

**Policy Title: Responding to Incidents in City Facilities****Policy Number: 05-01-10**

Section:	<b>Property and Facilities</b>	Subsection:	<b>Use of Public Property</b>
Effective Date:	<b>September 29, 2010</b>	Last Review Date:	
Approved by: <b>Council</b>	Owner Division/Contact: <b>Security, Facilities and Property Management Division, Corporate Services Department</b>		

**Policy Statement**

City of Mississauga staff and, in particular, Security Staff will take immediate action to deal with inappropriate conduct on the part of individuals using or visiting City facilities or property.

**Purpose**

The City of Mississauga recognizes that the majority of individuals use City facilities in a responsible manner and conduct themselves appropriately when visiting City property and facilities. There are, however, certain instances where individuals engage in activities while using City facilities that are not appropriate or acceptable. In such instances Security Staff will take steps to restore order and to ensure the safety of the public, as well as staff. Furthermore, the costs of repairing facilities that have been vandalized should not be borne by the general public. Rather, where possible, the costs should be borne by the responsible party.

This policy outlines options available to City Staff to curtail and/or prevent violence, vandalism, bullying or other inappropriate conduct from occurring in City facilities or on City property and, where such conduct occurs, the possible action and consequences that will result.

**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 property pursuant to the *Trespass to Property Act*, the *Occupier's Liability Act* and from the appointment of guards under the *Public Works Protection Act*.

**Scope**

This policy applies to all properties and facilities, leased and/or occupied by the City of Mississauga, including but not limited to recreation centres, the Civic Centre, parks, transit terminals and vehicles, libraries, sports fields and parks 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 properties or facilities for a specific duration.

“Corporate Security” means the City of Mississauga’s Corporate Services, Facilities and Property Management, Corporate Security Section.

“Incident” means any occurrence involving inappropriate conduct on behalf of an individual, which includes, but is not limited to, any of the following:

- Vandalism of City property and facilities as defined by the malicious, wilful and/or deliberate destruction, damage or defacing of property, including the materials, actual building structure or building facility, furniture, electronic equipment, etc.
- Violence or harassment, including but not limited to, the following behaviours:
  - verbal assaults, including the use of profane or abusive language and racial or ethnic slurs
  - threats and/or attempts to intimidate
  - throwing of articles or objects in a deliberate or aggressive manner that endangers or causes injury or damage to any persons or property
  - physically aggressive behaviour toward other individuals or groups, including striking or pushing
  - attempts to goad or incite violence
  - creating a nuisance by loitering or partaking in loud or boisterous horseplay that interferes with the use and enjoyment of City property and/or facilities by other persons;
- Bullying is behaviour by a person or group which intimidates or demeans another person and includes, but is not limited to:
  - abuse of power
  - humiliation or embarrassment
  - persistent and unjustified criticism
  - exclusion and/or isolation
  - threats, or
  - rumours/gossip
- Any illegal activity such as public intoxication or the possession or use of narcotics
- Contravention of city by-laws related to property and/or facilities and/or posted rules
- Possession of a weapon
- Any activity that warrants a formal report to or request for assistance from peel regional police by city staff or a patron
- Contravention of the Respectful Workplace Statement of Commitment, which is posted at City facilities

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

A "Trespass Caution Notice", as authorized under the *Trespass to Property Act*, is a written notice prohibiting an individual from entering specific City properties or facilities for a specific duration and is issued to an individual by staff for the purpose of imposing a Ban.

### **Duty to Report Incidents of Inappropriate Conduct**

All City of Mississauga staff have a duty to report Incidents to Corporate Security and/or their immediate supervisor, who will subsequently report the incident to Corporate Security. Any person in a City of Mississauga facility has a duty to report Incidents to a City of Mississauga staff person or to Corporate Security.

The Incident may, depending on its severity, be reported to the police. Any Incident involving a weapon must be reported immediately to the police. In addition to these processes, with respect to workplace violence, any employee who is either the victim of or a witness to, workplace violence should report the incident immediately to his or her supervisor.

