

Policy Title: Responding to Incidents in City Facilities

Policy Number: 05-01-10

Section: Property and Facilities

Effective Date: March 19, 2021

Approved by:

Council

Subsection: Use of Public Property

Last Review Date: April, 2024

Owner Division/Contact:

**Security Services, Facilities and Property
Management Division, Corporate
Services Department**

Policy Statement

City of Mississauga staff and, in particular Security Staff, will take immediate action to deal with Incidents in City Facilities.

Purpose

There are instances where individuals engage in activities while using City Facilities that are not appropriate or acceptable. In such instances City Staff are expected to respond and seek compliance with Facility rules or by-laws. Security Services will support other City Staff in those instances where they are not able to gain compliance from persons using City Facilities. Additionally, Security Services will support City Staff in dealing with other Incidents that are outside the routine operation of their Facility.

This policy outlines:

- The authorities and enforcement powers of Security Services personnel
- The enforcement tools available to Security Services through their employment
- The reporting commitments that Security Services has to other City business units, and
- The responsibilities of City Staff regarding the reporting of Incidents

Legislative Authority

The actions of the City which may be taken under this policy arise from the City's authority as owner or occupier of its Facilities pursuant to the *Trespass to Property Act*, the *Occupier's Liability Act* and from the powers of Municipal Law Enforcement Officers under the *Provincial Offences Act* the *Community Safety and Policing Act* and the *Criminal Code* of Canada.

The City of Mississauga authorizes Peel Regional Police to act as agents of the City of Mississauga for the purposes of administering the *Trespass to Property Act* and to take appropriate action, including removing trespassers in contravention of that Act from any City Facility.

Scope

This policy applies to all City Facilities and any person at those Facilities, including Patrons of programs conducted by the City.

Definitions

For the purposes of this policy:

“Ban” means the prohibition of an individual from entering specific City Facilities for a specific duration.

“Facility” means any building or land/property that is either owned or occupied by the City, including but not limited to recreation centres, the Civic Centre, parks, transit terminals and vehicles, libraries, sports fields, marinas, golf courses and cemeteries.

“Incident” means any occurrence involving an event that is outside of the normal operation or activities in a City Facility or inappropriate conduct on behalf of an individual. This could be an environmental incident such as a fire or medical event requiring the intervention of City Staff and/or emergency services, all instances of criminality or any other Incident that Staff deems as posing a risk to the physical safety of Staff or Patrons of the City’s Facilities that is not classified as a workplace hazard under the *Occupational Health and Safety Act*.

“Patron” means any person who is not an on-duty employee of the City who is present in a City Facility for a purpose.

“Security Services” means the Security Services Section, Facilities and Property Management Division, Corporate Services Department.

“Security Staff” means any person employed by Security Services on either a full-time, part-time or contractual, permanent or temporary, union or non-union basis, including Transit Enforcement Officers.

“Staff” means any person employed by the City in any capacity other than as a member of Security Services.

“Trespass Caution Notice”, as authorized under the *Trespass to Property Act*, is a written notice prohibiting an individual from entering specific City Facilities for a specific duration and is issued to an individual by Security Staff for the purpose of imposing a Ban.

“Trespass to Property Act” means the *Trespass to Property Act*, R.S.O. 1990, c. T. 21.

Security Services Authorities

The City of Mississauga By-law 0025-2015 s.4 describes all Security and Transit Enforcement officers as Municipal Law Enforcement Officers (MLEO) and further authorizes those staff to enforce other City by-laws, including but not limited to the following:

1. Parks
2. Transit
3. Smoking
4. Accessible Parking
5. Fire Route
6. Cemeteries
7. Marina
8. Golf Course

The *Police Services Act* authorizes MLEOs to issue Provincial Offence Notices for offences under the above mentioned by-laws in accordance with the *Provincial Offences Act*. As agents of the Corporation of the City of Mississauga Security Services is empowered under the *Trespass to Property Act* to enforce trespass offences on or in a City Facility. Other Provincial legislation may from time to time empower Security Staff with additional enforcement powers. Security Services is responsible for ensuring that Staff are trained to be in compliance with relevant legislation and that any other requirements under that legislation are met on the City's behalf.

Duty to Report Incidents

All Staff have a duty to report Incidents to Security Services and/or their immediate supervisor, who may subsequently report the incident to Security Services. Any Patron has a duty to report Incidents to City Staff or directly to Security Services.

Any Incident of imminent danger to the physical health of Staff or Patrons must be reported immediately to emergency services via a call to 911. An Incident of a criminal act may be reported to the police directly by City Staff with a subsequent notification to Security Services. Incidents of workplace violence are reported in accordance with Corporate Policy and Procedure – Workplace Violence. Where there is the risk of a workplace violence incident from parties external to the City, Security Services should be consulted by either the business unit supervisor or the Health and Safety representative in order to construct a risk mitigation strategy for the affected Staff.

