. Job and Task Analyses

This section of the review is descriptive, and outlines the job task and content analyses conducted of TransLink Transit Security. In order to properly review the current activities of the department and in turn establish the ability of the present structure to provide law enforcement services, it was necessary to examine the specific activities of the people providing the service. Initially, there was a perception of overlap in the functions of the different parts of the department, and as such it was felt necessary to examine not only the activities of special provincial constables but also the duties of their partners in the overall provision of security services. It should be noted that in providing information, work groups were asked to describe activities as they performed them, as opposed to being asked to describe their tasks through their formal position description. This review conducted job and task analyses of the following work units:

- Special provincial constables
- Fare inspectors
- Security guards
- Bicycle patrol staff
- Crime prevention officers

The task analysis process resulted in a series of comprehensive charts describing the competencies and activities associated with each functional position and estimates of the relative importance and frequency of the activities. The task analysis charts require some explanation for proper interpretation.

Interpreting Task Analysis Charts

The left-hand column in the charts (bold-faced and capitalized) represents the “core competencies” [In the context of task analysis, the term competency is used to denote a broad category grouping activities, not to imply that a person is individually competent] within which specific activities are included. For example, the special constable task chart (Appendix F) describes the first “core competency,” *Perform crime prevention functions*, as having specific activities (A1 through A4) commonly associated to the competency. The same logic applies to all other competencies.

There are some general rules in interpreting the task chart

- competencies should be distinct from one another
- the complexity of the competency and activities increases as one moves down and across the chart [There are exceptions however, especially when it makes more sense to list the activities within a competency in chronological order *versus* their degree of difficulty.]
- competencies and activities should begin with a strong verb
- where possible, activities should not be repeated in the chart

Finally, there are certain competencies that are typically practiced all the time and concurrently with other competencies. Such competencies are referred to as “overlay competencies”. For example, *Demonstrate professional conduct* and *Practice officer and public safety* are seen as

competencies special provincial constables would practice while *Performing crime prevention function* or any other competency.

The task charts also display estimates of the levels of importance and frequency for each activity. Focus group participants were asked to use the following criteria for determining the relative importance and frequency of each activity within a competency.

<i>Importance</i>	<i>Frequency</i>
1. Nice to know	1. Annually
2. Good to know	2. Quarterly
3. Important	3. Monthly
4. Very important	4. Weekly
5. Critical (life and death)	5. Daily

The responses are located in the bottom left-hand corner of each activity for example, the activity *Attend to individual employee requests for service at job site* has (4,5) listed in the corner. This means that the focus group participants generally agreed that this activity was *very important*, and conducted *daily*. It is important to note that the relative importance and frequency data is based on a consensus of opinion among the group. There may be considerable differences of opinion within the group based on experience and work assignments – recording these individual differences is difficult. The general practice when conducting the relative importance/frequency exercise is to explore individual differences within the group and document significant variances.

This review benefited from a 1993 series of job task analyses, the Justice Institute report referred to earlier, conducted of these same positions by the Police Academy for B.C. Transit. It was felt that a repeat of that process would assist in determining the validity of how law enforcement and related services are provided, the range of those services, and what, if any, changes to the need for law enforcement services have occurred over time.

A series of one-day focus groups was convened for special provincial constables and fare inspectors, while security guards, bicycle patrol and crime prevention officers were combined into one group. The purpose of each focus group was to:

- update the 1993 task analysis charts to reflect current responsibilities
- identify how the functional position has changed since 1993
- re-estimate the relative importance and frequencies for each activity
- identify activities infrequently conducted by staff
- identify activities unique to each functional position
- conduct a pair-wise comparison of the competencies
- describe the training background of individuals
- describe what added responsibilities they could assume with existing training

Because the primary focus of this report is the law enforcement role of TransLink, special attention was paid to the special provincial constable unit, and an attempt was made to canvass

all of these members. One focus group session with approximately ten special provincial constables was to be followed by a separate session with approximately six other special provincial constables to help validate the work of the first ten. The second focus group also provided an opportunity to field test the survey designed to capture information from all the remaining special provincial constables. [No validation was necessary with other groups because the focus group sessions either had all or a majority of existing staff.] Survey respondents were asked to:

- determine whether the competencies and activities described by the first two groups accurately reflect the respondent's experiences
- estimate the relative importance and frequency of the activities
- describe their seniority with the organization and any training they received that they deemed relevant to their current position

Determining the Relative Importance and Frequency of Time Spent Conducting Various Competencies Using a Pair-wise Comparison Technique

Each focus group was asked to determine the relative importance and frequency for each competency. A review of competencies was conducted and those considered very minor were either removed from analysis or combined with others. For example, many groups described separate competencies for *Confirm a suspect* and *Arrest a suspect*. In practice, these two competencies occur concomitantly. For the purpose of the pair-wise comparison, the two competencies were often considered as one. Second, overlay competencies were excluded from analysis because everyone agreed they were considered paramount and therefore, practiced all the time. Finally, some groups excluded competencies because everyone agreed the competency was rarely practiced.

The pair-wise comparison technique asked groups to determine the relative strength of one competency over another. For example, special provincial constables were asked to determine the relative importance of *Performing crime prevention functions* compared to *Performing security services* without using the amount of time they spend on each competency as a criterion. [It was important to remove *time* from this calculation because determining the relative frequency of each competency was a separate exercise. By separating *time* from the calculation of importance, the results better reflect the participants' understanding of their overall mandate.]. When debating the relative importance, participants asked themselves, "What are the consequences to staff, the organization or the public if either of the compared competencies was not properly conducted?" In this way, participants managed to provide a figure, which was then entered into a computer program for analysis. Each competency was compared with each other and the results for each work group are presented in this report (see Charts 2 – 6).

a. Special Provincial Constable Competencies

Special provincial constables have the broadest mandate of all security personnel. Most of the competencies and activities associated with this position are typical of those performed by police officers, however as documented throughout this process, activities conducted by one work unit are also conducted by other work units. The following table provides an overview of activities commonly conducted by TransLink special provincial constables (see Appendix F for complete description).

Competency	Activities include but are not limited to:
<i>Performing crime prevention functions</i>	<ul style="list-style-type: none"> ▪ Attending requests for service from employees, passengers and members of the public ▪ Occasionally, attending public information displays although this task is more frequently done by the crime prevention unit
<i>Conducting fare enforcement</i>	<ul style="list-style-type: none"> ▪ Identifying and interpreting fare structure ▪ Identifying altered fares ▪ Enforcing transit tariff ▪ Coordinating fare enforcement activities with security department and other agencies
<i>Providing security services</i>	<ul style="list-style-type: none"> ▪ Maintaining high profile visibility (in uniform) ▪ Conducting property security checks ▪ Providing leadership and support for other personnel in the security department ▪ Providing protective services for employees and revenue
<i>Providing assistance to the public</i>	<ul style="list-style-type: none"> ▪ Providing information on fare structures, routes, safety ▪ Providing assistance to people with special needs ▪ Demonstrating the use of transit equipment ▪ Reuniting separated parties (e.g. children)

<i>Conducting patrol activities</i>	<ul style="list-style-type: none"> ▪ Conducting foot patrol and mobile patrol in marked or unmarked vehicles ▪ Occasionally conducting patrol activities in plainclothes ▪ Occasionally conducting electronic surveillance
<i>Conducting an investigation</i>	<ul style="list-style-type: none"> ▪ Conducting 'first officer on scene' duties (such as, protecting the crime scene, attending to injured people, identifying witnesses) ▪ Assessing jurisdictional responsibility ▪ Defusing difficult situations (especially where intoxicants are involved) ▪ Applying authorities to halt or prevent incidents ▪ Conducting routine and sensitive interviews ▪ Preparing and maintaining investigative files
<i>Gathering evidence</i>	<ul style="list-style-type: none"> ▪ Preserving the scene ▪ Recording observations ▪ taking statements, photographs and collecting evidence ▪ analyzing videotape and photographic evidence
<i>Confirming a suspect</i>	<ul style="list-style-type: none"> ▪ identifying an offence and suspect ▪ evaluating enforcement options
<i>Arresting a suspect</i>	<ul style="list-style-type: none"> ▪ obtaining physical control of the suspect ▪ executing duties upon arrest (such as Charter warnings) ▪ demonstrating arrest procedures with a warrant (using the <i>Transit Conduct and Safety Regulations</i>) ▪ taking written statements from young offenders
<i>Providing assistance to jurisdictional police departments (JPD)</i>	<ul style="list-style-type: none"> ▪ attending to requests for assistance from JPD ▪ providing resource and operations knowledge to JPD ▪ assisting JPD in collecting physical evidence ▪ transporting prisoners as requested by JPD ▪ conducting joint force investigations with JPD
<i>Coordinating court process</i>	<ul style="list-style-type: none"> ▪ issuing provincial violation tickets and appearance notices ▪ acting as a prosecutor when presenting evidence in court ▪ testifying as a witness in criminal, civil and administrative processes

	<ul style="list-style-type: none"> ▪ serving subpoenas to TransLink employees
<i>Gathering intelligence</i>	<ul style="list-style-type: none"> ▪ conducting electronic surveillance ▪ liaise with law enforcement jurisdictions ▪ using corporate information systems (such as Security Information Report System) ▪ sharing data with other jurisdictions

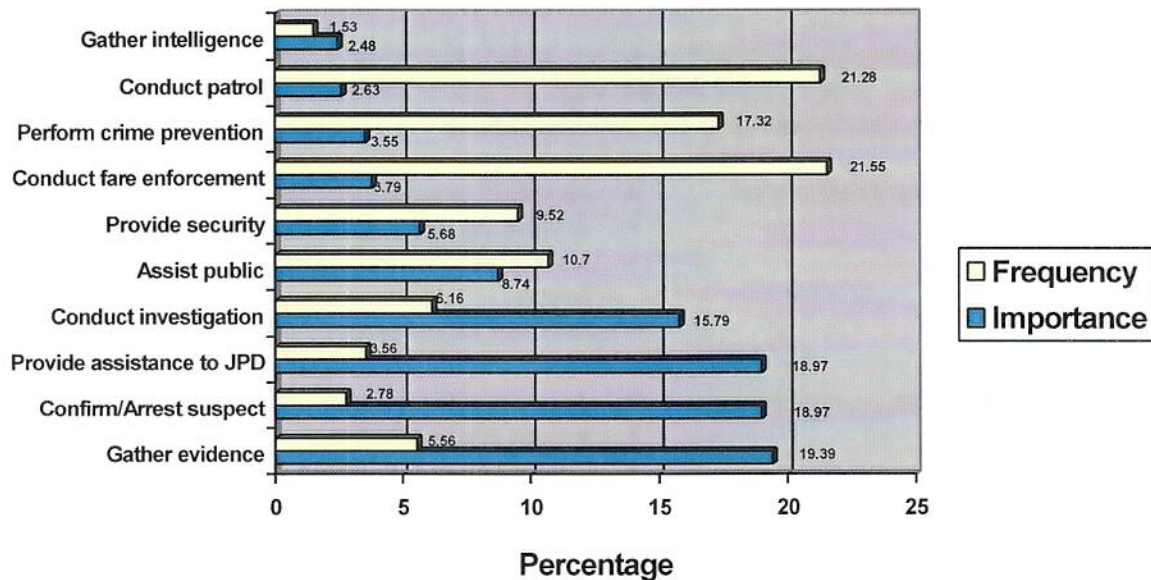
The above competencies and activities do not include the *overlay competencies* described below. The overlay competencies and activities are practiced constantly, often at the same time as the competencies and activities described above.

<i>Demonstrating professional conduct</i>	<ul style="list-style-type: none"> ▪ demonstrating proper dress and department ▪ developing contacts in the community ▪ maintaining healthy lifestyle including physical fitness ▪ ensuring confidentiality of information
<i>Using effective communication skills</i>	<ul style="list-style-type: none"> ▪ demonstrating computer skills ▪ writing reports, memos ▪ using conflict resolution skills ▪ consulting with guardians about young offenders ▪ managing inter/multicultural conflict
<i>Practicing officer and public safety</i>	<ul style="list-style-type: none"> ▪ exercising appropriate intervention consistent with role ▪ assisting response person during emergencies ▪ responding to bomb threats ▪ practicing 'officer' survival
<i>Practicing corporate responsibility</i>	<ul style="list-style-type: none"> ▪ complying with corporate training requirements and policies/procedures ▪ demonstrating knowledge of collective agreements and occupational mandates ▪ demonstrating proper use of corporate equipment

Relative Importance and Frequency of Competencies

Focus group participants were asked to determine the relative importance and frequency of the competencies. This information demonstrates the approximate amount of time participants feel is spent each year conducting the competencies (frequency). The relative importance of the competencies demonstrate how important the competency is in the overall mandate of TransLink special provincial constables. [Because overlay competencies are practiced all the time, they are not included here. The focus group decided that several competencies would either be amalgamated because they were very closely aligned or dropped from consideration because they were already considered very minor.] The competencies used for the special provincial constable positions are shown on Chart 2:

Chart 2: Relative Frequency and Importance of Special Constable Competencies



An analysis of Chart 2 demonstrates several interesting events. As expected, there are competencies considered important despite the fact that special provincial constables are not often asked to demonstrate the competency. An example of this is *Confirming and arresting suspects*. If improperly completed, this competency could result in serious liability concerns. Similarly, performing the competency *Gathering evidence*, if improperly completed, could result in criminal cases being lost in court.

Chart 2 also demonstrates that there are competencies that consume vast amounts of time despite their relatively low rating of importance. For example *Conducting patrol* is what special constables do while waiting to complete other competencies. In essence, it is often the means by which other ends are accomplished. *Conducting patrol* is also the means by which special constable complete the competency *Providing security services*.

Finally, Chart 2 demonstrates that there are situations where an inverse relationship exists between the amount of time special constables spend completing a competency and its relative importance. For example, *Conducting fare enforcement* is ranked the third least important competency yet special constables report they spend a majority of their time conducting fare enforcement. It may be that this competency is being used to conduct other investigations such as criminal offences or corporate security.

Changes in Special Provincial Constable Tasks Since 1993

Comparing the 1993 task analysis of special constables to that conducted in 1999 revealed a number of added responsibilities. Specifically, the 1999 task analysis added the competency *Conducting patrol activities*, although this competency was probably implied in the 1993 task analysis. What may be of significance in this competency are mobile and plainclothes patrol functions. The consensus opinion is that conducting mobile patrols is important and is conducted on a daily basis. Special constables estimated they were assigned to work plainclothes once a month but nonetheless considered the assignment an important function of their job.

The 1999 task analysis chart has a new competency entitled *Providing assistance to jurisdictional police*. According to focus group participants, the series of activities associated with this competency are taking an increasing amount of their time. According to the pair-wise comparison of competencies, the activities associated with this competency comprise approximately 3.5% of their time. Another task added to the 1999 task chart is “serving subpoenas on TransLink employees”. These subpoenas are typically for short notice court appearances by staff. While the special constables may serve the documents, it is not clear what happens to someone who fails to attend court after being served with a subpoena by a special constable.

Another task that was added to the 1999 task analysis was “analyzing videotape and photographic evidence”. This task was probably added because of advances in security measures in and around the SkyTrain stations. The special constables stated that this is a very important activity that, on average, is conducted weekly by someone within the work unit. It is likely that this activity will gain prominence if criminal activity increases in the SkyTrain system.

The last task to be added to the 1999 chart is “demonstrating knowledge of collective agreements and occupational mandates”. Focus group participants agree that in the current labour atmosphere at TransLink, everyone needs to know exactly the limits of their responsibility. This is consistent with the observations of other groups and has been identified as a barrier to effective law enforcement services.

Focus group participants were asked to provide other examples of how their jobs had changed since 1993. The following is a list of changes:

- Expansion of the unit means that they have four squads with six special provincial constables working during the day and eight during the afternoon
- Many felt that because they are doing a higher level of fare enforcement, there has been an increase in verbal and physical confrontations
- Increase in enforcement from 7,000 violations in 1993 to 12,000 in 1998
- Increased challenges to their authority by citizens who do not understand the authorities of the special provincial constable
- Increased contact with drug users and dealers

- They no longer have keys to access the train's computer door (SkyTrain attendants possess key)
- Overlapping responsibilities between various functional positions such as bicycle patrol, security guards, fare enforcement, crime prevention and SkyTrain attendants
- Increased negative media attention
- Inability to deal with persons wanted on outstanding warrants

Infrequently Performed Activities

A review of the special provincial constable task chart demonstrates a number of activities special provincial constables perform infrequently. The following is a list of activities they perform monthly or less frequently:

- | | |
|--|---|
| ▪ attend public information displays | ▪ act as prosecutor for provincial statutes where required |
| ▪ conduct plainclothes patrol | ▪ dispose of exhibits as required |
| ▪ conduct electronic surveillance | ▪ complete case outcome report |
| ▪ research non-familiar statutes | ▪ serve subpoenas to TransLink employees |
| ▪ conduct routine and sensitive interviews | ▪ conduct electronic surveillance |
| ▪ utilize transit operator/property indexes | ▪ develop contacts throughout community |
| ▪ demonstrate arrest procedures with warrant (<i>Transit Conduct & Safety Regulations</i>) | ▪ refer media inquiries to appropriate departmental division |
| ▪ take written statements from a young offender | ▪ respond to bomb threats |
| ▪ testify as a witness in criminal, civil and administrative processes | ▪ comply with corporate training requirements |
| | ▪ conduct joint forces operation investigations with jurisdictional police on or off TransLink property |

Activities Unique to TransLink Special Provincial Constables

The various task analyses conducted revealed that there are a large number of common activities between the work units. What is perhaps more helpful is to identify activities for which only one work unit is responsible. The following is a list of unique activities currently conducted only by special constables:

- | | |
|---|---|
| ▪ conduct mobile patrol (marked and unmarked) | ▪ demonstrate knowledge of JPD policies, procedures, and resources |
| ▪ conduct plain clothes patrol | ▪ assist JPD in collecting evidence (e.g. videotapes) |
| ▪ apply response/enforcement priorities as appropriate [Fare Inspectors also apply enforcement priorities as appropriate however their response is almost always as part of a follow-up investigation unlike special constables who may need to respond to an 'on-view' incident] | ▪ transport prisoners as requested by JPD |
| ▪ transport victims | ▪ assist JPD at major incidents [Other work units may provide immediate assistance to JPD however, special constables are responsible for prolonged assistance] |
| | ▪ issue provincial violation tickets |
| | ▪ issue provincial or CCC appearance |

- research non-familiar statutes
- take verbal and written statements from complainants and witnesses [Other work units may briefly interview witnesses or victims however special constables conduct more in-depth interviews and take written statements. The single exception is when fare inspectors conduct extensive follow-up investigations off TransLink property.]
- take written statements from a young offender
- demonstrate arrest procedures with warrant – *Transit Conduct and Safety Regulations*
- demonstrate release procedures as appropriate
- attend to JPD requests for assistance
- provide resource and operations knowledge to JPD
- notices
- act as “prosecutor” for cases heard before a Justice of the Peace
- testify as a witness in civil and administrative processes [Other work units only provide testimony at criminal trials]
- dispose of exhibits as required
- serve subpoenas to TransLink employees
- interpret CPIC information
- maintain data base
- consult with guardian(s) re: problem with young offenders and children

Profile of Special Constables

Focus group participants and survey respondents provided the basis for the a profile of special provincial constables. [The survey response rate was 48%.] The average seniority for special constables is 5.8 years with a range between one and 26.5 years. This statistic is somewhat misleading however because many of the special provincial constables have had previous police, quasi-law enforcement, or corrections experience including the following:

- Municipal police
- RCMP service
- British Prison Service
- Canadian Forces (Military Police)
- Auxiliary/Reserve constable
- Correctional Officer
- Park Ranger

Experience gleaned from these previous careers was not factored into the averages reported above.

A review of the training special provincial constables have received during their lifetime reveals that they are the most highly trained component of TransLink Security. In some cases, respondents indicated they received police training during the late 1960's and early 1970's. Although no pattern of training emerges, most of the courses completed are related to law enforcement.

Additional Activities Special Provincial Constables Wish to Assume

Special provincial constables identified the following as activities they wish to assume:

- enforce warrants for people they find using SkyTrain
- enforce relevant section of the *Controlled Drug and Substances Act* for people found on or in relation to property
- develop a more active plainclothes unit
- create a mobile unit to deal with problems on the buses (which special constables state is 80% of the transit system)
- establish a separate communication system
- investigate criminal activity on buses or bus loops
- increased general authority for the entire transit system
- enforce the *Immigration Act*

The above list clearly implies a desire by special constables to further expand their responsibilities towards that of a police force.

b. Fare Inspector Competencies

Like other work units examined for the review, fare inspectors conduct a wide range of activities, some of which are also conducted by other work units. The following is a brief overview of fare inspector activities (Appendix G):

Competency	Activities include but are not limited to:
<i>Performing crime prevention functions</i>	<ul style="list-style-type: none">▪ attending requests for service from employees, passengers and members of the public▪ educating staff management on fare issues

<i>Conducting fare enforcement</i>	<ul style="list-style-type: none"> ▪ identifying and interpreting fare structure ▪ identifying altered fares ▪ enforcing Transit tariff ▪ coordinating fare enforcement activities with security department and other agencies ▪ reporting fare enforcement results ▪ reporting fare fraud results to appropriate authorities
<i>Gathering information</i>	<ul style="list-style-type: none"> ▪ recording and share data with other corporate departments
<i>Providing assistance to public</i>	<ul style="list-style-type: none"> ▪ liaising with transit frontline employees ▪ providing information on fare structures ▪ providing route information ▪ providing information on passenger safety ▪ applying First Responder protocols
<i>Providing security services</i>	<ul style="list-style-type: none"> ▪ maintaining high profile visibility (in uniform) ▪ assisting all security staff as required ▪ conducting perimeter & property security checks ▪ reporting operational security deficiencies ▪ providing protective services (e.g. employee protection) as directed ▪ providing direction and support to other security personnel (e.g. static guards and crime prevention staff) ▪ providing security patrol services (as a secondary activity)
<i>Utilizing investigative resources</i>	<ul style="list-style-type: none"> ▪ identifying incident details and potential disposition ▪ utilizing transit operator/property indexes
<i>Conducting an investigation</i>	<ul style="list-style-type: none"> ▪ defusing difficult situations ▪ employing enforcement options as appropriate ▪ conducting 'first officer on scene' duties (such as, protecting the crime scene, attending to injured people, identifying witnesses) ▪ conducting routine interviews ▪ preparing and maintaining investigative files
<i>Gathering evidence</i>	<ul style="list-style-type: none"> ▪ preserving the scene ▪ recording observations ▪ taking statements, photographs and collecting evidence

Confirming a suspect

- identifying an offence and suspect
- requesting identification from suspect
- choosing appropriate disposition of incident

Arresting a suspect

- ascertaining citizens' powers of arrest
- obtaining physical control of the suspect
- executing duties upon arrest (such as Charter warnings)
- contacting appropriate authorities (e.g. JPD, special constables)

Coordinating court process

- recommending charges as appropriate
- demonstrating proper court demeanor
- testifying as a witness

The above competencies and activities do not include the *overlay competencies* described below. The overlay competencies and activities are practiced constantly, often at the same time as the competencies and activities described above.

Demonstrating professional conduct

- acting with professional ethics
- demonstrating proper dress and department
- maintaining professional demeanor with TransLink employees
- maintaining healthy lifestyle including physical fitness

Using effective communication skills

- using conflict resolution skills
- maintaining notebook to ideal standards
- preparing investigative reports
- managing inter/multicultural conflict

Practicing officer and public safety

- assessing overall security of situation
- exercising appropriate intervention consistent with role
- apply safety procedures to SkyTrain, SeaBus and bus/trolley as necessary
- assisting response person during emergencies
- responding to bomb threats
- practicing 'officer' survival

Practicing corporate responsibility

- complying with corporate training requirements and policies/procedures
- demonstrating knowledge of collective agreements and occupational mandates
- following established corporate and departmental

procedures and protocol

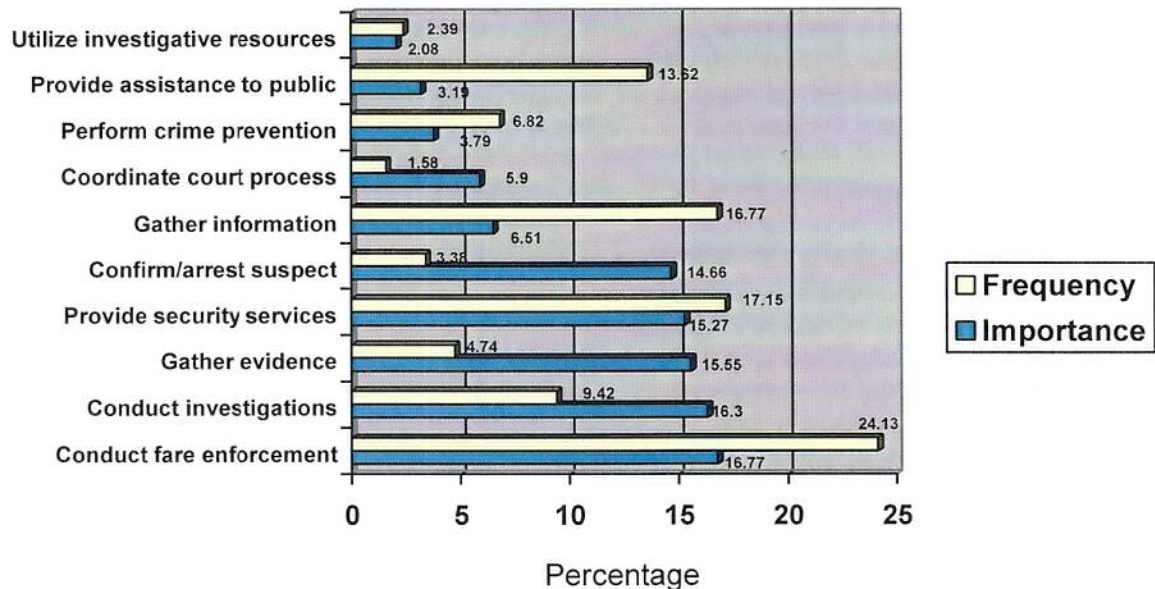
Relative Importance and Frequency of Competencies

Focus group participants were asked to determine the relative importance and frequency of the competencies. This information demonstrates the approximate amount of time participants feel is spent each year conducting the competencies (frequency). The relative importance of the competencies demonstrate how important the competency is in the overall mandate of TransLink fare inspectors. [Because overlay competencies are practiced all the time, they are not included here. The focus group decided that several competencies would either be amalgamated because they were very closely aligned or dropped from consideration because they were already considered very minor.] The competencies used for the fare inspector positions are shown on Chart 3.