### **Process for Incident Reports**

Where Security Staff is either involved in an Incident or an Incident is reported to Corporate Security by phone, a Special Occurrence Report (SOR) will be completed by Security Staff. If an Accident/Incident or Asset Damage form is required, Corporate Security will request that staff complete it as soon as possible, preferably the same day and will attach the form to the SOR upon receipt.

Where there is property damage or a potential liability claim against the City, staff must also take any such action as outlined in the City's policies regarding the reporting of potential insurance claims. Refer to Corporate Policy and Procedure - Finance and Accounting - Filing a Potential Insurance Claim Related to Property and/or Filing a Potential Insurance Claim Related to Liability Incidents.

Corporate Security is responsible for processing and maintaining all SORs and for reviewing whether other actions, as noted in the "Actions Taken Guidelines" section of this policy, may be applicable.

Corporate Security will distribute the SOR to the appropriate departmental staff for their information and review in compliance with the Municipal Freedom of Information and Protection of *Privacy Act* (MFIPPA) with respect to the distribution of personal information. All records relating to Incidents must be kept in accordance with MFIPPA. For details on MFIPPA refer to

Corporate Policy and Procedure - Corporate Administration - Records Management - Freedom of Information and Protection of Privacy.

### **Supplementary Banning Report**

Where an SOR has been completed in relation to a Ban, a Supplementary Banning Report containing the name of the banned individual and duration of the Ban will be completed and forwarded via email to the applicable Facility, Recreation or Parks Manager, as this information may be required in order to enforce the Ban. In the case of a Ban involving a youth under the age of seventeen, the Community Services Child and Youth Consultant will be copied on the email for information purposes.

### **Action Taken To Address Incidents of Inappropriate Conduct**

When Security Staff or any other City Staff person observes an Incident or has reason to believe that an Incident has occurred on a City property or facility, he or she will, where possible and/or appropriate, first explain to the individual that his or her behaviour is unacceptable and ask that the behaviour cease. If the behaviour continues, all staff members are authorized to ask the individual(s) to leave the facility or property for all or part of that day. If the individual agrees to leave, this is not considered a Ban.

City Staff should contact Corporate Security if an individual refuses to leave when asked, however staff are authorized to issue a verbal or written Ban for a specific period of time, in accordance with the "Actions Taken Guidelines" outlined in this policy.

Wherever possible, a Trespass Caution Notice will be issued at the time of the Ban or by the Manager of Security following notice of a verbal Ban. The Manager of Security will also ensure delivery of the Trespass Caution Notice.

### **Trespass Caution Notice**

Where a Trespass Caution Notice has been issued, it will describe the nature of the Incident and set out the duration of the Ban. The Manager of Security will maintain records of all Trespass Caution Notices issued. Where a Ban is issued to a youth, Corporate Security will make every effort to contact the parents or legal guardian and notify them of the Ban, preferably the same day. If property has been damaged the individual may be invoiced for the City's cost of repairs, as outlined in the "Actions Taken Guidelines" section of this policy.

Where staff are unable to obtain a name and/or address at the time of the Incident and therefore unable to issue a Trespass Caution Notice, the subsequent SOR will note that a verbal Ban has been issued and will include a physical description of the individual and be kept on record with Corporate Security. In such cases, the verbal Ban and a physical description of the individual shall be sufficient for the purposes of enforcement of the Ban.

## Actions Taken Guidelines

If requests to cease the unacceptable behaviour are not successful and a Ban is issued, the City may take the following actions, depending on the severity of the Incident. Where applicable, such options may be accompanied by an invoice for recovery of repair of damages, including materials, labour and a 20% administrative charge. When the Incident is sports or recreation related a letter of reprimand may also be issued by the Director of Recreation.