Process for Incident Reporting

Staff should call the Security Operations Centre (SOC) at 905-896-5040 when they are dealing with an Incident and require support from Security Services. Where Staff have observed or dealt with an Incident that has ceased they should contact Security Services by email at security.security@mississauga.ca and have their supervisor complete a Form 301 – Incident/Accident Report for review by their business unit and Risk Management. Staff may be subject to additional reporting requirements imposed by other City policies (e.g. Reporting a City Owned Property Damage Insurance Claim; Reporting Potential Liability Insurance Claims – Injury or Damage Sustained by Non-employees) or business line procedures.

Where enforcement action has been taken by Security Staff under the *Trespass to Property Act* in the form of a Ban, Security Services will share relevant and appropriate information with the affected business line for the purposes of informing Security Services if that Ban is being violated. In the case of a Ban involving a youth under the age of eighteen, Security Staff will make a reasonable attempt to contact the youth's legal guardian.

Subsequent Reporting

Security Services will capture the details of actions taken by Security Staff in their response to a given Incident and retain those records in accordance with the Records Retention By-law, as amended. Security Services will share information, in an appropriate format (e.g. a Special Occurrence Report or email), with other business lines as required to maintain the security of the City's assets and the security of Staff and Patrons and/or to protect the City's interest in potential litigation. Additionally, Security Services will share information with law enforcement where it is required by law or is in the public or the City's interest to pursue criminal responsibility. Security Services will share data on security Incidents in an annual Corporate Report to Council. For requests to view footage from closed circuit television (CCTV) for facilities refer to Corporate Policies and Procedures - Video Surveillance.

Action Taken to Address Incidents

Incidents of Inappropriate Conduct

Where Staff or Security Staff observe inappropriate conduct in or on a City Facility, or have reason to believe that an Incident has occurred, they must take remedial action to mitigate any negative impacts on City Staff, Facilities or Patrons (e.g. first explain to the individual that their behaviour is unacceptable and ask that the behaviour cease). If the behaviour continues, all Staff are authorized to ask the individual(s) to leave the Facility for all or part of that day.

An offence has been committed under the *Trespass to Property Act* when:

- An individual refuses to leave a City Facility when asked; the SOC must be notified by phone as soon as practical
- Staff or Security Staff observe a person entering a space within a City Facility where entry is prohibited to persons other than Staff by virtue of its nature or rules/regulations created by the City; the Incident must be reported to the SOC
- Staff or Security Staff observe a person violating the rules or regulations of a City Facility, event or program; Staff may report the Incident to the SOC

In all instances of a person(s) committing an offence under the *Trespass to Property Act*, any enforcement action, other than asking a person to leave the Facility, will be undertaken by Security Services. If property has been damaged the individual may be invoiced for the City's cost of repairs.

Enforcement Options

Where Security Staff directly observe an Incident, appropriate action, in compliance with City policy and relevant legislation, will be taken. Where Staff have contacted Security Services for

assistance with the resolution of an Incident, the responding Officer shall assume responsibility for the outcome of that interaction upon their arrival. Under the *Trespass to Property Act* Security Services may issue a Trespass Caution Notice (TCN) as a means to notify the individual that they are banned from attending that location for a specified duration. Where a Ban has been issued and the individual fails to comply with the Ban, the individual may be arrested and held for police. In the case of a youth under the age of eighteen, Security Staff will make a reasonable attempt to contact the youth's legal guardian.

Where possible, Security Services will issue the individual with a written notice that identifies the location from which they are banned and the effective dates of the Ban. Where the Incident is taking place on a property other than inside a City Facility, Security Services may issue a Provincial Offence Notices under the relevant by-law in addition to any enforcement action taken under the *Trespass to Property Act*.

Process to Appeal a Ban

An individual or group banned under this policy may seek a review of the decision to Ban, as outlined in the Ban notice. The Banned individual or group may contact the Manager of Security Operations & Transit Enforcement to discuss the merit of the Ban. If the individual or organization is not satisfied with the outcome of the discussion they may escalate to the Director, Facilities and Property Management, by way of Security Services, to appeal the Ban.

Where no resolution is achieved the individual or organization may formally appeal the Ban by submitting a request in writing to the Office of the City Clerk. A non-refundable fee, as approved by Council, must accompany all requests. If the fee is not received, the request will not be considered.

Bans will remain in effect pending the outcome of the appeal hearing.

Requests for review of decisions will be considered by an Appeal Committee appointed by Council. The Appeal Committee's procedures will be fully explained to the appellant prior to the hearing. Minutes and records of any hearings before the Appeal Committee will be maintained by the Office of the City Clerk.

Revision History

Reference	Description
GC-0606-2010 – 2010 09 29	N/A
March 19, 2021	Scheduled review. Major revision to reflect current practices; removed section on prevention of Incidents in Recreation facilities.

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6 of 6

April 16, 2024	Scheduled review. Housekeeping revision to delete reference to "Police Services Act" and add "Community Safety and Policing Act".
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