Fare inspectors clearly see themselves as “investigators.” During focus group discussions and the pair-wise comparison, fare inspectors emphasized the focus of their mandate is *Conducting fare enforcement*, *Conducting investigations* and *Gathering evidence*. These competencies combined take up approximately 38% of their time. However, Chart 3 also demonstrates that *Providing security services* and *Providing assistance to the public* consumes approximately 31% of their time despite these two competencies being ranked fourth and ninth in importance respectively.

It appears that fare inspectors see themselves as having one mandate (fare fraud investigations) while at the same time they are being tasked with providing some security functions and providing information services to the public. Part of the reason for this may be that fare inspectors are tasked with responding to complaints on the buses. Fare inspectors are also primarily responsible for conducting audits of fare frauds and therefore are the most knowledgeable group about the various fare structures.

Chart 3: Relative Frequency and Importance of Fare Inspector Competencies



Changes in Fare Inspector Tasks Since 1993

Similar to special constables, fare inspectors identified increased numbers of people using the transit system and a resulting increase in the numbers of conflicts with citizens. The fare inspectors also reported an increase in conflicts between staff and unions over work group mandates. Finally, fare inspectors stated that the fare structure has become more complex and has lead to increased confusion among riders.

Infrequently Performed Activities

A review of the fare inspector task analysis chart reveals a number of activities that fare inspectors conduct monthly or less. These activities include:

- advise staff and management on personal safety and security issues
- educate staff and management on fare issues
- preserve scenes
- process evidence
- maintain continuity of evidence
- obtain control of the scene (e.g. apply

- attend public information displays
- respond to special fare enforcement requests (e.g. West Vancouver Transit)
- share data with other corporate departments
- liaise with law enforcement jurisdictions and agencies
- provide information on passenger safety
- provide information on services for people with disabilities
- help reunite separated parties (e.g. lost child)
- report identified breaches in security
- report identified fire hazards
- provide protective services (e.g. employee protection) as directed
- provide direction and support to other security personnel (e.g. security guards and crime prevention unit)
- conduct surveillance (mobile, static photo) where appropriate
- conduct multi-agency investigations
- advise all persons involved of conclusion of investigation
- physical control tactics)
- execute “duties upon arrest” for adults and young offenders
- conduct physical search of suspect to ensure personal safety
- interview arrested suspect
- contact appropriate authorities (e.g. JPD, special constables)
- recommend charges as appropriate
- demonstrate proper court demeanor
- testify as a Crown witness
- liaise with police and other agencies
- process necessary corporate forms
- refer media enquiries to appropriate departmental division
- demonstrate computer skills
- apply safety procedures to SkyTrain, SeaBus and bus/trolley as necessary
- assist response person during emergency
- respond to bomb threats as appropriate
- apply established crowd control procedures
- comply with corporate training requirements

The implication of this list is that some of the fare inspectors’ duties could be re-assigned to other work units to clarify the responsibilities of fare inspectors.

Activities Unique to Fare Inspectors

There are a number of activities that are unique to fare inspectors such as:

- educating staff on fare issues
- enforcing West Coast Express tariff
- reporting fare evasion and fraud results
- responding to special fare enforcement requests (e.g. West Vancouver transit)

Clearly, the auditing of fare evasion and fraud is primarily the mandate of fare inspectors. As the experts in the fare structure and types of strategies used to defraud the transit system, fare inspectors are an essential component in TransLink Security. The inability of these staff to practically conduct fare enforcement by way of a violation ticket has two effects on the work of special provincial constables: it takes time away from transit constables if fare enforcement is required, and it likely results in a lower level of fare enforcement than might be conducted if inspectors had the

authority to issue violation tickets. As discussed above, lack of adequate fare enforcement has an effect on overall system security.

Profile of Fare Inspectors

Six of eight fare inspectors attended the one-day focus group. The average service with TransLink (including B.C. Transit) was 11.6 years with the range of service between three and 14.5 years. Virtually everyone had previous experience within transit as crime prevention officers, fare box attendants, traffic checker or security guards.

There was no consistent pattern in the training received by fare inspectors. At best, three of the six received some basic security guard training. Almost certainly, some of the security, self-defence and first aid training described by fare inspectors would be relevant but it is difficult to assess the direct relevance of other courses to the position.

Additional Activities Fare Inspectors Wish to Assume

Fare inspectors identified the following as activities they wish to assume:

- establish patrol units to respond to calls for assistance by bus operators and West Coast Express
- increase the coverage for special events away from SkyTrain such as increasing patrols of bus loops
- increase the amount of contact between fare inspectors and bus drivers and their supervisors
- obtain access to suspect information data banks
- enforce fare fraud by issuing violation tickets

Similar to transit constables, fare inspectors wish to substantially expand their authority. The ability to issue violation tickets would certainly enhance their abilities especially if they are responding to calls for service where there are no special provincial constables available to issue a violation ticket.

c. Security Guard Competencies

TransLink security guards are primarily responsible for maintaining a high profile visibility in uniform while providing static and, to a limited extent mobile security for TransLink property. During their patrols, security guards also respond to requests from the public concerning general information, fare structure, the use of safety equipment and other safety concerns. The following is an overview of the activities of security guards. (Appendix H)

Competency	Activities include but are not limited to:
<i>Performing crime prevention functions</i>	<ul style="list-style-type: none">▪ Attending requests for service from employees, passengers and members of the public

	<ul style="list-style-type: none"> ▪ Informing staff and management on personal safety and security issues
<i>Providing security services</i>	<ul style="list-style-type: none"> ▪ Maintaining high profile visibility (in uniform) ▪ conducting property security checks ▪ reporting identified breaches in security ▪ reporting operational security deficiencies ▪ providing support to other TransLink security personnel, special constables, JPD
<i>Providing assistance to the public</i>	<ul style="list-style-type: none"> ▪ providing information on fare structures, routes, safety ▪ providing information on transit resources ▪ providing assistance to people with special needs ▪ demonstrating the use of transit equipment ▪ reuniting separated parties (e.g. children)
<i>Performing security escort duties</i>	<ul style="list-style-type: none"> ▪ maintaining low profile visibility in plain clothes ▪ maintaining en route surveillance of money truck ▪ identifying security codes and features for various locations
<i>Supporting fare enforcement</i>	<ul style="list-style-type: none"> ▪ recording and track exchange of numbered vaults ▪ identifying and interpreting fare structure ▪ identifying altered fares ▪ identifying ticket security features
<i>Conducting an investigation</i>	<ul style="list-style-type: none"> ▪ assessing severity of situation and determine appropriate level of enforcement ▪ conducting 'first officer on scene' duties (such as, protecting the crime scene, attending to injured people, identifying witnesses) ▪ applying conflict resolution skills ▪ applying authorities to halt or prevent incidents ▪ initiating investigative files
<i>Gathering information</i>	<ul style="list-style-type: none"> ▪ recording security observations ▪ liaising with law enforcement and other agencies ▪ gathering evidence
<i>Attending court</i>	<ul style="list-style-type: none"> ▪ demonstrating proper court demeanor ▪ testifying as a witness in criminal processes

The above competencies and activities do not include the *overlay competencies* described below. The overlay competencies and activities are practiced constantly, often at the same time as the competencies and activities described above.

<i>Demonstrating professional conduct</i>	<ul style="list-style-type: none"> ▪ acting with professional ethics ▪ demonstrating proper dress and department ▪ maintaining healthy lifestyle including physical fitness
<i>Using effective communication skills</i>	<ul style="list-style-type: none"> ▪ preparing duty/patrol logs ▪ maintaining notebook to ideal standards ▪ preparing appropriate security reports ▪ using conflict resolution skills
<i>Practicing officer and public safety</i>	<ul style="list-style-type: none"> ▪ assessing overall security of situation ▪ exercising appropriate intervention consistent with role ▪ applying safety procedures as necessary ▪ assisting response person during emergencies ▪ responding to bomb threats ▪ applying established crowd control procedures
Practicing corporate responsibility	<ul style="list-style-type: none"> ▪ complying with corporate training requirements and policies/procedures ▪ following established corporate and departmental procedures and protocol

Relative Importance and Frequency of Competencies

Focus group participants were asked to determine the relative importance and frequency of the competencies. This information demonstrates the approximate amount of time participants feel is spent each year conducting the competencies (frequency). The relative importance of the competencies demonstrate how important the competency is in the overall mandate of TransLink security guards. The competencies used for the fare inspector positions are shown on Chart 4.

Chart 4: Relative Frequency and Importance of Security Guard Competencies

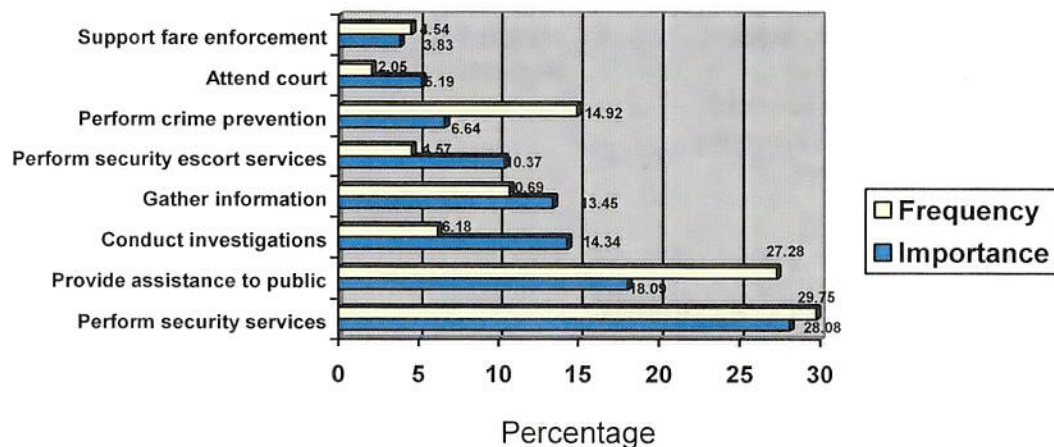


Chart 4 clearly demonstrates that security guards understand their mandate. *Performing security services*, *Providing assistance to the public* and *Conducting investigations* were ranked the most important competencies and together consume approximately 63% of their time. It is important to note that while the competency *Conducting investigations* is mentioned by special constables and fare inspectors, the level of investigation conducted by security guards differs. A TransLink security guard is very accessible to the public. The security guard must, to a limited extent, conduct an investigation in order to best assist the citizen or direct him/her to the appropriate agency. Chart 4 also indicates that security guards spend approximately 15% of their time *Performing crime prevention functions*. This competency differs from that normally conducted by individuals within the crime prevention unit. Security guards respond to requests by the public and focus group participants felt that this task was more appropriately placed within the crime prevention competency. Comparatively, individuals in the crime prevention unit organize and attend more traditional crime prevention initiatives such as school, youth and graffiti programs.

Changes in Security Guard Tasks Since 1993

Security guards participating did not report any substantial changes in their activities between 1993 and 1999.

Infrequently Performed Activities

The security guard task analysis chart indicates that focus group participants identified the following as activities they individually perform monthly or less:

- inform staff and management on personal safety and security issues
- provide security services for TransLink special events
- apply First Responder protocols
- contact appropriate support services (e.g. JPD or ambulance) when required
- identify situations involving possible intoxicants
- gather evidence
- demonstrate proper court demeanor
- testify as a Crown witness
- assist response person during an emergency
- respond to bomb threats as appropriate
- comply with corporate training requirements

Activities Unique to Security Guards

The review identified a number of activities unique to security guards such as:

- conducting en route surveillance of money truck
- identifying security codes and features for various locations
- recording and tracking exchange of numbered vaults

At the present time, security guards are responsible for collecting money from various transfer points and maintaining security of money en route to main vaults.

Profile of Security Guards

Seven security guards participated in the focus group session. The average service with TransLink (including B.C. Transit) was three years, with the range of service between 1.5 and nine years. A majority of the security guards reported no previous experience with transit implying that the security guard position may be an entry-level position, a fact confirmed by TransLink Security management. The only consistent pattern to the training security guards received was that six of the seven received first aid training. Five of the seven security guards received basic security, police or correctional officer training prior to their employment with TransLink.

Additional Activities Security Guards Wish to Assume

Security guards described a number of activities they wished to assume such as

- conducting fare inspection and enforcement (issuing violation notices)
- ticketing vehicles in bus loops
- receiving handcuff training and be issued handcuffs
- receiving Oleoresin Capsicum spray training and be issued O.C. spray
- receiving baton training and be issued batons

- being removed from accompanying the money truck to the vaults to following the truck in an unmarked unit

Many of the above requests for added responsibilities focus on personal safety issues (handcuffs, Oleoresin Capsicum spray and batons) however some are clearly speak to a desire for additional authority.

d. **Bicycle Patrol Competencies**

The bicycle patrol unit is a relatively new addition to TransLink Security. Essentially, bicycle patrol personnel are security guards on wheels with primary responsibility for patrolling the perimeter of TransLink properties and providing rapid-response capabilities in parking lots. The following is a brief overview of the competencies and activities conducted by bicycle patrol personnel (Appendix I) which is in addition to the responsibilities of the regular security guards discussed above:

Competency	Activities include but are not limited to:
<i>Conducting bicycle patrol</i>	<ul style="list-style-type: none"> ▪ demonstrating appropriate bicycle handling techniques ▪ conducting perimeter security checks, parking lots and adjacent sites ▪ educating the public on auto crime prevention measures ▪ providing mechanical assistance for vehicles (e.g. stranded motorists) ▪ providing escort services for passengers to their vehicles ▪ pursuing individuals off property
<i>Confirming a suspect</i>	<ul style="list-style-type: none"> ▪ identifying an offence and suspect ▪ evaluating enforcement options ▪ choosing appropriate disposition
<i>Arresting a suspect</i>	<ul style="list-style-type: none"> ▪ obtaining physical control of the suspect ▪ executing duties upon arrest (such as Charter warnings) ▪ demonstrating arrest procedures without warrant ▪ interviewing suspect (until JPD or special constables arrive)

Relative Importance and Frequency of Competencies

Focus group participants were asked to determine the relative importance and frequency of the competencies. This information demonstrates the approximate amount of time participants feel is spent each year conducting the competencies

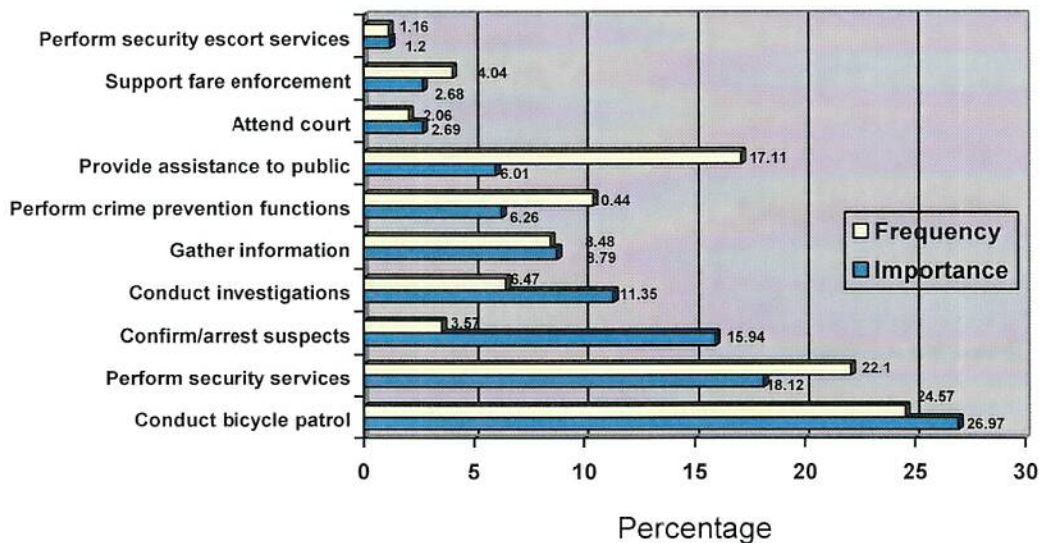
(frequency). The relative importance of the competencies demonstrate how important the competency is in the overall mandate of TransLink bicycle patrol staff. The competencies used for the bicycle patrol staff are shown on Chart 5.

Comparing Charts 4 and 5 illustrates the similar responsibilities of bicycle patrol staff and security guards. Competencies such as *Performing security services*, *Conducting investigations*, and *Providing assistance to the public* consistently ranked as either very important or done frequently. Essentially, bicycle patrol staff clearly recognize the security component of their job and, like security guards, the need to conduct preliminary investigations to better assist the public.

Changes in Bicycle Patrol Competencies Since 1993

The bicycle patrol did not exist in 1993 and therefore no historical comparisons can be made. Bicycle patrol staff have reported that some of their activities are curtailed because they cannot access the platforms because of labour issues. The labour issues also effect the ability of bicycle patrol staff to effectively communicate with each other as discussed above.

Chart 5: Relative Frequency & Importance of Bicycle Patrol Unit Competencies



Infrequently Performed Activities

The bicycle patrol task analysis chart describes a number of activities bicycle patrol staff complete monthly or less such as:

- identify security risks at job site and apply CPTED principles to crime risks
- inform staff and management on personal safety and security issues
- provide security services for TransLink special events
- pursue individuals off property (criminal offences and as requested by JPD)
- seize evidence
- maintain continuity of evidence
- interview victims
- contact appropriate support services (e.g. JPD, ambulance)
- identify offence and potential suspect
- evaluate enforcement options
- ascertain arrest powers from legislation
- comply with corporate training requirements
- obtain control of scene (e.g. apply physical control tactics)
- execute duties upon arrest
- conduct physical search of suspect
- confirm personal identification of suspect
- demonstrate arrest procedures without warrant
- demonstrate handcuffing procedures
- interview suspect (until JPD or special constables arrive)
- transfer custody to JPD or appropriate authority
- demonstrate proper court demeanor
- testify as a Crown witness
- refer media enquiries to appropriate departmental division
- assist response person during emergency
- respond to bomb threats

Many of the above listed activities are a consequence of making an arrest, which according to bicycle patrol staff is rare.

Activities Unique to Bicycle Patrol Staff

There are only two activities unique to bicycle patrol staff:

- bicycle patrolling (although crime prevention officers indicate they also conduct bicycle patrols, they do so very rarely)
- use two-way radios primarily to listen (other security staff are not as restricted as bicycle patrol staff)

Profile of Bicycle Patrol Personnel

Only two bicycle patrol staff members attended the focus group and both had 3.5 years service. One of the bicycle patrollers had previous work experience with transit as a fare box attendant and experience in the cash office. The only consistency in the training between the two bicycle patrollers was the bicycle patrol training. It appears that TransLink is relying on the training these people received with past auxiliary constable or deputy sheriff training to provide them with the necessary knowledge, skills and abilities to successfully complete their responsibilities.

Additional Activities Bicycle Patrol Staff Wish to Assume

Many of the additional requested responsibilities for bicycle patrol staff mirror those of security guards

- authority to pursue and arrest suspects on the SkyTrain platform
- ability to assist the public inside the stations
- ability to use SkyTrain facilities such as the washroom (apparently security guards have keys but bicycle patrol do not)
- improved ability to communicate with each other and other staff
- improved access to CPIC [Bicycle patrol staff reported that they occasionally accessed CPIC information for the purpose of determining whether a suspicious person attempting to enter a vehicle in a Park and Ride lot was in fact the owner. TransLink Security management were unaware of this practice.]
- perform broader fare inspection and enforcement responsibilities
- ability to conduct follow-up investigations

Again, the above list reflects a desire by bicycle patrol staff to expand into investigations and enforcement.

e. Crime Prevention Officer Competencies

The following is a brief overview of the competencies and activities currently being completed by crime prevention officers (Appendix J).

Competency	Activities include but are not limited to:
<i>Performing crime prevention functions</i>	<ul style="list-style-type: none">▪ attending requests for service from employees, passengers and members of the public▪ engaging in community relations activities▪ organizing and attend public information displays▪ educating staff and management on personal safety and security issues▪ applying CPTED principles where appropriate

<i>Providing security services</i>	<ul style="list-style-type: none"> ▪ maintaining high profile visibility ▪ carrying out low profile visibility functions in plainclothes ▪ providing protective services for employees ▪ providing advice and support to other security personnel ▪ conducting property security checks ▪ conducting “first security officer on scene” duties as appropriate ▪ participating in multi-agency committees (e.g. Burnaby School Liaison officers, Active Youth Network)
<i>Gathering information</i>	<ul style="list-style-type: none"> ▪ conducting mobile surveillance ▪ conducting photographic and video surveillance ▪ analyzing video surveillance tapes ▪ recording etching of SkyTrain windows ▪ liaising with law enforcement jurisdictions and agencies
<i>Utilizing investigative resources</i>	<ul style="list-style-type: none"> ▪ identifying incident details and potential disposition ▪ utilizing crime prevention unit resource materials
<i>Conducting fare enforcement</i>	<ul style="list-style-type: none"> ▪ identifying and interpreting fare structure ▪ identifying altered fares ▪ enforcing Transit tariff ▪ coordinating fare enforcement activities with security department and other agencies ▪ performing fare inspector duties [Crime prevention unit personnel stated that in addition to their other duties, they can conduct all Fare Inspector duties.]
<i>Conducting bicycle patrol</i>	<ul style="list-style-type: none"> ▪ demonstrating appropriate bicycle handling techniques ▪ conducting perimeter lot security checks (property boarders and off-property) ▪ educating public on auto crime prevention measures ▪ providing mechanical assistance for vehicles (e.g. stranded motorists) ▪ providing escort services to vehicles ▪ pursuing individuals off property (e.g. criminal offences and requests by JPD)
<i>Conducting random ride checks</i>	<ul style="list-style-type: none"> ▪ identifying unlawful acts of damage (e.g. graffiti) ▪ identifying disturbances on buses (aggressive

passengers, sex offenders, youth behaviour)

*Conducting an investigation
(post incident)*

- conducting pre-analysis of incident and assess jurisdictional responsibility
- conducting multi-agency investigation
- defusing difficult situations
- conducting routine and sensitive interviews
- preparing and maintaining investigative files

Gathering evidence

- preserving the scene
- recording observations and information
- taking statements
- maintaining continuity of evidence

Confirming a suspect

- identifying an offence and suspect
- evaluating enforcement options

Arresting a suspect

- obtaining physical control of the suspect
- executing duties upon arrest (such as Charter warnings)
- demonstrating arrest procedures with a warrant (using the Transit Conduct and Safety Regulations)
- taking written statements from young offenders
- interviewing suspect

Coordinating court process

- recommending charges
- testifying as a witness in criminal processes

*Providing assistance to the
public*

- providing information on fare structures, routes, safety
- providing information on transit resources
- applying First Responder protocols
- providing assistance to people with special needs

The above competencies and activities do not include the *overlay competencies* described below. The overlay competencies and activities are practiced constantly, often at the same time as the competencies and activities described above.

*Demonstrating professional
conduct*

- acting with professional ethics
- adapting investigative skills to sensitive situations (e.g. people with special needs, Ministry of Human Resources)
- demonstrating proper dress and department
- developing contacts throughout community

	<ul style="list-style-type: none"> ▪ maintaining healthy lifestyle including physical fitness
<i>Using effective communication skills</i>	<ul style="list-style-type: none"> ▪ using conflict resolution skills ▪ preparing investigative reports ▪ referring media inquiries to corporate communications ▪ conducting media interviews as directed ▪ consulting with schools regarding young offenders and children
<i>Practicing officer and public safety</i>	<ul style="list-style-type: none"> ▪ assessing overall security of situation ▪ exercising appropriate intervention consistent with role ▪ applying safety procedures ▪ assisting response person during emergencies ▪ responding to bomb threats ▪ practicing 'officer' survival
<i>Practicing corporate responsibility</i>	<ul style="list-style-type: none"> ▪ complying with corporate training requirements and policies/procedures • following established corporate and departmental procedures and protocol

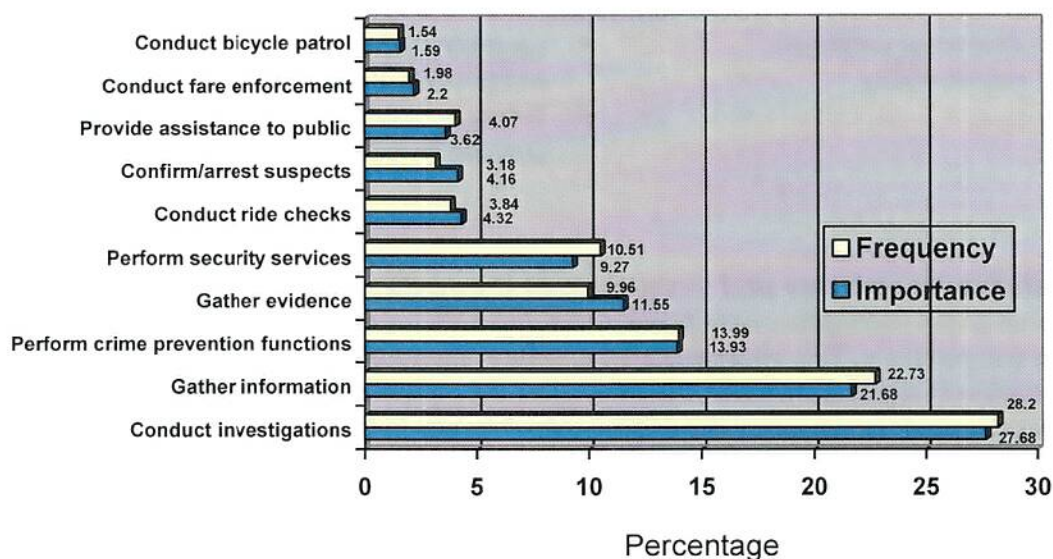
Relative Importance and Frequency of Competencies

Focus group participants were asked to determine the relative importance and frequency of the competencies. This information demonstrates the approximate amount of time participants feel is spent each year conducting the competencies (frequency). The relative importance of the competencies demonstrate how important the competency is in the overall mandate of TransLink fare inspectors. [Because overlay competencies are practiced all the time, they are not included here. The focus group decided that several competencies would either be amalgamated because they were very closely aligned or dropped from consideration because they were already considered very minor.]

Chart 6 demonstrates that crime prevention unit (CPU) members see themselves as investigators first and crime prevention officers third. Reviewing the frequencies for these competencies is added confirmation with *Conducting investigations* and *Gathering information* accounting for approximately 51% (increasing to 61% if *Gathering evidence* is added) of the time spent by CPU individuals. It is interesting to note that *Provide security services* ranked fifth most important taking up about 11% of CPU time. Essentially, CPU individuals conduct many of their activities in plainclothes and are often available to provide security services such as providing protective services for other employees and providing additional assistance to security guards. The competencies for the crime prevention officer positions are shown on Chart 6.