Option 1 – for minor and/or first incident:

- Verbal or Trespass Caution Notice outlining the reasons for the Ban from property/facility for 1 day to 1 month

Option 2 – for repeat minor disturbances or more serious incidents:

- Verbal or Trespass Caution Notice outlining the reasons for the Ban from one or all property/facilities for 1 to 3 months

Option 3 – for major disturbances, first time incidents:

- Verbal or Trespass Caution Notice outlining the reasons for the Ban from one or all property/facilities for 3 to 6 months

Option 4 – for major disturbances, repeat incidents:

- Verbal or Trespass Caution Notice outlining the reasons for the Ban from one or all property/facilities for 6 to 12 months

Option 5 – for any incidents involving weapons or any object that is used as a weapon or any actions that cause grievous risks to personal safety of staff and/or patrons:

- Verbal or Trespass Caution Notice outlining the reasons for the Ban from one or all property/facilities for one year and up to ten years

Where a Ban has been issued against an individual and the individual fails to comply with the Ban, the individual will be arrested by Security Staff under the *Trespass to Property Act* and held for police. In the case of a youth, provided the information is supplied to Security Staff, their parents or legal guardian will be contacted.

An additional Ban will also be imposed as a consequence of defying the original Ban.

## Appeal Process

An individual or group against whom action has been taken under this policy may seek a review of the decision. A request for review will first be referred to the Director, Facilities and Property Management, for informal resolution. Where no resolution is achieved and an individual or organization wishes to formally appeal the Ban, a request for appeal must be submitted 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.

## **Preventing Inappropriate Conduct in Recreation Facilities and Programs**

City of Mississauga Community Services staff are responsible for promoting the City's position of zero-tolerance for vandalism, violence and bullying within City recreational facilities, using mechanisms such as posters, signage and brochures, staff and community information sessions, advertisements, community displays, media releases and the Internet.

Where action has been taken under this policy with respect to sports or recreation-related Incidents any correspondence related to the actions taken will be copied to the applicable organization, such as hockey associations. In addition to any action taken by the City, user groups and organizations are expected to take their own appropriate steps to address conduct by individuals or teams in accordance with the organization's own by-laws, regulations, Community Service Codes of Conduct created for user groups and organizations and disciplinary procedures.

### **Programs and Codes of Conduct in Recreational Facilities**

The City of Mississauga is committed to working with patrons and user groups (such as sports leagues, clubs and community groups) to develop education and enforcement programs regarding violence, vandalism, bullying and harassment within all recreational facilities, owned or leased.

These programs will address:

- The impacts of violent and/or bullying behaviour
- The impacts of vandalism to city facilities
- The city's position of zero tolerance regarding violence, vandalism, bullying and harassment
- How everyone in the group can work together to prevent violence, vandalism, bullying and harassment
- Procedures which will be followed to report any such incidents
- Sanctions which will be imposed should violence, vandalism, bullying or harassment occur, and
- Recovery of any costs as a result of inappropriate or illegal behaviour

Major user groups are expected to promote the program within their organizations. In addition, organizers, players, parents, volunteers, officials and coaches will be required to adhere to Codes of Conduct outlining the City of Mississauga's expectations regarding the use of City facilities. In this regard, groups may require that the Codes of Conduct be signed as acknowledgement or they may add a statement to their registration form that establishes acknowledgement of the policy and acceptance of the Codes of Conduct. Groups must advise the City of the manner by which they are ensuring acknowledgement of the Codes of Conduct.

### **Violence and Vandalism Task Team for Recreational Facilities**

The Violence and Vandalism Task Team (the Task Team) is comprised of Community Services staff who have been designated by the Commissioner, one City of Mississauga councillor, the Manager of Sports and representatives of various community sports groups. The role of the Task Team is to:

- Review Incidents that have occurred in recreational facilities or during a recreational activity
- Develop methods and strategies to reduce the number of Incidents
- Review user groups Codes of Conduct to ensure they encompass the City's expectations of appropriate behaviour, and
- Provide input into communication and education programs

### **Revision History**

<b>Reference</b>	<b>Description</b>
GC-0606-2010 – 2010 09 29	