It is important to trace the development of crime prevention services in a general sense. A traditional notion of crime prevention in policing included any activity that might deter criminal behaviour. Therefore, general patrol activities were seen to be crime prevention. This belief was appealing, however other than in specific cases it is difficult to actually prove, and contemporary ideas about crime prevention have changed. Many police agencies today tend to view crime prevention as narrowly defined programs designed to combat and prevent specific criminal or social activities. Examples of contemporary programs include crime prevention through environmental design, neighbourhood watch, Counterattack and anti-speeding campaigns, and problem-oriented policing initiatives. Focus group participants acknowledged doing some of these activities but still considered general patrol as being a crime prevention function.

Chart 6: Relative Frequency and Importance of Crime Prevention Unit Competencies



The focus group participants stated that in addition to all their activities, they also can conduct the activities associated with fare enforcement and bicycle patrol although they admitted that these are considered of minor importance and take up very little of their time. As previously stated, the practice of one work group conducting the activities of another complicates the overall understanding of TransLink security.

Changes in Crime Prevention Officer Competencies Since 1993

Crime prevention officers reported doing more community-based work with schools throughout the various jurisdictions serviced by SkyTrain. Crime prevention officers are also becoming more involved in some forensic analysis, such as “etching.” [A new style of graffiti in which vandals use a sharp implement to etch their designs on the windows of the SkyTrain cars. These windows must be replaced because of safety concerns. Crime prevention officers trace and photograph the designs to assist in identifying the signatures of the “taggers” (graffiti artists) and to present as evidence in subsequent criminal trials.] Crime prevention officers also report an increase in meetings with bus operators to advise them on safety concerns.

Infrequently Performed Activities

Crime prevention officers identified a number of activities shown in their task analysis chart that they complete monthly or less such as:

- maintain high profile visibility
- engage in community relations activities
- organize and attend public information displays
- apply CPTED principles where appropriate
- provide protective services (e.g. employee protection)
- report identified breaches in security
- monitor for identified fire hazards
- conduct “first officer on scene” duties as appropriate
- participate in multi-agency committees
- identify fare structure
- identify ticket security features
- enforce TransLink tariff
- perform fare inspector duties
- demonstrate appropriate bicycle handling techniques
- conduct perimeter lot security checks
- educate public on auto crime prevention measures
- provide mechanical assistance for vehicles
- help reunite patrons with lost vehicles
- provide escort services to vehicles
- pursue individuals off property
- provide assistance to victims of crime
- conduct multi-agency investigations
- identify situations involving possible intoxicants
- preserve scene
- process evidence
- maintain continuity of evidence
- ascertain citizens’ powers of arrest
- obtain control of the scene (e.g. apply physical control tactics)
- execute duties upon arrest
- interview arrested suspect
- recommend charges as appropriate (e.g. *Criminal Code* and *Transit Regulations*)
- demonstrate proper court demeanor
- testify as Crown witness
- assist as directed with court liaison functions
- provide information on fare structures and routes
- provide information on transit resources
- provide information on services for people with disabilities
- help reunite separated parties
- apply First Responder protocols

The above list is expansive because crime prevention officers are occasionally conducting activities that are the primary responsibility of other work groups such as fare inspectors and bicycle patrol staff or security guards. Furthermore, many of the activities in the right-hand column are completed as a consequence of making an arrest and attending court, both considered very rare events.

Activities Unique to Crime Prevention personnel

There are a number of activities that are unique to crime prevention staff such as:

- engage in community relation activities
- organize public information displays
- record etching of SkyTrain windows
- participate in multi-agency committees
- provide expertise on graffiti
- identify disturbances on buses such as aggressive passengers, sex offenders and youth behaviour
- conduct media interviews
- consult with schools regarding young offenders
- identify unlawful acts of damage (e.g. graffiti, slashed seats)

According to crime prevention personnel, they play an important role in identifying security concerns occurring on the buses. In their capacity, officers can ride the buses in plainclothes to identify repeat offenders, track sexual offenders and gain intelligence on the types of offences committed against the transit system as well as when they are occurring and who might be responsible.

Profile of Crime Prevention Personnel

Two of three crime prevention personnel attended the focus group session although the third person provided profile data independently. Individuals had seventeen, seven, and three years of service respectively, and the average service was nine years. Crime prevention personnel had previous experience with transit including positions as fare inspector, fare collection escort, security guard, bicycle patrol, security clerk and transit information clerk. The only similarity in training these individuals received was "bicycle patrol for security".

Additional Activities Crime Prevention Staff Wish to Assume

The following is the sole activity crime prevention staff wishes to add to their responsibilities:

- ability to write violation notices

This request is consistent with all other Security Department staff interviewed for this review and demonstrates the overall desire by department staff to expand their responsibilities towards general investigation and enforcement.

10. Conclusion

The mandate for this report was largely focussed on determining the role of TransLink Transit Security in providing law enforcement services for the SkyTrain system in Greater Vancouver and their ability to provide these services within the current and possible structures. Although these questions are being asked in the context of an application by TransLink for enhanced authority under the *Police Act*, they are questions which would require addressing regardless of any such application. Indeed the issue as far as TransLink is concerned is not as much the application as the need for an expansion of policing from its present level.

TransLink is being asked, both directly and indirectly to, in essence, provide a police service to the transit system. This is demonstrated not only by the actual wording of the various memoranda and protocols, but also in what they are doing. Although occasionally couched in terms such as “initial response policing”, “law enforcement”, or providing service in a “support role”, TransLink’s activities reflect what we ask police forces in B.C. to do and it is difficult to view their role in any other light. In asking TransLink to provide this service, we recognize that the majority of police time is spent on order maintenance issues, whether crime prevention, dispute resolution, or simple uniform presence, rather than the “hard” enforcement of violation tickets and arrests, but it is when the need for more complicated enforcement issues arise that concern is raised over the activities of special provincial constables. The British Columbia Association of Chiefs of Police endorses what amounts to the *status quo*, with the addition of some authority to enforce drug laws and unclear warrant arrest guidelines. Maintaining the *status quo* with some additional authority does not, however, address the real issue: transit systems require dedicated policing, and not only has the need for policing services on SkyTrain been increasing, the types of services being provided by TransLink have also expanded over time.

The system will not receive the police service it requires unless TransLink provides or pays for it themselves. Additionally, in their view, the need is growing, and whether this is because of an increase in crime, a proliferation of drugs, stretched municipal resources, or a combination of these and other factors, they seek to address the growing need by asking for additional authority. The expansion of authority sought by TransLink, however, may only be a “Band-Aid” solution. Their role in providing police services would be no more clear with additional authority, and even with a heightened level of awareness by police departments of their activities, it is doubtful that they would be seen as an equal police partner. Simply giving more authority would also not address the organizational and training barriers discussed. A more coordinated approach to providing transit policing involving municipal police departments affected by SkyTrain, such as the Portland model, would remove some of the existing barriers and would assist in clarifying the police service provided to the public on the system.

TransLink makes a convincing case for the need for dedicated police services on the SkyTrain system. Their special provincial constables take pride in their work, view themselves as providing a police service and, speaking off the record, so do many of the police officers interviewed for this report. They are nevertheless neither security guards nor police officers, and many TransLink special provincial constables also see themselves as caught between the two functions despite the best efforts of their management to provide an effective service. The needs

of the public, and the requirement that the transit system and government provide effective policing will not be best served until a more coordinated approach is taken.

11. Acknowledgments and Personal Interviews

The author wishes to thank the many people and agencies who assisted with their submissions, comments, and observations, Darrell Kean and Associates Consulting Ltd. and Cst. Gil Puder for project research, and Luke Krayenhoff of the Police Services Division for project direction. I am grateful to the Transit Cooperative Research Program [The Transit Cooperative Research Program is a joint initiative of the United States Federal Transit Administration, the Transportation Research Board, and the Transit Development Corporation Inc., established by the American Public Transit Association] for supplying background information that has not yet been published but was made available for this report. Particular thanks are also due to the staff of TransLink Transit Security and Mr. Martin Bremer, Manager, for their assistance and willing participation.

Interviews were conducted for this project with the following persons either in person or by telephone:

Sergeant Steve Adkins, Metro Transit Division, King County (WA) Police

Bud Blount, Vice-President (Public Services Division), Wackenhut Corporation

Martin Bremer, Manager, TransLink Corporate Security

Phil Crosby-Jones, former Director, Police Academy, Justice Institute of B.C.

Staff Sergeant Rick Deets, District Commander, RCMP Surrey

Sergeant John DeHaas, President, B.C. Federation of Peace Officers

Clyde Earl, Director, Bus Transportation, TRI-MET

Sergeant John Eckhardt, TRI-MET Transit Division, Portland Police Bureau

David Fairbanks, Operations Security Liaison, Metro Transit Division, King County (WA) Department of Transportation

Inspector Ken Handy, Operations Officer, RCMP Burnaby

Ron Hughes, Regional Director, Security and Emergency Preparedness, Transport Canada

Bob Hull, former Director, Police Academy, Justice Institute of B.C.

Greg Hull, Manager, Operations Safety and Security Programs, American Public Transit Association, Washington, D.C.
Staff Sergeant Dave Jones, New Westminster Police Service

Susana Katz, Director and Chief Inspector, Ministry of Municipal Affairs, Safety Engineering Services Division

Brian Kenefik, Marine Safety Inspections, Transport Canada

Allan Lowe, Railway Inspector, Ministry of Municipal Affairs, Safety Engineering Services Division, Railway Inspections

Captain John Mein, Manager Regional Operations, Transportation Safety Board of Canada

Sergeant Barb Morris, Vancouver Police Department

Ingrid Pipke, former Program Developer, Police Academy, Justice Institute of B.C.

Andy Ross, Vice President, Office and Professional Employees' International Union, Local 378

Sergeant John Seltzer, King County (WA) Police

Inspector Bob Taylor, Vancouver Police Department

Inspector Keith Thorn, Officer in Charge Operations, RCMP North Vancouver

Mike Walker, Chief Security Officer, Toronto Transit Commission

Larry Ward, Senior Vice President, Planning and Service Contracts, TransLink

Deputy Chief Constable Lorne Zapotichny, President, British Columbia Association of Chiefs of Police and New Westminster Police Service

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- *British Columbia Transit Act Transit Conduct and Safety Regulation*
- *Greater Vancouver Transportation Authority Act*
- *Greater Vancouver Transit Conduct and Safety Regulation*
- *Police Act*
- *Private Investigators and Security Agencies Act*
- *Railway Act*
- *Special Provincial Constable Complaint Procedure Regulation*

Revised Statutes of Canada

- *Canadian Transportation Accident Investigation and Safety Board Act*

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Appendix A

British Columbia *Railway Act*

Part 39 — Peace Officers

Power to appoint railway constables

255 (1) The commissioner of the Provincial police force and any inspector of the force may, on the application of the company, or the application of a clerk or agent of the company, appoint any person recommended for that purpose by the company, clerk or agent to act as constable on and along a railway owned or operated by the company.

(2) A person appointed under subsection (1) must take an oath or make a solemn declaration, which may be administered by any judge or official authorized to make the appointment or to administer oaths, in the form or to the effect following:

I, A.B., having been appointed a constable to act upon and along [name of railway], under the Railway Act, swear that I will well and truly serve our Sovereign Lady the Queen in the office of constable, without favour or affection, malice or ill will; that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace; and that while I continue to hold the office I will, to the best of my skill and knowledge, discharge its duties faithfully, according to law. So help me God.

(3) The appointment must be made in writing and be signed by the official making the appointment, and the fact that the person appointed by the written appointment has taken the oath or declaration must be endorsed on the written appointment by the person administering the oath or declaration.

Powers of constable

256 (1) A constable appointed who has taken the oath or made the declaration may act as a constable for the preservation of the peace, and for the security of persons and property against unlawful acts

(a) on the railway, and on any of the works belonging to it,

(b) on and about any trains, roads, wharves, quays, landing places, warehouses, land and premises belonging to the company, whether they are in the county, city, town, municipality, district or other local jurisdiction within which the constable was appointed, or in any other place through which the railway passes or in which it terminates, or through or to which any railway passes which is worked or leased by the company, and

(c) in all places not more than 1/4 mile distant from the railway.

(2) A constable appointed under this Part has all the powers, protection and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of offences, and for keeping the peace, as any constable duly appointed has within the constable's jurisdiction.

Dismissal of constable

257 The minister may by summary order, and the commissioner of the Provincial police force may by summary order, cancel the appointment of and dismiss any constable appointed under this Part.

Appendix B

SkyTrain Operating Certificate (*Railway Act*)

R A I L W A Y A C T

Chapter 354 R.S.B.C. 1979

I, ALEX V. FRASER, Minister of Transportation and Highways
of the Province of British Columbia, hereby certify:

- 1) THAT pursuant to the Subsection (2) of Section 3
of the "Railway Act", I declare that the following
provisions shall apply to BC Transit, head office
of which is located in Victoria, British Columbia,
with respect to its advanced light rapid transit
systems in British Columbia:

Part 1

Sections 1, 3, 4 and 5;

Part 12

Section 148

Part 15

Section 155 - except that portion of Sub-
section (1) of Section 155,
following the words "from the
Minister" in the second line;

Sections 157, 158, 159, 160 and 161

Part 16

Section 165

Part 17

Section 166

Part 18

Sections 167, 168 and 169

Part 19

Section 170

Appendix B continued

SkyTrain Operating Certificate (*Railway Act*)

Part 20

Section 171(3) and (4)
Section 172

Part 23

Sections 176, 177, 178 and 179

Part 24

Section 184
Section 185(d)

Part 25

Sections 208 and 209

Part 26

Section 212

Part 36

Sections 261, 263, 264, 265, 266 and 267;

Part 39

Sections 271, 272 and 273


Part 42

Sections 279 and 280

Part 44

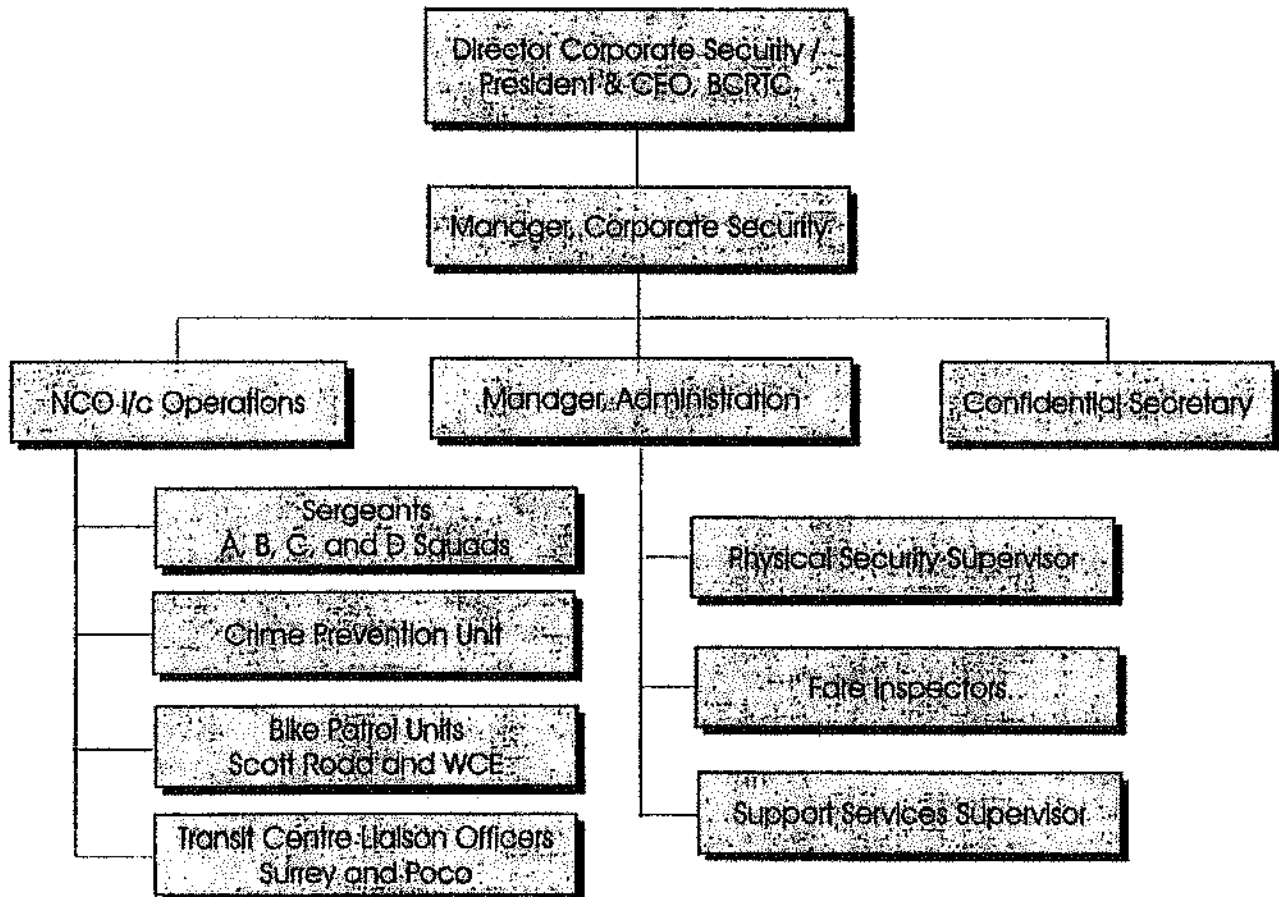
Section 287

IN WITNESS WHEREOF I
have hereunto set my
hand this 13th day of
September, in the year
of our Lord, one
thousand nine hundred
and eighty-four


Minister

Appendix C

TransLink Security Organizational Structure



Appendix D

Special Provincial Constable Appointment

Police Act Appointment as Special Provincial Constable

Greater Vancouver Transit Authority

Pursuant to Section 9 of the *Police Act*, I hereby appoint

[Name]

as a Special Provincial Constable in the Province of British Columbia.

The powers conferred are restricted to the performance of the duties of Greater Vancouver Authority Transit Security to preserve and maintain the public peace, and to ensure the safety and security of passengers and transit employees against unlawful acts, on or in respect to the ALRT System and related Greater Vancouver Transit Authority public passenger transportation systems. This authority shall be exercised only in respect of such duties and within such territory as may be assigned by Greater Vancouver Transit Authority Transit Security. For these purposes, the appointee is authorized to enforce the:

Criminal Code of Canada

Statutes of British Columbia

This appointment is effective on the date signed and ending on the [date], or on such date as the appointee ceases to be an active employee of Greater Vancouver Transit Authority Transit Security.

Appendix E

Contents of B.C. Transit Security Operations Manual

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- 1.2 Utilities – Dangerous Conditions

2. Incident Response and Investigation

- 2.1 Incident Response and Investigation Policy
- 2.2 Incident Response and Investigation Procedure
- 2.3 Accidents – General
- 2.4 Accidents – Rail
- 2.5 Accidents – Road
- 2.6 Accidents – SeaBus
- 2.7 Impaired Drivers
- 2.8 Internal Investigations
- 2.9 Labour Disputes
- 2.10 Missing Persons/Children
- 2.11 No Go's
- 2.12 Parking Enforcement
- 2.13 Pursuit Driving
- 2.14 Sexual Offences
- 2.15 Spousal Assault
- 2.16 Transit Act and Safety Rules
- 2.17 Vandalism
- 2.18 Firearms/Offensive Weapons

3. Arrest and Detention

- 3.1 Arrest Policy
- 3.2 Authority to Arrest
- 3.3 Use of Force
- 3.4 Arrest Procedures
- 3.5 Citizen's Powers of Arrest
- 3.6 Warnings and Statements
- 3.7 Prisoners

4. Seizure of Property/Evidence

- 4.1 Property and Evidence Policy
- 4.2 Drug Incidents
- 4.3 Liquor Seizures
- 4.4 Videotapes and Audiotapes

5. Court/Charges

- 5.1 Court
- 5.2 Charges

6. Young Offenders

- 6.1 Young Offenders Policy
- 6.2 Arrest/Detention of Young Offenders
- 6.3 Children Under Twelve
- 6.4 Interviewing Young Offenders
- 6.5 Statements and Records for Young Offenders

7. Patrol

- 7.1 Patrol Authorities and Responsibilities
- 7.2 Patrol Procedures
- 7.3 Patrol Coverage and Distribution
- 7.4 Patrol of Alarm-Monitored Facilities
- 7.5 Patrol of Bus Loops and Exchanges
- 7.6 Patrol of Park & Ride Facilities
- 7.7 Fare Inspection Unit

8. Communications

- 8.1 Radio Operations
- 8.2 Codes and Phrases

9. Reporting Requirements

- 9.1 Operational Reporting Requirements
- 9.2 Canadian Police Information Centre (CPIC)
- 9.3 SIRS System
- 9.4 Forms
- 9.5 Court Subpoenas and Reports
- 9.6 Use of Information

10. Dealing with the Public

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- 10.2 Assistance to Outside Agencies
- 10.3 Public Complaints
- 10.4 Crown Control
- 10.5 Communicable Diseases
- 10.6 Entertainers
- 10.7 Vendors
- 10.8 Public information Displays and Presentations

To obtain copies of the following appendices, please contact Police Services, Ministry of Attorney General at (250) 387-1751

APPENDICES F to J

Appendix F - TransLink Special Provincial Constable Task Chart

Appendix G - Translink Fare Inspector Task Chart

Appendix H – Translink Security Guard Task Chart

Appendix I - TransLink Bicycle Patrol Task Chart

Appendix J – TransLink Crime Prevention Officer Task Chart

OPERATIONAL

REVIEW OF

BRITISH COLUMBIA

TRANSIT SECURITY

AUGUST 1999

**PREPARED FOR POLICE SERVICES DIVISION
MINISTRY OF ATTORNEY GENERAL**

by KEN HIGGINS

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INTRODUCTION AND BACKGROUND TO THE REVIEW

A review of Translink Security was undertaken by the Police Service Division of the Attorney General's Department. One of the phases was to describe the level and quality of operational activities being conducted and this is what forms the report that now follows.

The operational review started on site on July 28th 1999 following a study of organisational procedures and requirements. These provided the criteria against which the nature and quality of operational work performed by the organisation would be assessed. The review would also look at what administrative systems and processes were in place and whether or not if all combined to deliver a reasonable level of performance. There were no personal performances being assessed.

The review was not tasked to make recommendations per se as the process was primarily intended to portray only what occurs within the organisation.

Two other reviews relating to the British Columbia Transit Service were conducted at the same time, a dimensional and job knowledge/training analysis relative to the future needs of the security staff, and an analysis of crime figures along the Skytrain corridor. All three phases were conducted separately by individual consultants and were the subject of separate reports.

The Operational Review conducted few formal interviews concentrating instead on the examination of working files and related documentation. Some field trips were conducted for the purpose of clarifying the layout of sites that were frequently referred to. Staff had been advised by memorandum of the review and the open invitation to informally meet the reviewer at any time. A number of shift work members did that.

The sampling method used generated a lot of requests for documents posing extra work on the Administrative Staff who never failed to provide all assistance possible and this was very much appreciated. Similarly the level of support and assistance from the Security Manager, Martin Bremer and his Management Team was excellent throughout and greatly facilitated the work of this reviewer.

Ken Higgins
August 31, 1999

OVERVIEW

Translink, formerly known as the Greater Vancouver Transit Authority (GVTA) will spend in excess of five million dollars (\$5,000,000) this year on the Translink Security organisation, the Special Constables, Support, Guards, Fare Inspectors, Bicycle Patrol, Support Staff vehicles and accommodations. The total number on staff is seventy-three (73), thirty-three (33) of them are Special Constables. The expansion of the SkyTrain Railway will generate a proposed increase in the numbers of overall positions. This breakdown does not include SkyTrain attendants who are a different labour entity and operate separately from Security.

Translink Corporation makes a sizeable investment each year in Special Constables and security positions as opposed to those dedicated to fare enhancement. Maximising the potential benefit of this investment so the work performed on SkyTrain is integrated effectively into the community strategy can benefit all involved.

Translink, (GVTA) Corporate Business Plan for 1998-1999 places emphasis on increased service to customers, cost containment and productivity improvements. There are seven strategic objectives for the GVTA all part of multi year plans. One of the seven is to ensure customer safety and security throughout the system. Eighty percent (80%) of the annual ridership is generated on the buses of which there are nearly one thousand with several hundred more due in the near future. Since 1992 and a Memorandum of Agreement with the Attorney General's Ministry, Translink Security has been directed to patrolling SkyTrain, the SeaBus terminals, bus interchanges (loops) and Park and Rides along the route. Two Special Constables now work as Liaison Officers in the Transit Centres (bus barns) to bring about increased attention to the problems arising on buses or the routes followed. The success of these positions so far has resulted in three (3) more positions being applied for and about which more is said under "Deployment".

The Operational Review found that, generally speaking, Translink Security was well organised, staffed and equipped for the tasks collectively undertaken, a conclusion reached after reviewing the overall security operation. There are, however, some aspects of the work performed, the equipment in place and policy and procedure that merit further discussion if that process is not already underway. These issues will be referred to briefly in this overview and in more detail in the body of the report and include: - Investigating Translink employees - Arrest for Obstruction - Recording Incidents/Reporting Crime - Radio Transmissions - Collective Agreement conflicts - Complaints from Citizens.

Operational procedures are detailed in a manual the content of which is referred to in the body of the report. There are training manuals for Fare Inspectors and Guards. There is no Administrative Manual as such but the various administrative positions have localised reference material for an incumbent's use. The filing and reference system for correspondence and related subject matters follows a standard format.

Over 350 operational files were read in their entirety, 200 identified by random sample, the remainder selected by offence category. For the most part the content of the reports was satisfactory, in some files the detail was rated good or better. One exception was the general lack of detail given as to the dialogue between special constables and citizen where the latter was arrested for obstruction and of which more is said in the body of the report.

Scoring incidents for the Incident Reporting Systems was very well done. Although this was not a UCR audit, the error rate was less than one percent overall.

During the course of reviewing the files several incidents of racial bias were noted, the bias or prejudice being expressed either between citizens in conflict or being alleged against a Translink employee, a bus operator for example, who is upholding a regulation. Given the growing concern about hate crime, it is suggested that Translink Security consider coding these incidents to allow retrieval of the data when required.

Translink Security have clear reporting procedures for documenting details of Found Property received from a citizen or returning property to a now located owner and obtaining a signature of agreement. This was not being followed but has since been addressed by Management.

Labour Management relations are cordial enough in the day to day working environment. There are, however, ongoing tensions over interpretations of the collective agreements and the vigilance with which the various union locals guard the work areas they see as mandated exclusively to them. For example: who can bid for shift assignments – who is allowed to issue tickets – who can conduct a fare blitz – who will hold keys to access equipment or secure areas – why bicycle patrollers are not to be allowed on to SkyTrain platforms – why a Translink employee applying to be a Special Constable would be hired with a lower qualifying score than someone from outside with a higher score.

Radio Transmissions are a problem for a variety of reasons – sensitive information, - prohibition on use of numerical codes due to a clash with railway terminology - restricted access in an emergency. The use of cell phones reduces the problem to some extent.

The work is performed efficiently in that it is done correctly according to in-house criteria. Whether or not the work is as effective as it could be is now very questionable. There have been two comparatively recent restrictive endorsements

to the Translink Security mandate, one banning the enforcement of on view Drug Offences, the other eliminating the arrest of parties wanted on warrants. The review of Translink coincides with new regulations being introduced that will reallocate or redefine the categories of work to be done by Special Constables and also re-register and classify the organisations to which they belong. Any activities seen as contrary to the public interest will be curtailed. Throughout Translink Security the loss of the drug and warrant enforcement is seen as counterproductive.

There is an urgent need for a standardised procedure that will delineate clear areas of responsibility for Translink Security and also the police jurisdiction(s) that become tasked with investigating any part of a citizen's complaint. The transition to the new legislation in 1998 has generated and continues to generate problems and lack of clarity on what must be done and by whom.

The job description for one Special Constable appointment quite openly includes investigating Translink employees. Not every allegation generates an investigation; some are classed as unfounded, while others are referred back to another part of the organisation. Human Resources, for example. The Jurisdictional Police become involved when an allegation appears to have substance. Assistance is provided to a JPD investigator as required. Given the mandate of the Translink Security (to Skytrain etc), assigning these corporation wide responsibilities to one of Special Provincial Constable positions is debatable.

SkyTrain serves millions of riders a year and provides service for more than twenty hours a day through four municipalities (five including SeaBus) and with expansion this will increase by two. Patrolling the SkyTrain line is comparable to walking the beat on a busy high street that is long and varied as to what it can generate in terms of people activity throughout the course of a day. It is a virtual kaleidoscope of characters concentrated into ever changing settings where some conflict is inevitable.

12,000 tickets were issued in the past year for non-payment of fare. Five hundred and thirty (530) of those people receiving a ticket were arrested during the process for obstructing a peace officer. Only thirty-five (35) incidents generated a related report to Crown Counsel, the vast majority of the fare violations having decided to provide the required personal information. Nonetheless that is still a ratio of violations to obstruction arrests of twenty-three to one (23:1) and sufficient to merit a review of policy and practices which Translink Security Management is now conducting.

Another in-house committee is currently reviewing use of force procedures, i.e. handcuffing and is expected to report in the early fall.

Translink Security Constables completed and submitted one hundred and fifty-eight (158) reports to Crown Counsel during the period under review and an additional ninety-six (96) supplementary reports sent where an officer from the JPD had submitted the original report to Crown. The range of offences included: Robbery – Assault Bodily Harm – Sexual Assault – Weapon – Vandalism – Theft – Possession of Stolen Property – Breach of Probation.

Translink Security defer to the JPD on investigation of a criminal matter. It would appear that the attending officer from the JPD makes the decision as to who will prepare the report to Crown.

There are a lot of challenges inherent to policing this sort of beat. Well-trained staff knowledgeable in the working of the systems must have pride in their role of keeping the line the best one on the Continent as far as public safety goes. There is a great deal

of organisational pride present within the Translink Security staff. Unfortunately, it is becoming muted due, largely, to the perception that their collective "policing" effectiveness is being reduced and their role reshaped for reasons that have little to do with the needs of the travelling public.

The key to successfully policing SkyTrain is public respect, respect for the laws and regulations that govern ridership and respect for the Special Constables who uphold them. The ability to deliver a safe environment for the ridership will be enhanced when policing of SkyTrain etcetera is accepted as a valuable part of the strategy for policing those larger community areas through which SkyTrain runs.

At present there is a great deal of fragmentation in the work performed by the jurisdictional police departments and Translink Security. As a result some crime occurrences are not recorded for Stats Canada purposes and information and intelligence exchange opportunities are not used.

Working protocols were signed in the mid 1990's with all the JPD's except Vancouver. Over a period of time the awareness of the provisions of these protocols is believed to have diminished in some quarters while some junior members of the JPD's are unaware of their existence. A copy of the protocol agreement with New Westminster Police Service is to be found at Appendix 4.

Patrol members of both the JPD's and Translink Security do not always completely understand each other's role. However, there have been sufficient numbers of working encounters along the line over the years to have produced compatible approaches to dealing with incidents.

As the population of the GVRD expands more and more people will be encouraged or even forced to take SkyTrain and other public transit options as the use of the car for commuting becomes less practical. Changing conditions require a new vision. The extent to which system expansion will necessitate a change in the policing vision will have to be determined. One thing remains certain. The policing strategy that is adopted for SkyTrain must contain a duly authorised response capability that can deal with the issues and the conflicts that present themselves in that environment on a regular basis.

SUMMARY OF COMMENTS

Mandate

Translink Security 1998/1999 Work Plan

(Page 15)

- At the time of preparing the 1998/1999 Business Plan obtaining a CPIC installation, enhancement of SIRS, providing useful information to JPD's the courts and the Attorney General and more effective crime analysis were some of the issues to be resolved. These issues have not been proceeded with to any appreciable extent. Others achieved greater success. The acquisition of portable computers to identify frequent violators for fare evasion is now proceeding. The move to paperless files for incidents of a minor evidentiary value, will be going ahead. The Surrey TCLO program also indicates increased bus driver participation in reporting parking (bus-zone) infractions
- Risks included; loss of productivity due to low staff levels and high overtime costs, releasing individuals on outstanding warrants, safety issues for Special Constables, reliance on unreliable data (crime picture) and embarrassment to senior management and Translink. (Media driven).
- Intra-squad communication is not frequent, Patrol Squads keep in touch via the shift end reports. The Physical Security section will generate a bulletin on fare fraud, for example. Awareness of the hot spots that develop (some appear permanent) are all part of the considerable local knowledge possessed by the Constables, similar to constables walking a high street beat. Improving the exchange of information between Translink Security and the JPD's should be considered.

Administration

Court Liaison

(Page 17)

- Crown's opinion on fare evasion offences varies from municipality to municipality. Similarly assaulting a bus driver with a laser beam bounced off an interior (bus) mirror also has mixed reception. All Violation tickets for transit offences go to traffic court in Vancouver. All other offences charged, including Provincial Appearance Notices for fare evasion, now go to the jurisdiction where the offence occurred. Crown's knowledge of the *Transit Act* and the numerous ways to avoid fare payment also varies considerably. Transit regulations are not well known to Crown Counsel with prosecutorial difficulties arising.

Racial Bias Incidents

(Page 18)

- It could be of value to record when an incident contains a demonstrated element of racial bias towards a party, particularly if the recipient is an employee.

A good system (SIRS) plus a meticulous attention to detail by the administration staff concerning Exhibit Control, RTCC's and Subpoenas etcetera, merits a high rating for work standard and accuracy.

Radio Transmission General

(Page 19)

- Translink Security have an operational need for dedicated air time when necessary. The present system does not allow this and matters will only deteriorate as incidents and related radio broadcasts increase with system expansion.

Human Resources

(Page 21)

Recruitment Selection of Special Provincial Constables

- The in-house union local to which some Translink Security members belong presses hard for the selection of their member or members if they have achieved in excess of the minimum acceptable score. There is more than one union within Translink. If a member from another union achieves a higher score this applicant must, nonetheless, be bypassed in favour of one from the Translink Security local, albeit with a lower score. Agreement was finally reached on establishing eligibility for in-house candidates approved for possible engagement. This was a big step forward but has generated disagreements between Translink Security Management and the Union particularly over how long it is to remain effective.
- The in-house selection process has generated six grievances in the past, none of which went to arbitration.

Sky Train Attendants

(Page 22)

- SkyTrain attendants are a distinct and separate entity. There are approximately twenty-two to twenty six on duty along the line during each shift, most attached to stations and a few mobile.
- The relationship between SkyTrain attendants and Special Constables is somewhat of a paradox. When assisting each other with problem people or Fare Blitzes the relationship is positive. If there is a perception that work territory is being encroached upon the proposed activity is resisted. Issuing a key to Special Constables to unlock a connecting door between SkyTrain cars is denied as the SkyTrain attendants insist the activity is theirs exclusively. Therefore no key.
- SkyTrain attendants claim to check in excess of 500,000 tickets every month. Fare Inspectors claim 15,000 and Provincial Constables are a distant third. However, it must be remembered that the Constables write over one thousand tickets each month from the checks they make. Fare Inspectors and SkyTrain attendants cannot do this.

CPIC

(Page 25)

- The question of whether or not the change of title from BC Transit Police to Translink Security would have cancelled the Category 2 status given in the 1991 correspondence has never been asked. Suffice to say the protocol or contract for CPIC work agreed to with New Westminster Police Department appears to be the prerogative of the Chief Constable if satisfied that CPIC policy in general regarding confidentiality and dissemination of information is complied with by the recipient.

Operations

Crime Prevention Unit

(Page 31)

- The role of non-sworn security personnel performing surveillance work on reported crimes attracts some criticism within Translink Security. In an ideal world this is seen as an assignment for Special Constables. Due to the evolutionary history of the present system, however, it is acknowledged that something has to be provided for the rest of the transit system when the jurisdictional police service will neither attend nor follow up.

Physical Security Supervisor

(Page 32)

- Internal investigations – BC Transit employees were suspected of involvement in fourteen cases and this led to twelve investigations, nine of which included CPIC checks. The jurisdictional police department was notified in forty-two of the incidents and sanctioned the Physical Security continuing an investigation role in twenty-seven of them.
- Closed circuit television provides extensive coverage of the ALRT operations but the primary function of the system is to ensure the trains keep running. Translink Security feel strongly that a position(s) dedicated to monitoring the system for security and prevention benefits would be very productive. This would require a doubling of the console monitoring capability as well as negotiating a “different” unionised job into that work site. Nonetheless with the expanded system now imminent and requiring an expanded monitoring facility it is probably timely to explore the options – monitoring trains plus monitoring the stations.

Operational Procedures

Intelligence

(Page 36)

- There is a lot of information useful to police agencies contained within SIRS. The system records observed events that might not rate as a crime but certainly identifies people for the record (tickets) and also associates of those who get in conflicts (fights) or disorderly conduct as a group requiring intervention by the Special Constables. There are very very few requests by JPD's to see what offenders or violators are known by name and address to Translink Security.

Operations Manual

(Page 37)

- Generally speaking the operations manual is comprehensive and well laid out. There are a couple of omissions. For example, Incident Investigation contains no reference to thefts of fare media and related procedures for enhancing a united response and case preparation. Granted there are problems in proving a possession of stolen property charge for reasons referred to previously. Nonetheless, as this is a significant problem for Translink and plainclothes enforcement operations are also carried out, evidence requirements for this particular type of offences would be a useful addition to consider.

Arrest Procedures

(Page 38)

- The curtailment of the practise of arresting those wanted on outstanding warrants has raised operational frustration, embarrassment and also a perceived loss of credibility for the Special Provincial Constables. Delaying a decision to charge or release for obstruction, as previously outlined, is, nonetheless, an assumption of potential liabilities that will not be supportable in the event of a legal challenge. This will most likely occur when there has been a lengthy delay in the arrival of the local police to effect transportation on the obstruction charge.

Incident Reporting S.I.R.S.

(Page 40)

- To appreciate the value of the Translink Security data all entries must be considered and not just the smaller number with the highest evidentiary content. To understand what happens on the trains, at the stations and interchanges and on the buses the full range of occurrences has to be considered. Some do not disclose a source of reliable verification. Others, however, disclose all the elements of a crime having been committed but these do not become a JPD statistic.

Questionable Attributions to Sky Train

(Page 42)

- The figures certainly support the contention that a lot of incidents that should be recorded and scored by the JPD's are not. Translink Security defers totally to the JPD exercising their prerogative to investigate, or not, and if they do not the offence is never recorded for statistical purposes.
- Multiply this throughout twenty ALRT stations and the result is a strong indication that an accurate record of what occurs is not being compiled due to an unnecessary fragmentation of effort. The citizen (Victim) meanwhile is probably quite convinced he or she did make a report to the police.

Robbery (no weapon)

(Page 47)

- The arrest of a suspect on more than one occasion demonstrated a slickness of operation that can only be acquired by thorough extensive knowledge of the ALRT system. For example, Special Constables converge from adjacent sectors with a Summary of Comments
- quicker response time than would have occurred with a patrol car. A devious suspect had changed trains to avoid detection but was still identified and apprehended. And all the while the system kept trains moving.

Obstructions of a Peace Officer

(Page 49)

- Giving false particulars is certainly a good indication that the citizen is intent on avoiding due process. It does not prove the party intends to take flight or fight. Translink Security policy allows handcuffing at the discretion of the arresting constable.
- The reason why so many citizens either ignore the constable's requests or respond with falsehood should be considered.
- Of the thirty files reviewed all but one obstruction charge was abandoned at the scene once identification was established satisfactorily. Sometimes the abandonment of the charge was not simultaneous with establishing the correct identity of the person. If a warrant was in effect, the decision to abandon the obstruction charge did not occur until the police of local jurisdiction arrived. Coinciding with that arrival came the decision to abandon the obstruction charge leaving the party to be taken away by local police to have the warrant taken care of.
- The need for making an obstruction arrest was never questioned by the Road Supervisor but on more than one occasion it was queried by the Operational Supervisor who required further details.

- From the five hundred and twenty-six arrests thirty-five cases of obstruction led to a Report to Crown Counsel.

Incidents of Obstruction and Handcuffing

(Page 51)

- The arrest of a suspect on more than one occasion demonstrated aslickness of operation that can only be acquired by thorough extensive knowledge of the ALRT system. For example, Special Constables converge from adjacent sectors with a quicker response time than would have occurred with a patrol car. A devious suspect had changed trains to avoid detection but was still identified and apprehended. And all the while the system kept trains moving.

Offences Against Property

(Page 52)

- The reports were of high quality and did not, apparently, generate any returns from Crown. Of interest was the level of expertise demonstrated by the Special Constable when describing the background of a particular “tag”. This expertise is requested by JPD’s to assist in prosecuting other cases of vandalism.

Reports to Crown Counsel

(Page 54)

- Based on the files reviewed, Translink Security members demonstrate consistently the job knowledge, skills and abilities necessary to write an acceptable investigation and Crown report on: Robbery- Assault – Sexual Assault - Assault Peace Officer – Obstruction – Disturbance – Possession of a Weapon.

MANDATE

Mission Statement

The primary responsibility of Translink Security is set out in the mission statement:

The department is first and foremost committed, in full co-operation with the local law enforcement agencies, to the maintenance of public order and to the creation of a secure, safe Transit and working environment for Transit passengers and employees.

Goals and Objectives

The goals and objectives of Translink Security are to:

*Respond to all calls for assistance from BCT passengers and employees
Enforce the provisions of the BC Transit Act and the BC Transit Conduct of Safety Regulations
Investigate all provincial statute and Criminal Code Offences in an initial response mode, in full co-operation with, and in support of the local JPD
Design and implement safety and security programs that will enhance the safety and security of passengers and employees*

Ref.: Operations Manual, March 1998

Organisational Structure

The structure of Translink Security is to be found at Appendix A. The Manager of Security, Martin Bremer, is the senior position on site at 307 Columbia Street Headquarters with the Administration Manager (Bob Kind) and the Operations Supervisor (S/Sgt Ken Allen) reporting directly to him. The Director of Security for Translink, Mr. Larry Ward, is based at the Gateway Office in Surrey.

B.C Transit Security (BCTS) was a division of BC Transit Corporation (BCT), responsible for public Transit in BC. This has now become Translink. Translink operates public transportation systems in the Greater Vancouver Transit area.

Roles and Responsibilities

BCTS provides a security and initial response law enforcement service to those public passenger transportation systems operated by BCT in the GVRD, which include:

- *A rail Transit system (SkyTrain) extending from Burrard Inlet in Vancouver through the municipalities of Burnaby, New Westminster and Surrey.*
- *A passenger ferry service (SeaBus) crossing Burrard Inlet from Vancouver to North Vancouver*

- *A bus and trolley service throughout the GVRD, connecting with SkyTrain, SeaBus and the West Coast Express.*

Ref. Operations Manual, March 1998

The 1998/1999 Translink Security Business Plan profiles the mandate and structure of Translink Security together with the services provided as follows:

The Transit Security Department has a mandate to provide a secure and safe transit system for passengers and employees. BC Transit Security in full co-operation with local area law enforcement agencies and other BC Transit Departments through a combination of different strategies and programs strive to ensure the creation of a secure and safe environment for passengers and employees.

The Department has six separate components resources: Special Provincial Constables (SPC) for SkyTrain, Fare Inspectors, Crime Prevention Unit, Scott Road and West Coast Express Park and Ride Bike Patrols, Physical Security (investigators and static/revenue guards), Support Services.

In 1997/1998 the Department operated with a compliment of 83 personnel, comprised of FTE's, PTRs and casuals. The department is located at 307 Columbia Street, New Westminster.

Products and Services were described as: investigating violations of the Criminal Code of Canada and Provincial statutes, foot and mobile preventative patrol of the SkyTrain corridor, fare checking, liaising with jurisdictional police agencies to provide security as needed for special events, investigation of offences against bus operations and bus employee/passengers and liaising with police on these matter, investigation of employees where criminal behaviour is suspected or where service violations of Corporate policy have occurred.

The services are provided for: the travelling public and corporation employees, other BC Transit departments, multiple jurisdiction police agencies, provincial courts and provincial government departments.

In 1997/98 the Department operated with a budget of \$4,458,611

Ref., Translink Security 1998/99 Business Plan

Translink Security 1998/1999 Work Plan

The 1998/1999 Work Plan outlined the anticipated results:

The objectives for BC Transit Security will be to continue concentration on reduction of fare evasion through increasing efforts in the area of fare checking and increasing the

number of violation tickets issued where warranted; by providing greater visibility of uniform staff and streamline/enhancing current information management process through the gathering/collection of current, accurate and on-line available data.

*The 1998/99 budget has been set at \$4,487,000 *. The increased cost is directly related to an inflationary increase only with no additional funding for an increase in personnel resources. The primary goal of this department funding will be directed to greater visibility by all uniform security personnel together with taking a more proactive approach in resolving some of the security problems in the Greater Vancouver regional transit system.*

- **The 1999/2000 budget will probably exceed five million dollars (\$5,000,000)*

Annual Reports were discontinued in 1995. Similarly, short-term operational plans requested from the squads are not submitted as a routine requirement. Management's response to this is as follows:

Employees are frequently engaged in the development of specific initiatives: i.e. Ops. Manual. The development of operational goals at the squad level is hindered due to the constraints of collective agreement sign up entitlements. SPCs have the ability to move from squad to squad for three-month terms. If goals are developed at the squad level which would be the most desirable individual SPC's may not be involved in pursuing goals they have helped to define. The result of course could be a lack of commitment to the goal.

Likewise supervisors are not assured that they will be supervising the same employees for more than a 3-month period.

Effective January 1st, 1997 the Security Incident Reporting System (SIRS) was implemented. SIRS will allow for analysis of operational data by a variety of time parameters and will support the goal-setting objective once a useful database has been established. More general goals such as patrol person hours, number of VT's etc. are set annually and are tracked monthly. Transit management and supervisors are provided with monthly progress reports:

What is measured by an organisation is usually a good indicator as to what activities are to be regarded as important by the employees. The activity is important in that as it is to be measured it is important to do a lot of it.

Performance Indicators

The key performance indicators listed in the 1998/1999 Business Plan were as follows:

Operational performance levels that are monitored and measured on a monthly basis are:

- a. Patrol hours of SkyTrain/SeaBus by Special Provincial Constables*

- b. *Fare checking (person hours on boards) by Special Provincial Constables*
- c. *Violation tickets issued by Special Provincial Constables*
- d. *Special Provincial Constables person hours for crowd control at BC Place/Stadium events*
- e. *Incident records created by Security Department*
- f. *Total available fare inspector person hours*
Total fare inspector hours assigned to audit process
- g. *Annual fare audit hours completed by fare inspectors*
- h. *West Coast Express audit/enforcement hours completed by fare inspectors*
- i. *Security investigations conducted by fare inspectors*
- j. *Participation in police/public crime prevention program*
- k. *Investigation incidents at Surrey and Poco Transit Centre by Liaison Officers*
- l. *Incident records created by physical security*
- m. *Incident records created by crime prevention unit*
- n. *Incident records created by West Coast Express bike patrol*
- o. *Incident records created by Scott Road bike patrol*

Items (i) and (o) are no longer applicable.

A Management report for the year ended April 1, 1999 gives the following results for targeted activities: -

<u>Activity</u>	<u>Target</u>	<u>Achieved</u>
SkyTrain/SeaBus Patrol Hours by SPC's	35,000	43,000
Fare Checking (Hours)	5,200	7,200
Violation Tickets *	9,000	12,600
Audit Hours (Fare Inspectors)	1,100	855
Prevention Files (CPU)	350	286
Physical Security (All Files)	450	457
TCLO Files (Coquitlam)	150	240
TCLO Files (Surrey)	330	970
Scott Road Bike Patrol	450	259

- At \$46 per paid ticket, if all were paid, this enforcement would raise over \$500,000 in provincial fine revenue

Comments

- At the time of preparing the 1998/1999 Business Plan obtaining a CPIC installation, enhancement of SIRS, providing useful information to JPD's the courts and the Attorney General and more effective crime analysis were some of the issues to be resolved. These issues have not been proceeded with to any appreciable extent. Others achieved greater success. The acquisition of portable computers to identify frequent violators for fare evasion is now proceeding. The move to paperless files for incidents of a minor evidentiary value, will be going ahead. The Surrey TCLO program also indicates increased bus driver participation in reporting parking (bus-zone) infractions
- Risks included; loss of productivity due to low staff levels and high overtime costs, releasing individuals on outstanding warrants, safety issues for Special Constables, reliance on unreliable data (crime picture) and embarrassment to senior management and Translink. (Media driven).
- Intra-squad communication is not frequent, Patrol Squads keep in touch via the shift end reports. The Physical Security section will generate a bulletin on fare fraud, for example. Awareness of the hot spots that develop (some appear permanent) are all part of the considerable local knowledge possessed by the Constables, similar to constables walking a high street beat. Improving the exchange of information between Translink Security and the JPD's should be considered.

ADMINISTRATION

An Administration Manager is responsible for; Human Resource issues, Labour Relations, Information Management, Budget, Records, Freedom of Information requests, Buildings, Fleet, Equipment, Contracts i.e. CPIC.

INFORMATION AND RECORDS

Freedom of Information

Translink Security follows the lengthy and detailed policy and procedures of Translink. Organisationally it is rated high risk in terms of probably encountering F.O.I. requests. In addition Translink Security has to be mindful of any information on file from a police organisation that is subject to a Third Party disclosure rule

Policy and Procedure covered in a General F.O.I. File

Requests are processed through the Translink FOI section. There have been twenty-two (22) FOI requests thus far. Thirteen (13) have been from current employees or recent ex-employees; four (4) were related to complaints from citizens, and five (5) were requests from citizens for information on fare evasion rates, past complaints in general.

Translink Security maintains a complete copy of all material sent for each request to the Translink FOI sections. This is now starting to occupy a large amount of shelf space.

Exhibits

Translink Security maintain a secure area for the storage of exhibits. A motion detector triggers a silent alarm to an offsite alarm company. The Court Liaison Officer position retains the control access key to the Exhibit Locker and Key Drop box. A log book and exhibit report ledger is maintained.

Exhibit shelves are clearly laid out and numbered. Videotape exhibits, and there are lots of them, are stored in a separate locker. A random selection of seven Incident reports that included exhibits was compiled. Each exhibit was located without difficulty and tallied with the on site documentation.

E. Division RCMP is tasked with collecting certain exhibits, forged banknotes, drugs as found property (for example, a four-day supply of methadone). The pick up occurs infrequently, the methadone having been on site since June 22nd (now August 3rd), drug offences are no longer enforced by Translink Security but drugs as Found Property are still reportable incidents. The Exhibit Room has no additional ventilation. This could pose a problem if a quantity of pungent marijuana (as has been found in the past) had to be stored on site for a lengthy period.

Court Liaison

A Court Liaison Officer position is tasked with facilitating attendance of members at any of the courts within the various jurisdictions. The position also liaises with the JPD's and Crown Counsel, makes document pickup, arranges exhibit collection with the RCMP and processes subpoenas involving any Translink employee.

There are some challenges to this work due to the variations in procedure from one jurisdiction to another. The introduction of JUSTIN has posed some unanswered questions as to Translink Security's involvement and access. This position would benefit from improved access to JPD case records, tracking, disposition etcetera given the high level of involvement with Crown Counsel reports and follow ups.

The Crown Counsel Liaison Officer deals with questions from Crown Counsel on cases submitted. The queries arrive by different routes, some direct to Translink Security from Crown, others via the jurisdictional police department. There is no daily pick up of mail from JPD's so a query from Crown can await response for a number of working days which does not make for a prompt reply.

Comments:

- Crown's opinion on fare evasion offences varies from municipality to municipality. Similarly assaulting a bus driver with a laser beam bounced off an interior (bus) mirror also has mixed reception. All Violation tickets for transit offences go to traffic court in Vancouver. All other offences charged, including Provincial Appearance Notices for fare evasion, now go to the jurisdiction where the offence occurred. Crown's knowledge of the *Transit Act* and the numerous ways to avoid fare payment also varies considerably. Transit regulations are not well known to Crown Counsel with prosecutorial difficulties arising.

Subpoenas

The Court Liaison Officer position processed four hundred and seven (407) court notifications/subpoenas for Special Constables during the review period. An additional sixty-nine were processed through Translink for other employees, e.g. Bus Operators. This can be time consuming. The Traffic Control Liaison Officer positions as they come on line are seen as being helpful in reducing this particular aspect of the workload.

A file is updated when a subpoena is received and forwarded and also when the case is concluded. A coded disposition now shows if a special constable testified or attended court and did not testify.

Records

Generally speaking Translink Security follows the RCMP system for file retention. Files are kept on site for two years before being moved offsite to Translink records

warehouse facility. Citizen complaint files are kept on site at 307 Columbia Street, New Westminster.

The Translink Security filing room is secured by card access which is restricted to a small number of employees. It houses a fireproof safe for confidential material. The files are organised into the following areas: ~ Bulk Files – Incident Reports – Still Active Files (from 1992). A four-section fireproof safe contains files relating to: -Complaints against Special Constables – Complaints against other members of Translink Security – Back up tapes for SIR System. The back up tape, removed each Friday, is stored off site.

Violation Tickets.

Violation Tickets are filed by date of occurrence in a given month in a particular zone, i.e. all violations recorded in Surrey for February. The data is further broken by gender, age if appropriate (YOA) and offence category. If a violation is disputed on receipt of the subpoena to the Translink Security Special Constable, the ticket is removed from the background file and re-referenced to a new file. This generates a continuation report by the Court Liaison Officer regarding the notification.

Some minor incidents, usually of a medical nature are also filed in small batches. Incidents of this nature are often reported by a SkyTrain attendant and cover events such as, fainting, falling, jumping over the staircase to a hard landing on the platform below, a moth in a riders ear passage (requiring hospitalisation to remove it).

File maintenance in general was of a very high order. Outcome codes, for example, were matched by the file content and text. The files showed clearly the extent to which a JPD was notified and attended, notified with no attendance or not notified at all. The same was shown for Translink Security participation. Information only reports were clearly designated. There were only two files which were assessed as being more inter-corporate correspondence as opposed to an incident.

Racial Bias Incidents

In the review process several of the files examined contained clear evidence that the event occurred because of racial prejudice or bias on the part of one or more parties. The most frequent location was on a bus. In some instances the bus operator was the recipient of the abuse, usually verbal in nature. On other occasions passengers confronted each other and racially based insults accompanied the disorderly behaviour or fighting.

Comments:

- It could be of value to record when an incident contains a demonstrated element of racial bias towards a party, particularly if the recipient is an employee.

- A good system (SIRS) plus a meticulous attention to detail by the administration staff concerning Exhibit Control, RTCC's and Subpoenas etcetera. merits a high rating for work standard and accuracy.

PREMISES/FLEET EQUIPMENT

Premises

Translink Security are located at 307 Columbia Street, New Westminster, in premises owned by the corporation and renovated for Translink Security at a cost of over one million dollars.

The main floor provides over ten thousand square feet and the mezzanine could provide an additional fifteen hundred square feet. Overall there is in excess of twelve thousand square feet of useable space. New Westminster Police Service stores police bicycles at 301 Columbia Street.

Until the last week of August 1999, Translink Security vehicles (fleet and staff) parked in a securable lot adjacent to the security building. The construction of the SkyTrain extension has closed the lot, however, alternate arrangements are now in place at nearby lots.

Radios, Cell phones etc.

Radios, cell phones, pagers, body armour, fleet maintenance and related records etcetera, are administered by the Court Liaison Officers position as part of the Administration section.

Radio Transmissions General

Radio Transmissions routed via B.C. Transit or Skytrain frequencies go through control centres where the personnel are not security cleared. Procedure emphasises the requirement not to involve these centres in any CPIC related information, members being required to contact the jurisdictional police department directly.

The system has access to both Buses and SkyTrain Channels. Buses are 1-8 and SkyTrain 9 & 10. For the most part Special Constables stay on the SkyTrain frequency which allows automatic switching between the two channels even though one member can be in the East zone frequency while the other is in the West zone call frequency.

Restrictions apply when Translink Security uses the SkyTrain channels; "10-4" for example, is not allowed neither are any of the "10" code signals. The use of the words "go" or "go ahead" are also banned. This being due to possible confusion arising over a required movement for the trains. Most of the radio traffic required is on the SkyTrain frequencies. The mix of radio traffic is not a good one. The Bus Channels have a TAC

channel capability for each of its zones if needed. The SkyTrain can also designate radio channel as restricted to emergency related transmission. Translink Security radio traffic not related to the emergency can be redirected to other channels for the duration.

Cell phones

The shift supervisor has a cell phone and there is one cell phone for each patrol zone, which usually means a cell phone is shared between two constables patrolling together. Pagers are also administered from this section. Distribution for both cell phones and pagers approximates the allocation of vehicles.

Comments:

- Translink Security have an operational need for dedicated air time when necessary. The present system does not allow this and matters will only deteriorate as incidents and related radio broadcasts increase with system expansion.

Body Armour

Body Armour is issued that meets RCMP standards. Replacement dates are on file.

Vehicle Fleet

There will be 18 vehicles in the fleet when those ordered for the Transit Control Centre Liaison Officer arrives. The fleet includes three recent model Crown Victoria (police version), two marked and one unmarked. All three are cage equipped. Taurus (5), Tempo (2), Van (2), Lumina (2), Grand Am (1), compose the rest of the fleet.

These vehicles are assigned variously to Physical Security, TCLO's, Fare Inspectors, Crime Prevention Unit, Court Liaison/Administration, Constables East and West, Supervisors, Manager, Bike Patrol (van), Maintenance is contracted within Translink.

Each vehicle has an extensive emergency kit. Cost per vehicle is in excess of three hundred dollars.

HUMAN RESOURCES

All staffing issues are controlled by Translink (GVTA) and administered through the Gateway Office in Surrey. Personnel records are also kept at the Translink Security office in New Westminster but it is proposed to discontinue this practice.

Recruitment Selection of Special Provincial Constables

Since 1993 Translink Security has developed and followed a two-track selection model that allows recruitment from within Translink and also from outside applicants. In an organisation of four thousand five hundred people it is thought interest, aptitude and even related past experience can be attracted.

The other source of recruitment is from applicants who have recent police experience, (Municipal or RCMP within past 12 months, three years service in BC). The latter category of applicants are authorised for appointment to Special Constable by Police Services branch in Victoria subject to their past history being deemed acceptable.

Applicants from within Translink have the right to compete for any job covered by their collective agreement. The collective agreement also allows non-selections or non-hiring to be grieved. All applications go to the Translink Human Resource Department where Managers sort and shortlist based on collective agreement criteria.

Since 1995 Translink Security has developed and financed selection and a training model now in place. The goal is to attract and develop quality personnel. The process includes written test, P.O.P.A.T., J. I.B.C. Assessment Centre, interview, background check, and medical. The interview board includes Translink Human Resource personnel, Translink and the Manager of Translink Security. Of the last eighty-three (83) applicants for seven (7) positions, twenty four (24) candidates went through to the assessment centre, fifteen (15) were interviewed and seven hired. The interview board is a combination of Translink Security personnel and Translink Human Resource staff. For an Assessment Centre dedicated to Translink Security applicants the cost is \$20,000.

Since 1995 of the twenty special constables hired, thirteen (13) have been selected from within the organisation, while seven (7) were engaged based on past police experience.

If the selected appointments do not have police experience they attend the J.I.B.C for Block One training, omitting Firearms and pursuit driving. The cost of each student is \$10,000.

Comments:

- The in-house union local to which some Translink Security members belong presses hard for the selection of their member or members if they have achieved in excess of the minimum acceptable score. There is more than one union within Translink. If a

member from another union achieves a higher score this applicant must, nonetheless, be bypassed in favour of one from the Translink Security local, albeit with a lower score. Agreement was finally reached on establishing eligibility for in-house candidates approved for possible engagement. This was a big step forward but has generated disagreements between Translink Security Management and the Union particularly over how long it is to remain effective.

- The in-house selection process has generated six grievances in the past, none of which went to arbitration.

Collective Agreements

The Collective Agreements impacting on Translink Security generates constant scrutiny and prompt defence of any intra organisational activity seen as an encroachment by one group onto the job domain of another. For example: Bike Patrol members are denied access to the SkyTrain station environment even though they patrol outside. Only in an agreed to emergency situation will a SkyTrain Attendant Supervisor allow Bike Patrol people onto the station to assist Special Constables. Even then the situation generates controversy.

SkyTrain Attendants

SkyTrain attendants, until recently, followed a hands off problem people approach much to the concern of the Special Constables who were often without anyone to help with a difficult person. This has changed and STA's will now follow a hands on, if necessary, policy in the name of security which is now seen more and more as part of their claimed domain.

What constitutes a fare inspection for the purposes of claiming a statistic appears to vary between the three groups. Fare Inspectors, for example, are acknowledged to give the greatest scrutiny to each item presented looking for fakes and forgeries as well as failure to pay sufficient fare.

SkyTrain attendants cannot issue Violation tickets so in a fare blitz a Special Constable has to work nearby to assist when required. If the SkyTrain attendants had their way Special Constables could not ask for proof of fare payment unless a SkyTrain attendant was nearby.

Fare Inspectors are deployed primarily for the purpose of establishing the rate of non-compliance on fare payment. Passengers being identified to a Special Constable for possible process are secondary. SkyTrain attendants disapprove of this as well. This is covered in more depth under the heading "Deployment".

Comments:

- SkyTrain attendants are a distinct and separate entity. There are approximately twenty-two to twenty six on duty along the line during each shift, most attached to stations and a few mobile.
- The relationship between SkyTrain attendants and Special Constables is somewhat of a paradox. When assisting each other with problem people or Fare Blitzes the relationship is positive. If there is a perception that work territory is being encroached upon the proposed activity is resisted. Issuing a key to Special Constables to unlock a connecting door between SkyTrain cars is denied as the SkyTrain attendants insist the activity is theirs exclusively. Therefore no key.
- SkyTrain attendants claim to check in excess of 500,000 tickets every month. Fare Inspectors claim 15,000 and Provincial Constables are a distant third. However, it must be remembered that the Constables write over one thousand tickets each month from the checks they make. Fare Inspectors and SkyTrain attendants cannot do this.

Special Constables Appointed as Sergeants

The constables threaten to file a grievance if a Sergeant issues violation tickets. Constables and SkyTrain attendants are in agreement that writing violation tickets for no fare payment etcetera is their job.

All Special Constables who are union members receive a time and one half pay rate for working on a Sunday.

Personnel Records

Personnel records are currently housed on site but these will shortly be going to the Gateway, Surrey, office of Translink. That same office deals with record keeping for Attendance, Payroll, Hours worked, Overtime, Medical entitlements.

Performance Appraisals

Performance Appraisals are not made for unionised members. Exempt staff are evaluated for pay increment purposes.

Training

There are three main sources for training personnel:

- 1) Translink provides in-house training, i.e. one or two day courses for computer programs, new manuals, new programs, stress management.
- 2) External training for Management and Labour Relations topics can be purchased through the annual Translink Security budget. Tuition for professional development is paid for by Translink Security and trainees attend on company time. For example, a new sergeant will be sent for related training on supervisory and management skills.
(The collective agreement contains restrictions and changing hours of work.

(Members bid their hours and cycle based on seniority), No swapping is allowed. This is seen as a significant obstacle to getting special constables on the shift system into training.)

- 3) Voluntary self-development through the RCMP, IIMprogram (Individual Instruction Modules) are available to members. The \$30 fee per course is paid by Translink Security. Participation is on a voluntary basis.

Supervisors

There is one Staff Sergeant I/c Operations, four Sergeants and one Corporal positions all exempt i.e. non-union member. Selection is by way of interviewing applicants from within Translink Security Provincial Constables. Three squad sergeants held supervisory rank with the RCMP, one had no outside experience of a supervisory nature.

Security Guards

Security Guards are all qualified through the J.I.B.C. Private Security program. They are usually selected from within the Transit system where the related experience is seen as an asset. A well-laid out training manual for the position supplements the J.I. material.

Fare Inspectors

For the most part Fare Inspectors are selected from within the Translink system. Lateral entry is possible if the applicant has had previous security experience before applying. A detailed training guide, very well laid out, outlines and summarises the key tasks to be studied and understood. Completion dates and signoffs on completion of each section form the training record. A similar process is in place for the security guards. Turnover for both Fare Inspectors and Security Guards is reported as low in the past few years.

Special Provincial Constables

Either by way of Block One Training for Police Recruits at the J.I. Police Academy or an exemption approved by Police Services, a Special Provincial Constable becomes ready for operational deployment. An Operational Manual is in place of which more is said later. The content is to be discussed with each new member and his or her supervisor. An agreement is reached as to the level of understanding that has been reached and the discussion sessions noted.

CPIC

Prior to April 1st, 1999 Translink Security Constables contacted JPD's by telephone to process a CPIC enquiry. For a variety of reasons Translink Security Management required stricter management control over the process. To that end an agreement was reached with New Westminster Police Service that now channels all Translink Security CPIC enquires to the New Westminster Police Service's communication centre. For the purpose of "directing, preventing or suppressing crime or enforcing the law NWPS will provide CPIC information on persons, property, criminal record synopsis and vehicle data". For this service Translink Security will pay NWPS \$3,000 per month plus GST, to be billed quarterly. Translink Security agree to ensure all information disclosed is retained, used or disclosed in a manner compliant with related federal and provincial privacy and information regulations. A copy of the contract with New Westminster Police to provide CPIC to Translink Security is to be found in Appendix 5

Translink Security members submit a separate CPIC enquiry report in the event there is no other documented incident.

In correspondence from CPIC Field Operations, Vancouver, dated April 22^d 1991 BC Transit Police, as the organisation was then titled, was advised that as an accredited secondary access agency for CPIC information, registering each employee who was to have access was no longer necessary. However, the letter continued that this practise should continue with jurisdictional police departments who supply the service. This procedure is currently in effect for the new contract with NWPS.

November 1995 CPIC policy reaffirmed the obligation of a Category 2 or 3 agency not to disseminate CPIC information any further except where that use is consistent with the duties of that agency. Translink Security restrict access to CPIC information internally and also CPIC Radio transmissions that would be overheard by unauthorised persons.

Translink Security continue to run CPIC checks and in 1998 – 1999 they completed 2016. In 1999 Translink Security increased the level of management controls governing the use of CPIC checks. All CPIC checks must be a subject in an Incident report. Print outs of CPIC activity are now more detailed compared with previous reports where only the time and date were shown.

Comments:

- The question of whether or not the change of title from BC Transit Police to Translink Security would have cancelled the Category 2 status given in the 1991 correspondence has never been asked. Suffice to say the protocol or contract for CPIC work agreed to with New Westminster Police Department appears to be the prerogative of the Chief Constable if satisfied that CPIC policy in general regarding confidentiality and dissemination of information is complied with by the recipient.

OPERATIONS

OPERATIONAL DEPLOYMENT

Every year now there are in excess of 70 million users of public transit in the GVTA, and the number is growing. For the seventy plus million riders, forty million tickets are sold resulting in one or two transfers en route. That is a lot of people.

A 1997 study by Vancouver Regional Transit identified the ridership as follows:

"The demographic breakdown is as follows:

28% age 16 to 24

24% age 25 to 34

12% age 65 and over

22% students

13% retirees

61% female 39% male

57% employed (14% part-time) 5% unemployed

37% with household income below \$25,000"

To respond to the predictable needs of the people using the system and also those of Translink in running the system Translink Security deploy as follows:

Patrol Duties – General

The Memorandum of Understanding with the Attorney General relative to patrolling responsibilities read, in part as follows: -

" BC Transit Security Special Provincial Constables will provide an initial response policing unit to deal with incidents arising on or in respect to the ALRT System. For the purposes of this initial response, the ALRT System includes, but is not limited to: Park and Ride facilities, SeaBus and ALRT System bus Interchanges. In special circumstances, as an identifiable need arises, BC Transit Special Constables' activities may be carried out in other transit properties following consultation with and the concurrence of the appropriate jurisdictional police force. "

Translink Security procedures require that before patrolling transit facilities outside the designated SkyTrain corridor, Special Provincial Constables should inform the duty NCO, then the appropriate JPD. This varies from the MOU that requires prior consultation before the activity which may then occur afterwards. A minor point, perhaps, but one that could be significant if a breach of procedure is ever alleged. The use of the word "should" discloses an option not to comply with the requirement.

Jurisdictional police departments are acknowledged throughout all operational procedures as having absolute authority and responsibility for investigating offences. When that occurs Translink Security will support and assist as requested.

Patrol Squads A, B, C, and D

There are thirty-one (31) Special Constables assigned to SkyTrain patrol divided into four squads each supervised by a Sergeant. There is an average of eight (8) members to each squad. Shifts cover the hours of SkyTrain operation. Members bid on which squad they wish to be assigned to based on seniority. Two squads always work a dayshift, the other two always the afternoon shift. Bidding rights have not yet extended to zone preferences or partnerships but not for lack of trying. This is not surprising within an umbrella organisation where work assignments covered by a collective agreement can be shaped extensively by member preferences. Sergeants rotate between the squads. Every Special Constable who works on a Sunday receives time and a half pay.

Constables assigned to patrol duties start and end their shifts at the designated Translink Security office. A Daily Shift Log is submitted by each SPC. At the beginning of each shift Special Constables attend a briefing to receive assignments and to identify security concerns from the previous shift, assign daily tasks (fare blitzes), discuss special projects and events, co-ordinate absences from the line for meals, breaks, reports, review ongoing investigations, announce current probation orders, warrants, information bulletins and directives.

Skytrain Deployment

The Special Constables assigned to SkyTrain are deployed in pairs to one of three zones, East, Central and West. The line and the twenty stations are divided according to the squad size of the day. A full squad fields eight Special Constables and a Sergeant. If there is an odd number of constables on duty one constable will be assigned to mobile (car) patrol. The Sergeant position uses a marked car as and when needed in addition to riding the line.

Special Constables assigned to mobile patrol duties will conduct periodic patrols of all Translink Park and Ride facilities adjacent to SkyTrain.

Special Constables assigned to patrol duties are responsible for the following facilities/areas: SkyTrain station facilities, platform areas, ticket vending machines and areas, bus loops and exchanges adjacent to SkyTrain, SeaBus terminals, (north and south), Park and Ride facilities adjacent to SkyTrain, alarm monitored facilities. They are expected to deliver eight hours of each shift to patrolling the line or eighty percent (80%) of their time. Ten Violation tickets per shift would be the expected level of enforcement activity but this varies from constable to constable and partnerships to partnerships.

Special Constables assigned to patrol duties ensure each designated facility is inspected daily. These inspections are recorded on the daily Shift Log. The Sergeant completes a shift end report each day.

Fare Enforcement Initiatives (Blitzes)

SPC's will conduct fare enforcement initiatives alone or with teams of other BCT or BCRTC employees, as directed. If there is only one SkyTrain attendant (STA), a team of SPCs may work with the STA

SPCs are responsible for fare enforcement, not fare inspection. During blitzes, they will enforce the Transit Tariff by exercising their authority under legislated statutes.

SPC's will normally conduct point-of-entry checks inside the Fare Paid Zone at SkyTrain, and SeaBus

SkyTrain on-board fare checks will be conducted by teams consisting of one SPC and one or more SkyTrain attendants (STAs). Teams will board adjacent SkyTrain vehicles, never be more than one vehicle apart. The STAs will verify the fares and report evaders to the SPC.

The SPC will:

- 1. Approach the passenger and request that he or she disembarks at the next station, where the fare payment issue will be resolved.*
- 2. Request a "hold" for the next station if the SPC believes a confrontation may result.*
- 3. Request assistance from the team in the adjacent vehicle. The passenger should not be challenged until the safety of the situation is ensured.*

Ref.: 7.2 Operations Manual

Plainclothes Activities

Occasionally, when squad numbers allow, members of these squads are deployed in plainclothes to detect persons selling stolen or false fare media. Any such assignment is approved beforehand by the Staff Sergeant i/c Operations. There is no drug work allowed. A JPD will be asked to participate when an investigation materialises. One file reviewed reported Translink Security and VPD members working on possession of stolen fare media, the VPD member making the purchase.

Fare Inspection Unit

Translink Security has a fare inspection unit responsible for fare inspection on all Transit modes, as well as regular security functions, as required. The fare inspection team conducts check for proof of payment at the entrance to stations or on trains and SeaBus. Twelve (12) Fare Inspectors are assigned and cover the entire system. They wear a uniform similar in design to a Transit Operator as opposed to that of a Special Constable. They carry handcuffs.

A comprehensive fare profile is compiled by checking and recording each customer's fare payment method, and determining the fare evasion rate. (percentage). The resulting information is provided to the Planning Department, with a copy kept for Translink Security files.

The primary duty of the fare inspection team, as outlined in Section 7.7 of the Operations Manual, is checking fares, so team members are to contact the duty NCO or the JPD for assistance when a serious incident occurs. Fare Inspectors are primarily an audit function and are managed by the Administration and Security Manager.

On what are described as rare occasions, a fare inspector will work in plainclothes assisting CPU or the Security Supervisor in tracking down illegal sellers of fare media. The Fare Inspectors have extensive knowledge and experience in identifying not just the fake product but where it possibly came from.

Security Guards

There are twelve (12) Security Guards all non-sworn positions reporting to the Physical Security Supervisor. Assigned to SeaBus terminals and bus loops the guards are to provide a visible security presence intended to deter rowdyism and offences under the *Transit Act* and at the same time provide assistance and information to passengers at the SeaBus terminals. A guard obtains assistance from either a Transit Supervisor, Translink Security, or a JPD as the circumstance dictate.

Allowing access to restricted sites is the responsibility of the guard(s) assigned and must be in compliance with Translink Security requirements.

The position of guard may also perform limited fare inspections.

Bicycle Patrol

There are six (6) Bike Patrol positions within Translink Security all non-sworn, who are tasked with providing continuous patrols of Scott Road Park and Ride lots. A van is provided to transport the bicycles. In inclement weather the van can be used to patrol the lots. The initiative originated with funding assistance from ICBC.

The positions are supervised by the Surrey Transit Centre Liaison Officer.

(A similar service was performed previously for West Coast Express on contract but this has since passed to a private security company.)

Bicycle Patrols are tasked with patrolling the lots to look for security threats – potential criminal activity and to assist and liaise with Park and Ride patrons.

Transit Centre Liaison Officer (TCLO)

The Transit Centre Liaison Officer (TCLO) program is an expanding initiative that will see a Special Provincial Constable based in each of the major bus depots. The Translink Security management points out that eighty percent (80%) of the Transit system does

not have special constable coverage. Hence the expansion of the Transit Control Liaison Constable program. The objective is to make bus operators more confident and comfortable about getting responses to incidents and offences that happen on their route. This will become a deterrent to offenders while at the same time generating more responses by Translink Security to what occurs on the buses. The main target population is the bus operators from the newly hired to the seasoned veterans. Lectures in-house are part of the drive to improve safety in the workplace. New police recruits at the JIBC Police Academy have also received lectures on the various offences and enforcement procedures under the *Transit Act*.

There are two Transit Centre Liaison Officer positions in place, one in Surrey and one in Port Coquitlam. It is intended to add positions to provide one in each of the five transit centres. The TCLO position conducts post incident investigations of crime and security incidents involving either Translink personnel or Translink property. The matter can then be referred to a JPD or to the Translink Security Physical Security Supervisor as thought appropriate.

The biggest difficulty for the position is not receiving reports from operators due to a lack of respect for what Translink Security will do for them. This is improving slowly. The insistence of having a shop steward present when being interviewed as a victim or witness is an indication of the mistrust. However, when the TCLO deals with employees as victims or witnesses and the service is then recognised and appreciated for what it is, the job satisfaction for the TCLO member is high.

Response rates from operators are classed as low for minor offences but very good for serious occurrences. Drivers are instructed not to personally intervene in occurrences on a bus but to make their request to desist clearly and to call for assistance if ignored.

A "Graffiti and Etching" reporting form has been developed that helps to ensure essential data is recorded and photographed in a uniform manner before the information is forwarded to Security.

A new Operator Security Report Form has also been developed which largely follows the format of the one previously in use but allows for more information on suspects and a longer narrative. Operators are allowed twenty-five minutes paid overtime to complete a Security Incident Report. A web page has also been developed.

Other projects have included a loop Check at Lougheed Mall where Translink Security and the JPD together with other police volunteers i.e. Auxiliaries are parked prominently for eight hours a day for three (3) days at a bus loop advertising a strong presence and a zero tolerance to infractions. Translink Security presence includes the TCLO and a CPU member. Transit operators respond very favourably to this. This is aimed primarily for the summer months and the overall effects or success are not yet finalised. The target area is agreed to based on mutually experienced problems.

Bus Loops can generate nasty problems for Translink and the Community. A recent incident at the Phibbs Bus Loop in North Vancouver generated an article headline in the Province newspaper "Transit leaves bus riders at mercy of thugs" (July 14th 1999) In the past year more than a dozen such attacks were alleged to have occurred at that bus loop. Translink were quoted as saying bus Loops are the responsibility of the regular police. Translink Security have since met with the community to hear their concerns about what goes on at the Phibbs Loop.

Crime Prevention Unit

Translink Security operate a Crime Prevention Unit consisting of one Special Constable who acts as the work leader for three non-sworn security personnel. The unit operates in plain clothes and have unmarked cars at their disposal. The non-sworn members are qualified as security personnel to JIBC standards. They carry handcuffs in the event a citizen's arrest has to be made. The Special Constable works five eight-hour shifts while the other members work a four-day week. The coverage is basically Monday to Friday. Variation would be by callout or overtime. The main area of work for this group is the buses. There is extensive liaison with JPD's, schools and government services involved with anti vandalism and youth issues.

Vandalism is a serious problem for Translink through costly repairs and loss of service (revenue) when the repairs are made. SkyTrain figures show the cost having tripled from \$70,000 April 1997-1998 to over \$220,000 for the same period 1998-1999. Graffiti and Scratchiti on SkyTrain windows have increased markedly. The bus transit centres report costs in excess of \$100,000 a year to remove graffiti and over \$200,000 to replace damaged equipment. The combined total exceeds half a million dollars in costs not counting the loss of revenue generating hours of operations.

The unit works in plain clothes responding to incidents on buses and SeaBus and also on SkyTrain where a plainclothes presence is thought necessary. Assignments are co-ordinated through the Operations Supervisor. Security and safety concerns to which the Unit is assigned include: - vandalism, assaults on employees and riders, disruptions on buses particularly school runs, fare fraud, indecent acts and sexual assaults. Indecent assaults covered include incidents of frottage and copralagnia. Requests for follow up by the CPU are often received from a JPD, for example, a recurring offender for indecently assaulting female passengers on a particular bus route. The CPU liaises with drivers and will ride the route to help identify a suspect. Non sworn members do not make arrests on suspicion only if a criminal offence is witnessed on view and for which a citizen can effect an arrest.

The unit will also deal with problem passengers who repeatedly disrupt services. Frequent activities are reported as including- liaison with JPD's, schools, youth service workers, and school liaison officers. community groups and city officials involved in

anti vandalism programs- public lectures – bus operator training – displays – media liaison for the topic of vandalism.

The unit handles over three hundred (300) new files each year with that number growing steadily since 1995. Vandalism costs Translink in excess of \$500,000 per year not counting loss of revenue service during repairs.

'Non-sworn members of the CPU have limited scope in their conduct of investigations. They do not arrest as a matter of practice. They, together with fare inspectors are the only source of security for bus operations. SPC's raised the issue due to the job jurisdiction and protection issues.

CPU members carry out the investigation to a point when a determination is made that authority beyond their mandate is required and then the investigation is turned over the SPC's or police"

Translink Security Management

Comments:

- The role of non-sworn security personnel performing surveillance work on reported crimes attracts some criticism within Translink Security. In an ideal world this is seen as an assignment for Special Constables. Due to the evolutionary history of the present system, however, it is acknowledged that something has to be provided for the rest of the transit system when the jurisdictional police service will neither attend nor follow up.

The Physical Security Supervisor

The Physical Security Supervisor, a Corporal's position, together with an assistant includes as part of the work assignment a wide range of prevention based activities. These include: - Intrusion Detection Systems (designing, operating and auditing) – Quality control of the Alarms – Closed Circuit Television System i.e. for combating vandalism on Skytrain – CCTV image enhancement for investigative purposes – Training Seminars on crime prevention for security and other staff. Participation in design reviews of Skytrain and Rapid bus expansion plus new buildings and facilities relative to security concerns – Circulating information regarding theft of fare media.

The Physical Security Supervisor reports to the Security Administration Manager and has several areas of specific accountability. One of them is to follow up on a reported crime where Translink is the victim and also where a Translink employee is reported as being a suspect. The last category of accountability has generated some considerable discussion in the media recently due to an arbitration case. This area of work was discussed at some length.

Management estimate that no more than fifteen percent (15%) of the incumbent's time is spent on Internals where a Transit employee is suspect. There is no longer any

involvement with issues that are work standard or contract related issues. Allegations that are of a criminal nature are looked into before a decision is made on how the matter will be dealt with and by whom. The range of incidents (in this category) that were complained about during the period under review was as follows:

Privacy Act - Planting a listening device (a babysitting intercom) in a management office (now Translink Security). The jurisdictional police were involved but matters did not lead to a charge being laid.

Unauthorised Use of Computers and Theft of Computer Equipment - Involvement on cases of this nature was from a loss of security aspect and how the theft of hardware and motherboards can be prevented in the future.

Harassment - Work place relationships at the work site and also relationships away from the worksite sometimes lead to strife that borders on criminal. Once the situation is clarified an assessment is made as to whether or not Human Resources or the JPD should become involved. Work place harassment is the subject of strict corporate policy and procedures.

In a similar vein threats allegedly made by employees to each other can see the Physical Security Supervisor called in to give advice. One case did result in this section putting in an alarm in at an employee's house and car but nothing further transpired so there was no JPD involvement.

Allegations of assault being made about a bus driver by a citizen usually has the JPD involved from the outset. If the allegation is against a Security Guard at a SeaBus terminal the Physical Security Supervisor will investigate

Thefts (under and over) – This can involve an employee stealing cash from a “slush fund”, or thefts within the offices. This section follows up with visits to the particular locations to reaffirm measures available to prevent a reoccurrence. JPD's will take a report but do no follow up

Tampering – This is tampering of a minor nature and a labour relations element is detectable due to the timing and locations involved. “No bus shall move without a bell, or the gas cap secured, etcetera” A surge in detected defects is tied to an in-house conflict as opposed to trespassers infiltrating a bus barn under the cover of darkness.

Mischief – The same theme is repeated in this category of incident; card swipes or doors damaged by cigarette lighters.

Indecent Acts etcetera – The JPD was involved in investigating incidents involving Transit operators, a single victim and a company bus being used as a location of opportunity.

Fare Fraud – The Physical Security Supervisor became involved with allegations that Transit Operators were disposing of fare media in exchange for drugs.

The Physical Security Supervisor is also estimated by Management to spend no more than fifteen percent (15%) on investigations where Translink (Transit) is the victim of an outside assailant.

Theft – The Crime Prevention Unit were used to help track down the distribution (sales outlets) of fare media stolen in the robbery of a courier. The JPD had taken the incident report but assigned no follow up prior to Translink Security offering to work on the case as outlined. The enquiries led to twenty-four (24) charges being laid by the JPD against a fare seller.

Uttering Forged Documents – Fairly described as a cottage industry employing those who work at home to alter legitimate used (cancelled) fare media to then sell at discounted rates. The JPD will be involved in any request for a search warrant or on site follow up involving the search of premises.

Assaults – Anything involving a Security Guard as a victim is followed up by this position. If the JPD cannot respond the Security Supervisor will to the point an entire investigation will be completed before further referral to the JPD for the laying of charges.

Break-ins and Entering, Theft of employee's motor vehicles are the subject of follow up to ensure that preventative measures are remembered.

Possession of Stolen Property – There is limited success in persecuting cases involving stolen media largely due to Translink's inability to prove continuity and control on items such as fare transfers. Those are stolen in bulk from buses and in even larger quantities from Transit Centres where security measures (controls) are virtually non existent. Transfers are stolen to order and distributed very quickly through one or more networks specialising in off loading this time sensitive material.

Management attribute seventy percent (70%) of the incumbent's time is now spent on CPTED activities and have discussed reassigning the Special Constable status attached to this position to other duties. The investigative/liaison activities would be dropped as a result. How Translink would then deal with JPD's on matters internal and external has yet to be determined. Translink Security would no doubt remain as a source of advice and referral, the experience being considerable. The JPD would then be required to report and proceed as dictated by the evidence available.

It is apparent that, over a period of time, this position now becomes involved in assessing, referring or investigating matters that do not fit the mandate in all respects.

There is nothing sinister attached to this, Translink avail themselves of experience and expertise which screens out a number of what would otherwise be calls for service to a JPD to attend and investigate.

During the period from July 10th, 1997 to April 19th, 1999 the Physical Security Supervisor received eighty-eight (88) complaints of crimes. Sixty-six (66) other non-criminal incidents were reported for a total of one hundred and fifty-four files (154).

In one internal file reviewed, an electronic eavesdropping device was planted on company premises. The issue came to light at 2 pm and by 5.10 pm that day the JPD were notified. The investigation continued with both Translink Security and JPD investigators working in a way that provided mutual assistance. The JPD however controlled the investigation in terms of assessing and directing the conclusion of the case, which did not result in a prosecution. CPIC checks were carried out on the two suspects who were being scheduled for interviews in the matter.

Other files reviewed included various methods of stealing fare media from selling forged fare media, robbing couriers delivering fare media. If an allegation or a reasonable inference of collusion arises it is investigated usually to no avail. This is due to the systemic inability to prove to the satisfaction of Crown Counsel the element of knowingly possessing stolen property etc due to the myriad of ways in which Translink fails to prevent itself from being victimised.

One file documented extensive and costly high tech assistance to a JPD in setting up a sting operation on drug sellers that netted forty-five people on related charges.

Management have emphasised that Translink Security no longer gets involved with staff issues that are work standard related or involve some abuse of benefits pursuant to a collective agreement i.e. sick leave. One case (outside the period of review) involved a bus driver regularly falling asleep at the wheel. Investigation disclosed the cause was overwork and nothing more but the case generated a reaffirmation of the position that Translink Security will not get involved with matters of this nature.

The activities that consume an estimated seventy percent (70%) of the incumbent's time are centred in the worksites of Translink Security and beyond into Transit generally on matters involving the ridership. The activities include: designing, costing, operating, assessing, access control systems, design costing, operating and auditing intrusion detection systems, auditing activities of the lost property process, design, maintaining, assessing CCTV systems, supervising Security Guards, (includes participation in the selection process), participation in Design Review of Skytrain Expansion, Rapid Bus, developing information bulletins on fare theft, participating as a member of the Safety in the Workplace Committee.

Even without expansion SkyTrain is the biggest user of closed circuit TV in the lower Mainland deploying a larger number of cameras than the Highways Department, for example.

Comments:

- Internal investigations – BC Transit employees were suspected of involvement in fourteen cases and this led to twelve investigations, nine of which included CPIC checks. The jurisdictional police department was notified in forty-two of the incidents and sanctioned the Physical Security continuing an investigation role in twenty-seven of them.
- Closed circuit television provides extensive coverage of the ALRT operations but the primary function of the system is to ensure the trains keep running. Translink Security feel strongly that a position(s) dedicated to monitoring the system for security and prevention benefits would be very productive. This would require a doubling of the console monitoring capability as well as negotiating a “different” unionised job into that work site. Nonetheless with the expanded system now imminent and requiring an expanded monitoring facility it is probably timely to explore the options – monitoring trains plus monitoring the stations.

OPERATIONAL PROCEDURES

Intelligence

There is no formalised exchange of intelligence with JPD's. The Crime Prevention Work Leader probably generates the most contacts where information is exchanged. The Physical Security Supervisor and the Transit Centre Liaison Officers also generate varying amounts dependent on the problem at hand.

The Patrols have a limited amount of information exchanged between them, this usually provided by the Squad Sergeant at the start of Shift briefing.

Comments:

- There is a lot of information useful to police agencies contained within SIRS. The system records observed events that might not rate as a crime but certainly identifies people for the record (tickets) and also associates of those who get in conflicts (fights) or disorderly conduct as a group requiring intervention by the Special Constables. There are very very few requests by JPD's to see what offenders or violators are known by name and address to Translink Security.

Informants

The use and control of informants in the police sense is inconsistent with the mandate of the transit security program as it now exists. No informants in that regard exist and consequently payment of informants and the management and control of finances is no longer an issue. As an alternative to the use of informants Translink promotes the use of CrimeStoppers”

Translink Security Management

Operations Manual

Translink Security have developed a comprehensive Operations Manual which is required reading for all newly assigned Special Constables. Copies were filed with the Ministry of the Attorney General, JPD's and Translink Head Office. Employees are invited to submit changes if they so wish.

The Manual contains ten chapters complete with an introduction, glossary and index. The chapters are sub-divided into title sections and the content control dated. The manual contains policy, guidelines and procedures on the following main topics 1) Emergency Response, 2) Incident Response and Investigation, 3) Arrest and Detention, 4) Seizure of Property/Exhibits, 5) Court/Charges, 6) Young Offenders, 7) Patrol, 8) Communications, 9) Reporting Requirements, 10) Dealing with the Public.

The Operations Manual contains no direction for bomb threats i.e. what is to happen before the JPD arrive, whereas the manual containing the local training curriculum for security guards does. Surprisingly, there is no in-house role specified for Translink Security personnel in the event of a disaster occurring. Transit in general plays an important role in the scheme of things and is a valued participant in the Operation Room of a Disaster Exercise. A specific role for Translink Security in a real event of this nature is conspicuous by its absence given the emphasis on moving large numbers of people with scarce Transit equipment.

Translink Security plan and organise their response/participation in major events in a thorough manner making extensive use of overtime. Shift schedules are published and pre-event and post event activities are identified and assigned in briefing sessions. There is no compensation to Translink for overtime incurred assisting at an event such as Festival of Fire and First Night events. One generates more revenue the other is a free ride. At all such events there are costs for vandalism to Transit equipment. The Operation manual deals with liquor seizure, retention of sealed liquor, disposition of unsealed liquor. There is no reference to a particular strategy for problem locations etcetera, for example, restricting access from the street to the ALRT line. This is done but how the action triggered, who is in charge of communicating the strategy and related decisions is not specified.

Comments:

- Generally speaking the operations manual is comprehensive and well laid out. There are a couple of omissions. For example, Incident Investigation contains no reference

to thefts of fare media and related procedures for enhancing a united response and case preparation. Granted there are problems in proving a possession of stolen property charge for reasons referred to previously. Nonetheless, as this is a significant problem for Translink and plainclothes enforcement operations are also carried out, evidence requirements for this particular type of offences would be a useful addition to consider.

Arrest Procedures

The bulk of arrests are made for obstructing a peace officer and the incident is fare evasion of some sort where an Accused refuses details or provides false information. Translink Security procedures require a subject be released after the grounds for which the party had been arrested have been eliminated.

" A prisoner's lawful release from custody must not be impeded or obstructed by unlawful means". Ref. Section 3-7 Operations Manual January 1998.

When the arrested parties (now properly identified) were negative CPIC for a valid (arrestable) warrant, they were allowed to proceed, apparently without delay. The decision not to proceed with an obstruction charge was made almost immediately.

When the arrested parties were the subject of a valid (arrestable) warrant the detention for the obstruction was continued until the jurisdictional police member arrived. The outstanding warrant was then dealt with by the local police member. Simultaneously the Translink Security constable(s) decide that, under the circumstances, it would be best not to proceed with the obstruction charge so the matter is dropped.

Comments:

- The curtailment of the practise of arresting those wanted on outstanding warrants has raised operational frustration, embarrassment and also a perceived loss of credibility for the Special Provincial Constables. Delaying a decision to charge or release for obstruction, as previously outlined, is, nonetheless, an assumption of potential liabilities that will not be supportable in the event of a legal challenge. This will most likely occur when there has been a lengthy delay in the arrival of the local police to effect transportation on the obstruction charge.

Handcuffing

The Operations manual at Section 3 –7 does not specify any firm rule for handcuffing a prisoner, the decision is at the discretion of the constable. It becomes mandatory if there is a danger to the member or others; there is a history of violence or escape attempts or a risk that evidence may be destroyed. The application of this policy is examined further under Obstruction of a Peace Officer (Working Files Review Section)

Transporting of Prisoners

The transporting of prisoners is not a routine operational requirement for the special provincial constables, it being the responsibility of the local police jurisdiction. If the

standard criteria regarding vehicle searches before and after positioning of prisoner and local police cannot respond, Translink Security constables will transport following escorts transporting females (radio record of mileage and time) and not mixing adults with young offenders and a male with a female. During the period under review Translink Security constables transported to the local police station on one hundred and thirteen occasions (113).

Found Property: Received Money and Valuables

The Special Provincial Constables are required to establish the amount of money or extent of valuables being handed over by the other party. A notebook entry is to be made and then signed by that party. A photocopy of the receipt in the notebook is to be placed on the file. (Ref. Section 4.1 of the Operations Manual, Mach 1998).

During the random sampling of files property received was reported on three occasions. There were no references made to any notebook entries or receipts given, neither was any photocopy of the notebook entry on file. All files had been signed by the Supervisor.

None of the incidents involved large amount. On one occasion, however, the property was returned to the now located owner, at that time, claimed ten dollars was missing. Even under that setting there was no receipt or signature obtained from finder or owner.

Property transactions always require more detail in reporting and adherence to procedures that are designed to safeguard the member and the organisation. Translink Security has proper procedures in place but the compliance level should be looked at. (This has been discussed with Translink Security Management and staff has been advised by memo.)

Of Interest is the difference in policy governing Translink employees generally and Translink Security members relative to rights of claims on found Property. Translink Security employees have no right of entitlement at any time while other employee groups do. Translink Security Management make the following comments;

No security employee benefits from found property for which an owner is not located. The corporate lost and found program is managed outside the control of the security department. The conflict of interest issue has been pointed out to the corporation for them to address.

Young Offenders

The Operations Manual outlines the procedure for dealing with a Young Offender, questioning, advise as to rights, warrant, schools, transportation. All material was in keeping with the current requirement. The Crime Prevention Unit has the greatest amount of involvement with Young Offenders mainly due to vandalism.

INCIDENT REPORTING

General

Translink Security operate a Security Incident Reporting System (S.I.R.S.). The technology is virtually identical to the system in place in the Delta Police Department. All Incidents are to be the subject of a report in the form prescribed in Section 9 of the Operating Manual. There were over nine thousand (9000) incidents reported during the review period.

The Translink Security Incident Reporting System can generate a great variety of statistical reports detailing the number of incidents in a particular category and when and where they occurred. These reports were frequently requested and referred to by the reviewer. In addition over three hundred and fifty working files were reviewed in their entirety to establish reporting practices and overall quality of investigation. Two hundred of the three hundred and fifty files reviewed were selected at random. The remainder were selected by offence category. The content of these files is referred to later in this section of the report.

The information in SIRS is of interest and value and should be considered carefully when analysing the problems presented on SkyTrain and transit generally. It does become necessary however to put the information into the correct perspectives given the range of sources that are included.

The information contained in SIRS is not all pure insofar as UCR statistical profiles are concerned. But to discount it would be a major mistake. The data should be used to cast light on the topic of what untoward behaviour the Translink ridership is exposed to. The current protocols and interactions between Translink Security and the JPD's cause fragmentation in the process of recording crime. The low statistic should not be interpreted as proof that all is well on the system. The ridership environment could easily degenerate if trends continue.

The frequency with which people encounter untoward or undesired incidents is much higher than the frequency with which a rider is reported to become a UCR statistic. And this is what the ridership is uncomfortable with. It would be a major strategic error to discount these recorded experiences and rely exclusively on the crime statistics of jurisdictional police departments.

Incident Reporting S.I.R.S.

There are difficulties calculating an accurate frequency distribution for crime using Translink Security data. This is not a criticism of the S.I.R.S. program now in place, quite the contrary in fact. The S.I.R.S. program provides a detailed chronicle of the events and occurrences that befall staff and riders throughout the Transit system. This is precisely what it is meant to do. The incidents recorded range from a third or fourth

hand report once or twice removed from a verifiable source to an on view arrest by Translink Security constables and/or the JPD with a report to Crown Counsel

Incidents were coded according to the most serious crime factor disclosed by the source which is often non-verifiable. For example, a bus operator describes at shift end what he or she saw occurring at a loop, a fight between some youths perhaps. The Supervisor records it and the control centre includes a summary in the daily regional log. The Transit Centre Liaison Constable notes it and makes a file for Translink Security. Of interest, yes. But is it scoreable as a disturbance for UCR purposes? The answer is 'no.'

STATS Canada (UCR) uses hard statistics and is popular with researchers and analysts. The Translink Security data contains a mixture of hard and soft (non-verifiable) data which makes precise calculations difficult. The randomly sampled incident files (n=200) when assessed as a source of hard (UCR) data or soft (non-verifiable) data of lower evidentiary value the distribution was skewed markedly toward the latter category. There were, however, a significant number of incidents recorded by Translink Security that did disclose a crime but, due to current practices, went unrecorded by the JPD. Translink Security do not have jurisdiction to generate archival reports in a JPD. If the JPD do not attend, the event goes unrecorded for UCR purposes.

Comments:

- To appreciate the value of the Translink Security data all entries must be considered and not just the smaller number with the highest evidentiary content. To understand what happens on the trains, at the stations and interchanges and on the buses the full range of occurrences has to be considered. Some do not disclose a source of reliable verification. Others, however, disclose all the elements of a crime having been committed but these do not become a JPD statistic.

Non-Attendance and Non-Reporting

To what extent crime goes unreported on the SkyTrain line and adjacent property merits closer analysis. Using the hard data of the JPD's annual crime statistics and the soft data that is included in the database provides a useful chronicle of life on the ALRT railway line. What needs to be established is how much hard data that should be a JPD crime state goes unrecorded. It is appropriate to look more closely at how these incidents fail to be recorded.

Three stations were studied by Translink Security Management to establish the percentage of calls in a particular category which are attended by the JPD over a six-month period.

	Station One	Station Two	Station Three
Assault	100%	66%	91%
Robbery	100%	100%	100%
Weapons	50%	100%	0%
Property	0%	25%	41%
Other	50%	60%	57%

A Station includes the platform and the concourse area.

For Station One there was a total of forty-four (44) incidents, the JPD attended twenty for a participation/assist rate of 45.4%. Station Two generated sixty incidents (60) and the JPD attended thirty-five (35) for a 58% participation /assist rate. Station Three generated one hundred and thirty two (132) events, the JPD investigated/assisted at eighty (80) for a 60% participation rate.

The table discloses two points of interest. The first is that, at the street level, there is a fair amount of interaction between JPD's and Translink Security which does not generate problems, the absence of complaints in the correspondence files tending to corroborate this. For example, there is nothing recorded showing the JPD's are dissatisfied with Translink Security activities in a given area.

The second item is the gap between where Translink Security have recorded a reasonably serious offence against the person, i.e. Assault and the JPD neither attend nor follow up even when advised the offence has been confirmed by Translink Security. One SkyTrain station has a JPD attendance rate of sixty percent for this category of offence. Another station has a JPD attendance rate of zero for three weapons offences. The table is for just three SkyTrain stations within a jurisdiction where the co-operation/response/assistance is reported as the best of all the jurisdiction.

Questionable Attributions to SkyTrain

Another JPD recorded 570 calls to one Skytrain location in a two-year period. On examination these calls included: Shoplifters, car accidents and proceeds of crime. Here again, the size of the reporting atom was thought to be too large incorporating other nearby premises that generate calls i.e. a store from which a shoplifter runs away only to be apprehended at a SkyTrain station. Was the intention to flee by train or mix with the crowd and depart later by another means? The causal link to SkyTrain and a number of the activities is not made; the station is referred to as a reporting/meeting point for the police to attend.

This pattern is repeated in other jurisdictions due to the structure of the Information systems in place.

Comments:

- The figures certainly support the contention that a lot of incidents that should be recorded and scored by the JPD's are not. Translink Security defers totally to the JPD exercising their prerogative to investigate, or not, and if they do not the offence is never recorded for statistical purposes.

Multiply this throughout twenty ALRT stations and the result is a strong indication that an accurate record of what occurs is not being compiled due to an unnecessary fragmentation of effort. The citizen (Victim) meanwhile is probably quite convinced he or she did make a report to the police.

Incident Response and Investigation

Crime Scenes

Operational procedures clearly specifies the need for Special Constables to safeguard crime scenes, placing added emphasis on the role and responsibility of the jurisdictional police department for the continued investigation

Death and Injuries

Incidents of death and injury occurring on Skytrain follow the same procedure as for crime scenes. Videotape is requested from SkyTrain Control Centre by the Special Constables, and made available to the Coroner and jurisdictional police department.

WORK FILE REVIEW

Phase One – Random Sampling

The review included a sample of the master working files of Translink Security to establish a range of occurrences, report content, adherence to operational procedures and rules of evidence etcetera.

Two hundred (200) master files were selected from a random starting number with the interval set at forty-five (45).

The distribution of incidents by municipality was as follows: -

<u>Municipality</u>	<u>SkyTrain</u>	<u>Bus</u>
Surrey	20	16
New Westminster	15	5
Burnaby	27	12
Vancouver	41	34
North Vancouver	n/a	4
	103	71

Other Categories

West Coast Express	3
Sea Bus	4
Property	8
Misc.	<u>11</u>
	26

TOTAL ALL INCIDENTS 200

The range of occurrences included:

Immigration (1), Assault (21), Assistance requested by JPD's (9), Property (8), Panhandling (6), *Mental Health Act* (3), Medical (14), Obstruction (10), Fare Offences (29), Warrants (2), Traffic (1), Disturbance (14), Drunks (9), Breach of Undertaking (3), *Indecent Act* (3), Damage to Property (25), Liquor (50), Theft (5), PSP (6) Robbery (2), Weapons (3), Stolen Vehicle (2), Suspicious Circumstances (19)

Summary

Disorderly Behaviour (39)

Examples: Panhandling – *Mental Health Act*, - Disturbances – Drunks
Annoying/Bothering Passengers

Vancouver SkyTrain had the majority of panhandling and illicit busking incidents and also the most disturbances. The other jurisdictions are evenly represented.

Weapons (3)

Two were reports of weapons observed by passengers and the information phoned in. One incident involved a replica and an apprehension by the police of local jurisdiction.

Assaults (21)

Vancouver buses in the Hastings (Carroll to Commercial) area were the most frequent venue for fights/assaults several involving the driver as a victim. Surrey buses were second followed by Burnaby. Most involved passengers or would be passengers. Transit Operators were also being seen as victims with a passenger as a suspect.

Damage to Property (25)

Buses were vandalised three times more frequently than SkyTrain. With locations in Vancouver appearing most frequently followed by Surrey and Burnaby. Several of the locations are not known with certainty, the damage occurring between municipalities and detected at the end of the journey.

This concluded the random sampling of files.

Phase Two – Selected File Review by Offence Category

Additional files from a specific “crime” category were then reviewed following the same procedures as before. The first category sampled was Fare Violations.

Fare Violations – Total Sample 28

There are numerous ways to, avoid payment altogether, not pay enough, misuse the ticket/pass and so on. Nearly all the fare occurrences sampled (28) occurred on SkyTrain, either on the train itself or on the platform. Vancouver fare offence locations appeared more frequently than other municipalities on a ratio of approximately 2:1.

Fare related charges that included an arrest for obstruction were distributed as follows: -

Surrey	7 fare charges	2 obstructions
New Westminster	6 fare charges	1 obstruction
Burnaby	5 fare charges	3 obstruction
Vancouver	12 fare charges	4 obstruction

Misuse of Passes

Two passes were seized for misuse and correspondence generated to the Ministry of Finance.

Theft of and fraudulent use of fare media is believed to generate an additional percentage of the ridership who are not paying a fare to Translink.

The extent to which an arrest for obstruction is featured in fare violation enforcement is dealt with more specifically when the offence of obstruction is discussed.

Offences Against Public Order

Five hundred and thirty seven (537) incidents of disorderly conduct or causing a disturbance were recorded between June 1st, 1998 and May 31st, 1999. As with any Translink Security incidents with a UCR offence coding the purpose of reporting events is to record offence related incidents system wide. These were not five hundred plus scoreable crimes of Disturbance with the Transit system. One hundred and seventy-four (174) incidents occurred at a SkyTrain location, one hundred and sixteen (116) at bus loops, seventy-one (71) on buses in motion and the remainder one hundred and seventy-six (176) occurred elsewhere in the system, bus stops, SeaBus terminals, etcetera.

Twenty-three master files were pulled at random for review of the way in which disorderly conduct was assessed and dealt with by Transit Security.

The level of disturbance described in four out of the twenty-three cases reviewed would satisfy a charge of Section 175 of the Criminal Code of Canada in that the normal activity of SkyTrain patrons was physically disrupted. For example passengers would actually get off a train to avoid the actions of the party responsible. Special Constables have been cheered by passengers when removing a party. These unwanted close encounters are at Ticket Vending machines, escalators, on the platform or on the train itself. Limited opportunities are afforded the passenger to keep on walking or cross the road to avoid the confrontation.

In some cases the complaints came from riders, others from SkyTrain attendants and others on view. Parties were responsible for disruptions requiring intervention in most cases for, abusively/aggressively panhandling, refusing to comply with a Transit Regulation, i.e. taking a bicycle on to SkyTrain, arguing, fighting with others, acting out due to suspected drug use or mental illness. Two domestic disputes were causing passengers to complain. In two cases the parties were not confronted by Translink Security as matters had cooled on arrival and they were allowed to proceed which was appropriate.

A weapon featured in one on train incident complained about by a passenger. All SkyTrain municipalities were reported locations for this class of event. Two fights involved multiple confrontations, i.e. four fighting, eight more getting involved. Only two of the twenty three cases required physical removal to the jurisdictional police department and neither went to a formal charge under the code – one was a hold for drunkenness, the other a warrant.

The events occurred all along the line and no particular time of day emerged as being significant. Ten incidents took place on a train while the remainder took place on a platform or near a ticket vending machine. Disturbances can occur anywhere on the system and have often, apparently started off site before the party or parties arrive at SkyTrain or a transit facility. Hostility and aggression from the disruptive party is very common together with challenges to authority and the legitimacy of actions taken by a Special Constable.

SkyTrain attendants appear to be a favourite target for verbal abuse of a sexual nature. One case involved two males who acted out very specific details of the intended sexual acts one of them intended to perform on her. This disturbed not only the SkyTrain attendant but also those passengers forced to wait and watch this grotesque routine being acted out until the Special Constables arrived and took the prime offenders into custody.

In the overall scheme of things none of these incidents are particularly shocking or monstrous given what people who live and work in the urban environment are becoming accustomed to. But before these and other collected SkyTrain experiences are written off as par for the course, the "locus in quo" must be factored in when trying to appreciate a passenger's level of apprehension. They are not happening in or outside a pub. They are not occurring on a high street where one can cross over or even detour into a store if open. They are not occurring at a major sporting event. These incidents of unruliness, abusive behaviour, disorderly conduct etcetera occur in front of a captive audience who, for the most part have no place to go to get out of the way.

Warrants

Persons checked in the course of transit related duties who are wanted on warrants other than for a Translink offence are no longer detained by Translink Security constables.

In 1997 one hundred and fifty seven (157) hits were documented. In 1998, on provincial, federal and municipal warrants, hits totalled two hundred and forty-eight (248).

Offences Against the Person

This section reviews incidents where violence is identified as the major theme. The reporting procedures are the same as for other offence categories in that all incidents, regardless of whether or not it is verified by investigation, are recorded. Some are for information only; others include an on-view arrest, charge, and conviction by Translink Security constables or the JPD. Here again the range includes soft and hard data.

Robbery (no weapon)

One hundred and eighty four (184) robbery related incidents were recorded by Translink Security sixty-five (65) or thirty-five percent (35%) occurring on SkyTrain. Eleven (11) incidents occurred on a train, thirty-eight (38) at a station, and sixteen (16) at an interchange.

The time at which these incidents occurred is of interest. The review process superimposed three time frames – #1 morning and evening rush hours, #2 during the day (non-rush hours) and #3 evening into early morning hours.

During the rush hours, (Period #1) bus loop interchanges recorded nine (9), SkyTrain stations ten (10) and SkyTrain (3). During the day, (Period #2) bus loop interchanges recorded two (2), SkyTrain stations nineteen (19) and a SkyTrain two (2). In the evening and into the early morning hours, (Period #3) Bus interchanges recorded five (5), SkyTrain Stations nine (9) and a SkyTrain six (6).

Where a rider is on the SkyTrain system at a particular time of day will alter the chances of becoming a victim due to the changing size of the ridership likely to be present at that time. One all encompassing ratio of yearly riders and victims is not very informative and would make a weak foundation on which to base strategy.

These sixty-five incidents relate to SkyTrain and its environment. The remaining one hundred and nineteen (119) incidents in this category occurred elsewhere within the Transit system.

By no means all of these reports of robbery concluded as a crime statistic in the JPD records. Some reported incidents consisted only of a request for assistance from a JPD to look for a robbery suspect who may have got onto the SkyTrain system to make a get away. However, a goodly number did record where a citizen made a complaint or report of circumstances that disclosed an occurrence of a theft accompanied by an act of violence. A significant difference in the number of these reports when compared to the number of UCR recorded robberies should act as a warning as to the nature of things happening in that environment. It would also support the theories of unreported crime contributing to an inaccurate portrayal of the real world.

In some files for robbery the Translink Security constables apprehended suspects and processed the entire report, (R.T.C.C.'S , taking witness statements) to the apparent satisfaction of all concerned. The JPD member did not write the report to Crown for some cases but in others they did.

Trains are only held for the briefest of periods keeping them moving is the top priority of the Controllers in the Burnaby Control Room. A suicide victim under a rail car or cars is the only incident that closes the system down automatically for an extended period, i.e. two hours.

Comments:

- The arrest of a suspect on more than one occasion demonstrated a slickness of operation that can only be acquired by thorough extensive knowledge of the ALRT system. For example, Special Constables converge from adjacent sectors with a quicker response time than would have occurred with a patrol car. A devious

suspect had changed trains to avoid detection but was still identified and apprehended. And all the while the system kept trains moving.

Common Assault

There were 431 incidents of assault reported system wide during the review period. The breakdown was as follows:

On a Skytrain	48
At a Skytrain Station	100
At a Bus Loop	54
Elsewhere	<u>229</u>
Total	<u>431</u>

Again it must be emphasised that not all of these reported incidents would satisfy the requirements to be a recorded crime, unverified second hand reports being one example. Nonetheless even though this is a combination of hard and soft data it is a good indicator of the rate of conflict occurring between people on public transit or related facilities.

Sexual Assault

As with robbery, the likelihood of becoming a victim will vary by the time of day and location within the SkyTrain system. In addition the chances of being a victim are doubled if a rider is female, at least according to the file review which disclosed all female victims. With the offence of sexual assault, however, the most frequently reported location was on the SkyTrain (6) compared to two (2) on a station and four (4) at an interchange. Rush hours produced the most, followed by daytime nonrush hour and then evening early morning hours.

The Crime Prevention Unit often follows up on indecent/sexual assaults occurring on a particular bus route, for example, and lists frotteurism (dry rub) as one of the MO's used by offenders. Frotteurism is not an offence category but a method of committing an indecent assault. Frotteurism is committed frequently during rush hours on crowded transit systems throughout the developed world. The offence goes largely unreported but is very disturbing to a victim and high on the list of reasons why female commuters, in particular, dislike crowded trains and buses.

Assault Peace Officer

During the period under review eighteen (18) incidents were recorded. All but two (2) occurred in the evening or early hours of the morning, the other two occurring during the day during the non-rush hours period. Fourteen (14) occurred on the station area and four (4) on board SkyTrain. There is no specific procedure in place within the Operations Manual for processing this offence.

Obstruction of a Peace Officer

During the period from May 1st 1998 to June 30th 1999, Translink Security Special Constables made five hundred and twenty six (526) arrests for Obstructing a Peace Officer. The obstruction took the form of refusing to provide name and address or giving false responses to questions during the process of issuing a ticket for non-

payment of fare. In all but a very few cases the party arrested was released and allowed to proceed without charge once particulars had been established.

The gender and age range of persons arrested was as follows:

<u>Female</u>		<u>Male</u>	
12 – 17 years	12	12 – 17 years	56
18 – 25 years	19	18 – 25 years	210
26 – 35 years	9	26 – 35 years	124
36+ years	<u>10</u>	36 + years	<u>86</u>
Total	50	Total	476
Overall Total		<u>526</u>	

Thirty (30) of the obstruction incident files were pulled for review. All files reviewed except one originated over fare payment. One was over refusing to comply with being banned from access. All involved male parties, mostly Caucasian between the ages 19 to 27 years. One was 16 yr. old, one at 37, one at 40 years of age.

The profile of the men arrested for obstruction matches that of those who, generally speaking, feature prominently in calls for service in the JPD's away from SkyTrain i.e. pubs or clubs, on the streets or when confronted by a police officer for committing an offence, usually of a minor nature. If alcohol is a factor or the offender is one of a group the tendency to act up is strengthened

For the most part the narratives contained little of the conversation between constable and citizen whereby a reader could appreciate the efforts made by the constable to persuade the citizen to avoid being arrested. Similarly there was little detail as to the falsehood used or the truculence demonstrated by the citizen in refusing to give a correct name and so on. The elapsed time between a falsehood being detected and arrest and handcuffing taking place was very short. Not everyone was reported as being handcuffed but most were.

There are 12,000 Violation Tickets issued annually by Translink Security. The use of the term "obstruct" occurs when a citizen refuses to co-operate i.e. stop walking – refuse name etcetera or when a given particular is established as incorrect i.e. home phone number. Based on review period statistics one in every twenty-three (1:23) ticket transactions goes to an obstruction arrest. Perhaps due to the brevity of the reports there were very few files that indicated attempts were made to persuade the citizen of the benefits of discontinuing the chosen strategy of truculence. Thelaying on of hands and cuffs appeared to occur with rapidity with not much in between. For example, a

narrative indicates nothing between a female denying via the telephone that male party X lives (as claimed) at that address and the arrest, handcuffing and warning for obstruction.

Comments:

- Giving false particulars is certainly a good indication that the citizen is intent on avoiding due process. It does not prove the party intends to take flight or fight. Translink Security policy allows handcuffing at the discretion of the arresting constable.
- The reason why so many citizens either ignore the constable's requests or respond with falsehood should be considered.
- Of the thirty files reviewed all but one obstruction charge was abandoned at the scene once identification was established satisfactorily. Sometimes the abandonment of the charge was not simultaneous with establishing the correct identity of the person. If a warrant was in effect, the decision to abandon the obstruction charge did not occur until the police of local jurisdiction arrived. Coinciding with that arrival came the decision to abandon the obstruction charge leaving the party to be taken away by local police to have the warrant taken care of.
- The need for making an obstruction arrest was never questioned by the Road Supervisor but on more than one occasion it was queried by the Operational Supervisor who required further details.
- From the five hundred and twenty-six arrests thirty-five cases of obstruction led to a Report to Crown Counsel.

Incidents of Obstruction and Handcuffing

The rules and procedures in effect at Translink Security for Arrest and Handcuffing are detailed in the Operations Manual. Handcuffing is at the discretion of the Constable. There have been concerns by management at Translink Security about the high rate of incidence where handcuffs are used. This has been evident in some of the files reviewed where the Operational Staff Sergeant has required additional details of the circumstances leading to the arrest. A briefing note was circulated by the Manager to this effect. Two strategies were initiated. One, a three person Use of Force Review Committee was struck consisting of the management group and the NCO supervising the member involved. Initiative #2 was the establishment of a working committee to review the Use of Section 129 C.C.of C. used by members when applying force in a particular situation.

The committee is made up of one Sergeant, a Union Representative, a Safety Committee member and three Special Constables. This group is in the process of finalising a report

due in the early fall. Management has circulated a briefing note to members outlining the impending change to Use of Force reporting for law enforcement members in British Columbia.

Comments:

- The concerns expressed by Translink Security management are well founded. A constable must be seen to act fairly and without undue haste. This requires giving the person obstructing every opportunity to make an explanation or correcting anything said now suspected of being inaccurate or false. Several of the Complaints made against Translink Security Special Constables by members of the public include an arrest for obstruction scenario. As an effective communication goal, a significant reduction in the arrest "For Obstruction" category is very achievable.

Offences Against Property

Property Damage

During the period under review Translink Security recorded one thousand and twenty three (1023) incidents of this description system wide. Of that number two hundred and twenty (220) were classed as mischief with no damage, while eight hundred and three (803) were classed as Property Damage Under. Damage to Translink passenger equipment (ALRT and Buses) is now in excess of \$500,000 a year and rising.

Incidents occurring on SkyTrain or SkyTrain stations account for approximately twenty-two percent (22%) of the total. Incidents occurring at Transit Bus Loops account for approximately thirteen percent (13%) of the total. Specifically the distribution was as follows:

AC 30 – Mischief No Damage

SkyTrain 173, Bus Loops 110, Other locations 600

AC 29 Damage Under

SkyTrain 49, Bus Loops 29, Other locations 142

With the focus of the operational review being primarily on SkyTrain, SeaBus and the interchanges, the files selected for review covered these locations only. Damage to Property and Mischief Offences are a significant problem for Translink. In a previous audit (1991) there were criticisms of the role played by BC Transit Police in recovering damages from vandalism suspects. This was halted by Management.

Policy and practice now eliminate Translink Security acting as a judge in Translink damage cases. Translink are advised of the incident in much the same way as other jurisdictions submit an informational report to the municipality's legal department for their follow up. The one page form letter cross references the incident file, summarises

the incident details, estimates the damage cost and who the suspect is. One file reviewed was an incident of road rage followed up by a JPD. The company employing the errant truck driver was willing to pay for the damage done to the bus by their employee. (Details supplied by the JPD).

The form letter is not used very frequently reported 'as only twelve (12) or so times during the review period and none have generated any appearances in civil court.

During the period reviewed nine subjects were charged with Mischief by Translink Security Crime Prevention. For 1999 there have been ten persons charged by the unit.

The files reviewed included reports to Crown Counsel, for charges of Mischief (3) supplementary reports on expert assessment of graffiti tags, conducting a photo line up (narrative and work sheet) plus detailed witness statements. All files and related reports were completed in their entirety by Translink Security members assigned to the Crime Prevention Unit with an assist by a Transit Control Liaison Constable.

Sentencing restrictions are asked for which have included suggesting the Accused participate hours in a community graffiti project. Restitution is requested for the amount incurred by Translink

Comments:

- The reports were of high quality and did not, apparently, generate any returns from Crown. Of interest was the level of expertise demonstrated by the Special Constable when describing the background of a particular "tag". This expertise is requested by JPD's to assist in prosecuting other cases of vandalism.

REPORTS TO CROWN COUNSEL

One hundred and fifty-eight (158) Reports to Crown Counsel were submitted to the various jurisdictions during the review period. There have been seventy-six submitted in the year to date. The range of offences was as follows: -

Robbery (3), Robbery with Weapon (2), Assault Bodily Harm (1), Sexual Assault (2), Assault P.O. (6), Common Assault (10), Weapon (2), Obstruct P.O. (8), Breach of Probation (5), Bail Violation (12), Theft (3), Possession of Stolen Property (4), Property Damage (11), Disturbance (1), Non proof of fare payment (Appearance Notice plus Crown Report not a Violation ticket) (5), Other (Vehicle) (3).

There were ninety-six supplementary reports to Crown Counsels sent to JPD's to assist investigation.

When a file contained a report to Crown Counsel by a Translink Security Constable it was checked for content, depth of narrative provided to describe the offence, references to warnings, provision of telephone privacy, etcetera. In preparing summaries of videotape exhibits Translink Security constables demonstrated a unique aspect of their job knowledge.

The Translink Security constables demonstrated the required quality of investigation techniques, job knowledge and application of the law. Reports to Crown Counsel contained a sufficiently detailed narrative, detailed witness statements, proper control of exhibits and a position on what restrictions should be placed on an accused. Special Constables prepare individual statements as to their involvement in a case. Overall the quality of the files prepared by Translink Security are assessed as being satisfactory or higher.

The preparation of reports to Crown Counsel is an issue with some JPD police officers. Translink Security are emphatic in adhering to the policy and practice that their members always defer to the JPD's for investigating criminal offences. What rankles some JPD members is the perception that they are being "dumped on" to do the writing, which, according to the Translink Security Operational Manual is precisely what should occur. Other JPD members, however, "delegate" more extensively and Translink Security constables willingly write up the entire report. There is no consistency as to when and where this will occur. In the past, when drug charges were allowed, one JPD granted access to the police station's exhibit locker to facilitate the processing of a charge.

There were no incidents reviewed where a victim of sexual assault needed to be medically examined, neither were Victim Services engaged to attend a SkyTrain incident.

The occasions when a Translink Security constable is asked or invited to write up the entire report to Crown Counsel depends very much on the preferences of the JPD Officer attending and not a particular region wide protocol. Even with a suspect in custody the response will vary. Translink Security records for Report to Crown Counsel returns do not disclose any particular pattern or recurring problem. The term deferring to the jurisdictional police department has become ambiguous at the street level of operations and should be reclarified. This procedure impacts strongly on the capturing and recording of UCR crime statistics on SkyTrain property.

Comments:

- Based on the files reviewed, Translink Security members demonstrate consistently the job knowledge, skills and abilities necessary to write an acceptable investigation and Crown report on: Robbery- Assault – Sexual Assault - Assault Peace Officer – Obstruction – Disturbance – Possession of a Weapon.

COMPLAINTS AGAINST TRANSLINK SECURITY CONSTABLES

In 1992 a protocol agreement between the Complaints Commissioner and BC Transit was agreed to outline the duties of both parties and the requirement of BC Transit to be accountable to the public. This document is to be found at Appendix 2.

In July 1998 new regulations concerning Special Constable complaint procedure came into effect. This document is to be found at Appendix 3.

All complaint files for the period were reviewed including those involving Security Guards and Bicycle Patrollers. There were seven complaints concerning Special Constables, two involving Security Guards and four involving Bicycle Patrollers. Some of the complaints against the Special Constables are already on file with the Police Services Division, Victoria and others have been discussed. Rather than duplicate or summarise material that is already known, this report will outline procedural issues that, it is suggested, would benefit from discussion and possible reappraisal.

Discussion Point #1 - Written Complaint containing a request for investigation

When a citizen has made a written complaint, which also asks for or demands a full investigation, a failed attempt at an informal resolution should not revoke or rescind that written request (for an investigation) already on file.

Rationale:

It is acknowledged that the complaint procedure is silent on this, addressing a complaint and a request for investigation as distinct and separate issues. However, a citizen should not be required to keep re-swearing the complaint in various formats. Adding contingent remainders as the process moves along can only add frustration to dissatisfaction. Merely confirming that the request for an investigation still stands should be sufficient.

Discussion Point #2 – A Complainant's Demands

Complainants should always be asked to say what they want to happen with the complaint. If a criminal charge is wanted Translink Security must tell the party they cannot conduct the investigation and straight away refer the matter in writing to the police of local jurisdiction and advice the Police Services Division of the action taken.

Rationale

Translink Security management takes a consistent position that their organisation must defer to the JPD for the investigation of criminal matters. This applies to all criminal allegations after a first response and assessment has been made. This, then, includes complaints against members. A complainant would have no knowledge that Translink Security may choose to disqualify themselves from the process at some later date thereby necessitating a fresh start to proceedings. Complainants should be told at the outset when this contingency applies.

Discussion Point #3 - Threats Against Translink Security Members

Any threat made by a complainant against a Special Constable must be reported to the jurisdictional police for assessment.

Rationale

Expressed intentions to sue or see someone out of a job can precede legal action both civil and criminal, and would not constitute a threat. An expressed intention to cause physical harm to a person or property most certainly does. A clear procedure for dealing with a possible criminal threat should be in place with the construction and application of related policy agreed to with Police Services and the JPD's

Discussion Point #4 - Complaint File Work Sheet

Complaint files should contain a work sheet as a frontispiece that records the sequence of events and what investigative activity has occurred and by whom.

Rationale

This allows documents in the file to be located readily and is also a basic management control where files have to be periodically reviewed.

Discussion Point #5 - Complaint File Content

Complaint files should contain all documentation related to the complaint including either the original or a certified copy of any documents that may exist in other operational files or administrative files.

Rationale

A complaint file should be complete in all respects. A Special Constable's follow up report to the original incident, for example, can have a bearing on what the complainant has stated in the complaint file.

Discussion Point #6 - Self-Incrimination – Complainant

Complaint investigators must be separated sufficiently from the original operational incident and any resulting charge in order that the complainant is under no unintended misapprehension that their statement is a possible source of inculpatory evidence against him or her.

Rationale

The simple expedient of an investigator advising a complainant that, in respect of the incident from which he is also being charged he/she is free to talk openly. That invitation renders any inculpatory statement inadmissible for those proceedings. If, however, the complainant starts to give incriminatory statements about involvement in yet another offence and about which there has been no previous knowledge, the investigator must intervene and warn accordingly.

Discussion Point #7 - Self Incrimination – Special Constable

During an agreed to attempt at an informal resolution a statement made by a defendant constable is not admissible in any subsequent hearing if the attempt at resolution fails.

“Requesting” a duty report on a complaint incident should be routine and not the subject of very varied interpretations by the Sergeants and Constables.

Rationale

This is an established feature of (Police Act) complaint investigation and can often clarify a situation quickly. Legal counsel is available to constables through the provision of the collective agreement and there should be no misunderstanding as to when and why a member can be required to respond.

Discussion Point #8 - Complaint Assessment Prior to Conclusion

A thorough investigation will include; a reasonable attempt to contact all witnesses, obtaining statements from all Translink Security members present or involved, reconstructing the scene if necessary by diagram or photograph, describing any videotape material if applicable, documenting the date and participants at a file review/discussion prior to either referring to a JPD or concluding the matter with the complainant.

Rationale

The investigation process must be able to demonstrate that it adhered to the principles of natural justice, everyone had to be heard and equally, with opportunities to correct misunderstandings. All available evidence must be obtained and considered

Discussion Point #9 - Investigations (Criminal and Formal) Need for clarification

A criminal investigation will be conducted by the police agency specified in the MOU.

A formal investigation of a non-criminal nature may be conducted by Translink Security at the direction of Police Services Division

Rationale

The above outline is a suggestion only. There is a real need, however, to address the procedural impasse that is developing. With the advent of the new Special Provincial Constable Complaint Regulations in June 1998 it was thought by Translink Security that all agreements previously in place would continue. This has not proved to be the case and RCMP E Division for the past year has declined to investigate a Translink Security complaint. Predictably, as a complaint moves back and forth between agencies while a complainant's current wishes are being established, something is going to fall of the rails.

Discussion Point #10 – Complaint Procedure – Information to JPD's

Policy and Procedure for investigating complaints against Translink Security Special Constables, when clarified must be made known to all ranks within the JPD's.

Rationale

A misdirection to a complainant by a JPD member can cause delay and confusion that serves no one well.

**To obtain copies of the following appendices, please
contact Police Services, Ministry of Attorney General at
(250) 387-1751**

APPENDICES

APPENDIX 1	ORGANIZATIONAL CHART
APPENDIX 2	PROTOCOL AGREEMENT BETWEEN THE COMPLAINT COMMISSIONER AND BC TRANSIT (1992)
APPENDIX 3	SPECIAL PROVINCIAL CONSTABLE COMPLAINT PROCEDURE REGULATION
APPENDIX 4	AGREEMENT BETWEEN GREATER VANCOUVER TRANSPORTATION AUTHORITY AND NEW WESTMINSTER POLICE SERVICE
APPENDIX 5	PROTOCOL AGREEMENT BETWEEN NEW WESTMINSTER POLICE SERVICE AND BC TRANSIT RE CPIC SERVICES

AUDIT/REVIEW OF TRANSLINK SECURITY

Analysis of Demand for Law Enforcement Services Along Skytrain/Seabus Corridor

Introduction

This portion of the review is intended to determine the level of need or demand for law enforcement services on the Skytrain/Seabus corridor. This is a different exercise than determining a level of crime. The concepts differ in that the agency providing law enforcement services along this corridor is faced with demand from the public and other organizations in contact with Skytrain/Seabus, for matters which might or might not turn out to be 'crime'. Nonetheless they consume law enforcement resources.

An ideal analysis of this nature would include a combination of victimization surveys of transit passengers, jurisdictional police and Translink response to call statistics, and reported crime figures.

Unfortunately, due to time and budget constraints not all of this information was available. However what is available provides some idea of the need for law enforcement services along this corridor.

What follows is a synopsis of existing reports and a comparative analysis of information contained in Translink crime data and two police agencies with similar Criminal Code offence volumes.

Existing Research

Much of the current analysis on Skytrain security issues has been commissioned by the Rapid Transit Project Office (RTPO), a provincial corporation tasked with the expansion of the Skytrain route.

RTPO commissioned the Security Resource Group (SRG) to determine whether the introduction of Skytrain stations will contribute to increased crime. To do so, SRG reviewed the impact of existing stations on crime rates. These are its findings:

Key Findings

1. While there is a common perception that crime increases where transit is introduced, there is no evidence to support a direct causal connection. Crime occurs where people and property are clustered. Understandably, transit is located where people are, or need to be. Research does suggest that SkyTrain, along with other modes of public and private transportation by improving areas of

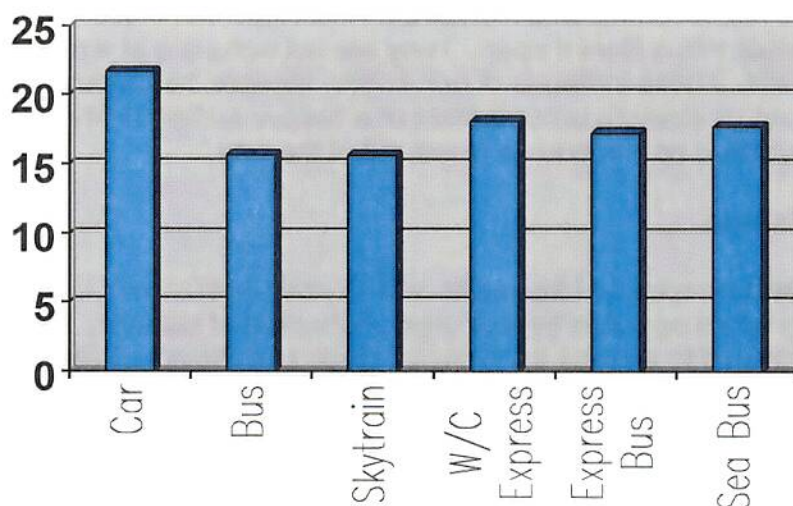
2. access, can act as a facilitator for certain types of criminal activity, such as vandalism, theft from autos, etc.
3. Overall crime in the Vancouver area rose rapidly in the early 1980's, then decreased and levelled off until the early 1990's when the rates went up again. Since the peak in 1991 and 1992, crime has been decreasing in the Vancouver area to a point where it is now below 1982 rates for most areas.
4. Throughout the 20 years studied in this report, the region also experienced significant changes in law, land use, population density and makeup, and development. All these changes have had an effect on crime trends.
5. There is some public concern about the impact of SkyTrain on crime, neighbourhoods and personal safety and security. ***According to studies gathered, the public is most fearful of nuisance behaviour, such as loitering, unsavory people and "street people"***. These are fears expressed about urban life in general. SkyTrain-specific public concerns include property crime and the visible drug sub-culture.
6. The public also frequently cites media portrayals of crime, in general, as feeding fears. Media reports on crime tend to locate offences near SkyTrain stations even if the incident did not occur at the station. This tend to increase the perception of a direct relationship between crime and SkyTrain. Recent coverage of gang activity in the area around and including the Broadway station is an example of such media coverage.
7. Data from local police agencies, particularly from Vancouver, Burnaby and New Westminster, indicate that primary concentrations of crime activity occur away from the SkyTrain system, usually in downtown cores. Downtown cores, in much of the world, typically support numerous other crime facilitators, making it difficult to separate the potential influence of SkyTrain from the influences of these other contributing factors.
8. Potential crime issues anticipated as a result of the extension of SkyTrain can be avoided, to some degree, through planning and designing stations with security aspects integral to the design. This forward-looking action will result in minimal crime impact around the majority of the proposed new SkyTrain stations when the system is fully implemented.

Significance of the Findings

Traditionally, in communities affected by the expansion of public transit service, the two greatest worries are (1) whether or not the transit systems are safe from criminal activities and (2) whether or not transit will cause a relative increase in crime within their neighbourhoods. It is important to address both of these concerns because rapid transit systems are built to serve communities and depend on those communities to maintain business revenues and ridership.

RTPO also looked at the public's perception of safety on the Skytrain, particularly as a deterrent to increased ridership. They found that transit users feel the least secure on Skytrain and the most secure in their own vehicles, as shown in the following table:

Commuters' Perceived Safety



The level of security on Skytrain experienced by commuters effects the percentage of commuters which use this service. Skytrain's share of commuter trips could increase by 22% if potential riders felt sufficiently secure. Conversely it would drop by about the same amount if riders felt less secure.

While other variables such as the cost of the trip, have a larger impact on ridership, security is an still an important issue.

Between 1995 and 1998 Skytrain customers were surveyed as to the importance of their personal security while commuting and their assessment of BC Transit's ability to provide for it. For the categories of Safety from Crime on Board Trains and Safety from Crime at Stations, customers rated both very high in importance but assessed Skytrain as underperforming.

In his audit of Translink files, Ken Higgins noted:

"SkyTrain attendants appear to be a favourite target for verbal abuse... One case involved two males who acted out very specific details of the

intended sexual acts one of them intended to perform on [a Skytrain attendant]. This disturbed not only the SkyTrain attendant but also those passengers forced to wait and watch this grotesque routine being acted out until the Special Constables arrived and took the prime offenders into custody.

In the overall scheme of things none of these incidents are particularly shocking or monstrous given what people who live and work in the urban environment are becoming accustomed to. But before these and other collected SkyTrain experiences are written off as par for the course, the *locus in quo* must be factored in when trying to appreciate a passenger's level of apprehension. They are not happening in or outside a pub. They are not occurring on a high street where one can cross over or even detour into a store if open. They are not occurring at a major sporting event. These incidents of unruliness, abusive behaviour, disorderly conduct etcetera occur in front of a captive audience who, for the most part have no place to go to get out of the way."

Drug Offences

A consistent complaint of the public and Skytrain passengers is the level of drug trafficking which operates by and large unchecked at stations. Translink SPCs are empowered to enforce the Criminal Code and Provincial Statutes, but not the Controlled Drugs and Substances Act. Jurisdictional Police conduct sweeps from time to time but this does not provide a permanent solution to a pressing problem.

Synopsis of Existing Research

While it does not appear that the existence of Skytrain contributes to increased crime, the nature of light rail transit commuting can make the public and transit riders more sensitive to crime and disorder on the Skytrain. A large number of people use this transit system and have few physical barriers between them and 'undesirables'. This can lead to an enhanced sense of vulnerability, regardless of whether they are at a statistically greater risk of harm than at other places. The fact that Translink Security is not empowered to fight drug crime adds to the public's sense that Skytrain is a dangerous place to be.

Comparison of Translink Crime Stats with RCMP Detachments

Criminal Code - 1998*

	Translink	Terrace	Williams Lake
P.O. Strength	42	25	23
Total CCC	2187	2270	3097
Persons	620	348	439
Property	506	1025	1325
Obstruct P.O.	377	12	39
Other/CC Traffic	684	885	1294
 Prov/Mun (less Fare offences)	 1998	 3974	 8572
Fare offences	14493	--	--

*Please note that to equate figures the 'Assistance' figures for Translink are compared with the 'Reported' figures for RCMP detachments, as Translink assists Jurisdictional Police with CCC investigations requiring police involvement.

It should also be noted that there is an underreporting of crime on the Skytrain due to normal underreporting tendencies, but also due to reports sent directly to jurisdictional police by the public. The latter phenomenon would not be experienced by these RCMP detachments.

Statistics recording the number of charges pursuant to federal statutes such as the Controlled Drugs and Substances Act are not included as Translink does not have jurisdiction in this area.

Three issues arise from a review of these statistics.

First, it is interesting to note that for the same or higher level of Criminal Code offences the RCMP detachments field fewer constables.

This difference is magnified by the size of the geography covered by the RCMP detachments which requires a longer time to respond to calls for service. As well, Translink Security hands off serious investigations to JPDs, consuming additional police resources, which is not reflected in the fielded P.O. strength.

On the other hand, unlike regular police, Translink must deploy SPCs proactively to provide a presence over the Skytrain system regardless of the level of reported crime.

Second, when the volume of Provincial/Municipal offences is compared (although Translink does not write tickets for Municipal matters) it is evident that the bulk of Translink SPC work in this area is related to Fare Offences, e.g. fail to present

Proof of Payment. Whether it is essential that SPCs, rather than Fare Inspectors or other staff perform this function is open to question.

Third, there is a high number of offences relating to Obstruct P.O. relative to the comparable detachments (377 vs. 12 and 39). As Ken Higgins noted in his report, only about 10% result in reports to Crown Counsel. There are a some possible explanations for this very high figure:

- the nature of Transit law enforcement is such that suspects must be arrested to prevent flight on a train;
- arrest for this offence is used in order to hold suspects wanted for drug crimes or outstanding warrants until JPDs arrive, and/or
- by virtue of their lack of full police powers, uniforms and equipment, Translink SPCs do not obtain the same level of cooperation from the public that regular police would.

While it is possible that the first reason accounts for some arrests for obstruction, Ken Higgin's audit disclosed that suspects are often arrested for obstruction and handcuffs applied upon the first indication of a falsehood.

The second reason provided likely accounts for a number of such arrests as suspects are released from Translink Security custody for obstruction upon the arrival of a JPD member. While this is an understandable practice given the realities of law enforcement, it's legality could be questioned by the courts.

There is also anecdotal evidence to support the third possibly. Translink Security members comment that the public does not consider them "real police" because they are not armed and do not have police uniforms.

Conclusion

It would appear that there is demand for full scale policing on the Skytrain corridor, both from a point of view of crime which occurs at stations as well as the public's perception of its safety while travelling. As well, the public and offenders seem to react more cooperatively to full police constables.

It is open to further research, however, whether a complement of 42 peace officers is required for this duty, and whether other members of Translink Security could be involved with Fare Enforcement.

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CREATION OF THE SOUTH COAST BRITISH COLUMBIA TRANSPORTATION AUTHORITY POLICE SERVICE

A. Historical Background to Creation of a Designated Policing Unit for TransLink

1986 – Transit Security and Special Provincial Constables (SPCs) were created with introduction of SkyTrain:

- a. Purpose was to enhance existing police resources to maintain public peace and provide safety of customers and employees.
- b. Uniform initial response unit enforcing Canadian Criminal Code (CCC) and all BC provincial statutes.
- c. SPCs were empowered to make arrests, submit crown counsel reports and issue violation tickets for a variety of provincial offences, including liquor, littering and fare evasion.

1986-1996 – Expanded role:

- a. Initially, SPCs' responded to criminal offences, eliminated unwanted behavior, enforced the *Transit Conduct and Safety Regulation*, including the payment of fares.
- b. The SPC role was then expanded to include drug offences and execution of outstanding warrants issued by the courts and supported by local jurisdictional police.
- c. To enhance criminal investigations and further supported by local police, the Transit Security Department obtained access to Canadian Police Information Center (CPIC) via 3rd party access (New Westminster Police Services).
- d. In 1996, TransLink Security made application to the Attorney General Ministry - Police Services Division (AG Ministry) for direct access to CPIC.

1996-2003 – Role Restrictions:

- a. The Ministry reviewed the CPIC application and concluded that SPCs' were exceeding their law enforcement authority.
- b. The AG Ministry stated there was never an intention for SPCs' to enforce Canadian drug laws and the SPC program did not have the authority to execute outstanding warrants that were not transit related.
- c. SPCs' were told people, in possession of drugs or subject of an outstanding warrant were to be released if they have a valid fare.
- d. In December 2002, a challenge by defence counsel over the authority of an SPC during the arrest of a knife-wielding individual who was threatening people "near" a SkyTrain station and subsequently committed a robbery was made in court.
- e. The AGs Ministry again reached the conclusion that SPCs' could not exercise their authority in situations that originated "off" transit property.
- f. Interpretation meant that SPCs' could not apprehend someone who shoplifts from a store next to a SkyTrain station and attempts to escape using the train, nor take action should they witness an assault or robbery on a city street even if it involves an intended passenger or someone who just left the system.

Measures to Resolve Authority Issues:

- a. TransLink senior executives met with the AG Ministry and agreed that a review was needed to ensure SPCs' had the applicable authority to "do the job".

- b. AGs Ministry carried out an in-depth TransLink Security Department review/audit.
- c. Review presented a number of different models, most of which involved active police participation.
- d. Review also proposed that TransLink pay for police services provided to SkyTrain.
- e. TransLink hired an external consultant for a thorough review of the AGs audit report.
- f. TransLink Board of Directors advised the AG Ministry that the preferred option (after reviewing both reports) was to form a “task force” comprised of seconded jurisdictional police officers that would be deployed as needed to focus on specific issues.
- g. TransLink requested from the AGs Ministry that the “task force” include staff from Police Services Division, TransLink and applicable jurisdictional police forces.
- h. A steering committee was established, however, police representatives got “bogged down” on the notion of establishing a “TransLink Designated Police Unit” under the *BC Police Act*.
- i. Police felt that establishing a “*corporate, private or for profit police agency*” would set a bad precedent for policing in the province.
- j. Additional comments of “Americanization” style policing would evolve within the province.
- k. After the demise of the proposed vehicle levy tax, TransLink resisted the notion that it would directly fund the participation of the jurisdictional police.
- l. Change in the government in May 2001 placed in the whole review process and its decision on the various options into a lengthy period of suspension.

2003 - Corrective Steps:

- a. In February 2003, at a British Columbia Association of Chiefs of Police (BCACP) meeting, the issue of the TransLink DPU was re-introduced by Police Services Division.
- b. The proposal centered on section 4.1 of the *Police Act* to designate current TransLink SPCs’ as “designated police officers” with appropriate uniform, insignia and authority.
- c. The additional authority would eliminate a significant problem of being constantly challenged, putting passengers and staff at risk, increase enforcement authority and implement more public accountability when complaints surface against Transit constables.
- d. Police Services Division supported the DPU approach, which would allow for a more “seamless” form of policing on all transit properties while working in conjunction with local police agencies.
- e. The Director of Police Services received concurrence from the BCACP to proceed with the 4.1 application.
- f. In December 2003, the TransLink Board of Directors directed that a formal application be submitted to the Ministry of Public Safety and Solicitor General to designate TransLink Transit Security as a DPU.

B. Legislative Framework for the Greater Vancouver Transportation Authority Police Service (GVTAPS)

Creating DPU

Under section 4.1(1) of the *Police Act*:

“Designated Policing” means policing and law enforcement provided in place of or supplemental to the policing and law enforcement otherwise provided by the provincial police force or a municipal police department.

“Entity” means any of the following:

- a. municipality;
- b. a regional district;
- c. a government corporation;
- d. any other prescribed entity.

The process for establishing a DPU is set out in sections 4.1(3) to (9) of the *Police Act*.

On December 2003, TransLink made application under section 4.1(2) of the *Police Act* (to the Minister responsible for the Act’s administration) for the designation of a designated policing unit (DPU) to provide designated policing (**Appendix I**).

As required by section 4.1(3), the application was required to include:

1. a description of all policing and law enforcement services to be provided by the designated policing unit **on behalf of the entity**;
2. a description of the geographical area within which the services are to be provided;
3. a description of the qualifications required of the designated constables;
4. a description of the governance of the designated policing unit, including:
 - a. identification or proposes establishment of the board;
 - b. proposed membership of the board;
5. an explanation as to how the designated policing is to be coordinated with the policing and law enforcement otherwise provided by the provincial/municipal police in the geographical area;
6. a written statement endorsing the application, from each of the following persons:
 - (i) the chief constable of each municipal police department in the geographic area within which the designated policing is to be provided; and (ii) the commissioner, if the designated policing is to be provided in a geographical area within which the provincial police force regularly provides policing and law enforcement (*Note: for the TransLink application, the Minister waived this requirement under section 4.1(4) of the Police Act*);
7. any other information that the Minister may require.

The Minister in establishing the DPU must do so in accordance with the application, therefore the terms of the application form a part of the legal framework for the DPU. The letter of the Minister dated May 21, 2004 (**Appendix 3**) confirmed the terms of the TransLink application, subject to the following terms:

1. named the designated policing unit “Greater Vancouver Transportation Authority (GVTA) Police”;

2. set the mandate of the designated policing unit as follows:
 1. “to preserve and maintain the public peace, prevent crime and offences against the law, aid in the administration of justice and enforce the laws in force in British Columbia, and is:
 - a. primarily directed towards any criminal activity or breach of public peace that could affect the safety or security of transit passengers, transit employees, or transit property, and
 - b. includes conducting investigation and enforcement operations with respect to any unlawful activity on or around transit vehicles and other transit property.”
 2. established geographic jurisdiction; and
 3. identified the board as being subject to change at the discretion of the Minister but will have at least one member from TransLink.

There is a Prescribed Entity Regulation, and by way of **ORDER>>>>>>],** it provides: “The Greater Vancouver Transportation Authority is a prescribed entity for the purposes of “entity” in the Police Act.”

As required by section 4.1(6) of the *Police Act*, the TransLink application was approved by cabinet (Lieutenant Governor in Council) by Order in Council No. 570 dated June 10, 2004 (**Appendix 2**), on the terms required by the Minister dated May 21, 2004.

As authorized by section 4.1(7) of the *Police Act*, by Ministerial Order No. M373 dated October 20, 2004 (**Appendix 4**), the Minister then established **on behalf of TransLink** and in accordance with the terms of the application³

1. Greater Vancouver Transportation Authority Police Service; and
2. Greater Vancouver Transportation Authority Police Board.

Through **Order xxxx**, the Minister then prescribed the GVTAPS so that it was a “police force” in British Columbia under section 1.1 of the *Police Act*. This makes GVTAPS police officers a “provincial constable” under the *Police Act*.

Establishing GVTAPS Regulation and Operations Regulation

As authorized by section 4.2(2) of the *Police Act*, the Minister also made the **Greater Vancouver Transportation Authority Police Service Regulation** (Appendix XX), Ministerial Order No. XX October 20, 2004, that sets out the geographic area in which the GVTAPS must operate, which is the “transportation service region” defined in the *Greater Vancouver Transportation Authority Act*. The Order also prescribes powers, duties and functions of the Board as those set out in s. 4.2(2)(c) of the *Police Act*.

On November 1, 2004, Cabinet passed **Order XXXXXX)** establishing the **Greater Vancouver Transportation Authority Police Service Operations Regulation (Appendix XX)** which makes certain regulations under the Police Act apply to the GVTAPS: Police Disposal of Property Regulation; *Emergency Program Management Regulation*; *Police Uniform Regulation*; and Part 9 of the *Police Act* dealing with the complaint process and *Code of Professional Conduct Regulation*.

Other Regulations

On xxxx, GVTAPS was added to for the federal *Controlled Drugs and Substances Act*.

There are also other regulations under the *Police Act* which already apply to all designated policing units and those are the *Use of Force Regulation*, the *Police Oath/Solemn Affirmation Regulation*, and under the *Motor Vehicle Act*, the *Emergency Vehicle Driving Regulation*.

Authority of GVTAPS

GVTAPS is a Designated Policing Unit in British Columbia established pursuant to s. 4.1 of the *Police Act*. GVTAPS and its police officers are also granted specific authorities under the *Greater Vancouver Transportation Authority Act* and related regulations.

The functions, powers, duties and authority of the GVTAPS are contained in the following:

1. TransLink application for a designated policing unit (**Appendix I**), subject to the terms established by the Minister and subsequent regulations;
2. Terms established by the Minister in a letter dated May 21, 2004 (**Appendix II**);
3. *Police Act*;
4. Regulations to the *Police Act*, including:
 - a. *Greater Vancouver Transportation Authority Police Service Regulation*, (**Appendix IV**)
 - b. *Greater Vancouver Transportation Authority Police Service Operations Regulation* (**Appendix V**)

As set forth in the Minister's letter of May 21, 2004:

"2. The policing and law enforcement mandate of the GVTA Police is to preserve and maintain the public peace, prevent crime and offences against the law, aid in the administration of justice and enforce the laws in force in British Columbia, and is:

- (a) primarily directed towards criminal activity or breach of public peace that could affect the safety or security of transit passengers, transit employees or transit property; and
- (b) includes conducting investigation and enforcement operations with respect to any unlawful activity on or around transit vehicles and other transit property.

3. The geographic jurisdiction of the GVTA Police is restricted to:
 - a. Any property that is used to provide transit services that is owned or controlled by the GVTA or any of its subsidiaries.
 - b. Any vehicle operated by or on behalf of the GVTA or any of its subsidiaries for the transportation of passengers or goods.
 - c. Any municipality, regional district, or other area included in the transportation service region as defined in the *Greater Vancouver Transportation Authority Act* only if the GVTA are responding to or investigating an incident that is directly related to the mandate of the GVTA as set out in paragraph 2."

Appointment of Designated Constables

Pursuant to section 4.1(11) of the *Police Act*, subject to the approval of the Minister, the Police Board may appoint designated constables to perform designated policing. As set forth in section 13, subject to the restrictions specified in the appointment and to the regulations, a person appointed under section 4.1(11) has the powers, duties and immunities of a provincial constable. Designated Constables have powers and duties of a **provincial** constable, however,

the Minister has authority to place limits on powers and authority of designated constables either in the appointment or by regulation. (See **Appendix XX** for the appointment template.)

Other

This document does NOT discuss the legislative framework for:

- Complaints and discipline process of Transit Police officers, as amended from time to time in the *Police Act* and regulations;
- role of the Police Board under section 4.2 of the *Police Act*;
- role of the legal entity under section s. 4.1, 4.2 and 17.1 of the *Police Act*;
- public body responsibilities under the *BC Freedom of Information and Protection of Privacy Act*.

C. Name Change to South Coast British Columbia Transportation Authority Police Service

As a result of the provincial TransLink Governance Review released in March 2007, on April 26, 2007 the Ministry of Transportation introduced Bill 36 in the Legislature to replace the Greater Vancouver Transportation Authority (GVTA) Act with the South Coast British Columbia Transportation Authority (SCBCTA) Act. On November 27, 2007, the SCBCTA Act came into effect. As a result, s. 2(1) of the GVTA Act was repealed, and the following provisions substituted under the renamed SCBCTA Act:

Authority established

2 (1) The authority is continued under the name "South Coast British Columbia Transportation Authority", consisting of the directors referred to in Part 8.

(1.1) The Greater Vancouver Transportation Authority Police Service is continued under the name "South Coast British Columbia Transportation Authority Police Service" and the Greater Vancouver Transportation Authority Police Board is continued under the name "South Coast British Columbia Transportation Authority Police Board".

(1.2) A reference to the Greater Vancouver Transportation Authority, the Greater Vancouver Transportation Authority Police Service or the Greater Vancouver Transportation Authority Police Board in any record, including, without limitation, in any security agreement, commercial paper, lease, licence, permit or other contract, instrument, document or certificate is deemed to be a reference to the South Coast British Columbia Transportation Authority, the South Coast British Columbia Transportation Authority Police Service or the South Coast British Columbia Transportation Authority Police Board respectively.

(2) The Business Corporations Act does not apply to the authority, but, on request of the authority, the Lieutenant Governor in Council may order that one or more provisions of that Act apply to the authority.

(3) The authority is not an agent of the government.

(4) The authority may carry on business, and, without limiting this, may enter into contracts or other arrangements, adopt bylaws, pass resolutions, issue or execute any

other record or sue or be sued under a name prescribed by regulation of the Lieutenant Governor in Council, and any contract, bylaw, resolution or other arrangement or record entered into, adopted, passed, issued or executed, as the case may be, and any suit brought, by the authority under the prescribed name is as valid and binding as it would be were it entered into, adopted, passed, issued, executed or brought by the authority under its own name.

As a result of this name change from GVTAPS to SCBCTAPS, Police Services Division was required to amend the police service name in legislation it is responsible for:

D. New Legal Entity

In 2012, TransLink received approval from the Labour Relations Board (Appendix XX) to create a bargaining unit specific to Transit Police personnel which would then enable Transit Police personnel to move to a TransLink subsidiary – TransLink Security Management Limited (TSML). TSML is a wholly owned subsidiary of TransLink. Following consultation with the Ministry of Justice and consideration of the DPU provisions within the *Police Act*, TransLink was required to make a new application to move SCBCTAPS to TSML as the legal entity/employer. That application was made August 27, 2012. Similar to the process followed in 2004, a series of legislative orders were completed and other actions taken to facilitate seamless transitioning of the SCBCTAPS to TSML.

1. Order of the Lieutenant Governor in Council No. 006 dated January 16, 2013 approving TSML and TransLink as a prescribed entity for the purpose of s. 1 of the *Police Act*. (Appendix XX)
2. Pursuant to s. 4.1(5) of the *Police Act*, the Minister approved TSML's application to become a DPU, subject to terms as outlined in the Minister's January 17, 2013 letter. (Appendix XX)
3. A letter from TSML Board dated January 27, 2013 confirmed the acceptance subject to the clarification that the geographic jurisdiction was the transportation service region as specific in the SCBCTAPS Regulation. (Appendix XX)
4. Order of the Lieutenant Governor in Council No. 029 dated January 30, 2013 approved, effective March 4, 2013, TSML's application under s. 4.1(2) of the *Police Act*, on the terms required by the Minister on January 17, 2013. (Appendix XX)
5. Order of the Minister of Justice and Attorney General No. 030 dated February 7, 2013 established, in accordance with the approved application and terms, a DPU known as South Coast British Columbia Transportation Authority Police Service and a designated policing board known as the South Coast British Columbia Transportation Authority Police Board. (Appendix XX)
6. Order of the Minister of Justice and Attorney General No. 031 dated February 7, 2013 appointed the new Police Board Chair and members of the Police Board. (Appendix XX)
7. Order of the Minister of Justice and Attorney General No. 032 dated February 7, 2013 designates SCBCTAPS as a police force in British Columbia pursuant to and for the

purpose of all provisions of the Controlled Drugs and Substances Act (Police Enforcement). (Appendix XX)

E. Coordination of Policing and Law Enforcement

The GVTAPS provide policing and law enforcement supplemental to jurisdictional police, not in place of them. The creation of the GVTAPS does not diminish Jurisdictional Police obligations dictated by statute, executive order and contract to provide policing. The Transit Police has established an Memorandum of Understanding of operational and procedural protocols with Jurisdictional Police whose jurisdiction the Transit Police regularly exercises its authority with respect to policing and law enforcement. This MOU reflects a co-ordination of efforts and full support of and co-operation between the Transit Police and JPDs. (Appendix XX)

When a SCBCTAPS Member exercises authority in a jurisdiction whose policing agency has not entered into a Memorandum of Understanding with the Transit Police, the Member will, if possible, notify the policing agency in advance of exercising authority, but in any case must promptly after exercising jurisdiction notify the municipal police department (as required by s. 10(2) of the *Police Act*).

F. Geographic Jurisdiction and

In relation to authority of the SCBCTAPS to investigate non-transit related offences occurring off transit property, Section 10 of the *Police Act* states:

Section 10 (1) Subject to the restrictions specified in the appointment and the regulations, a provincial constable, an auxiliary constable, a designated constable or a special provincial constable has, while carrying out the duties of his or her appointment, jurisdiction throughout British Columbia to exercise and carry out the powers, duties, privileges and responsibilities that a police constable or peace officer is entitled or required to exercise or carry out at law or under an enactment.

This grants a designated constable authority throughout the province unless there are restrictions contained in the specific appointment or regulations.

Further, Section 4.1(13) of the *Police Act* states:

*Subject to the restrictions specified in the appointment and to the regulations, a person appointed under subsection (11) [a designated constable] has the powers, duties and immunities of a **provincial constable**.*

Section 4.2(2) (g) of the *Police Act* specifically identifies the power to make regulations:

"prescribing the restrictions, including geographical restrictions, on the powers, duties and functions of a designated constable of the designated policing unit;"

BC Reg. 454/2004 made under the *Police Act* (Appendix XX) identifies the geographical area under which SCBCTAPS must operate as the transportation service region as defined in the *SCBCTA Act*. Therefore, the authority under section 10(1) and 4.1(13) and the geographic restriction under the regulations establishes authority for SCBCTAPS to operate throughout the region.

Other provisions of the *Police Act* do permit acting outside of jurisdiction -- section 10(2). The authority/jurisdiction of the designated constables can only be restricted or limited by the terms of their appointment or regulations under both sections 10(1) and 4.1(13) of the *Police Act*.

The Ministers' letters of May 21, 2004 and January 17, 2014 are very similar in terms of mandate and jurisdiction, with the exception of the January 17, 2014 Minister's letter adding reference to the SCBCTA Fare Infraction Bylaw introduced in 2012. In both instances, the Minister's letter confirms the mandate of SCBCTAPS to maintain the public peace, prevent crime and offences against the law, aid in the administration of justice and enforce the law in force in British Columbia. The letter identifies that this mandate is primarily (not exclusively) directed towards transit related criminal activity and includes (but does not limit it to) conducting investigations and enforcement operations on or around transit vehicles and transit property. This interpretation is supported by the xxx, 2008 letter from the Director of Police Services (Appendix XX).

Although the Ministers' letters identify the geographic location as being restricted to transit property, transit vehicles and any municipality, etc. in the transportation service region if the police are responding to or investigating an incident directly related to its mandate, the subsequent regulations amends this geographic location description and the *Police Act* requires that any limitations or restrictions be identified in the designated constable's appointment or contained in regulations.

Other than the regulation defining the geographical operational area, SCBCTAPS is not aware of any regulations that restrict the powers, duties and immunities of a designated constable to something different from the powers, duties and immunities of a provincial constable.