

Staff Report 2020-0103

Meeting Date: June 30, 2020

Subject: Notice Prohibiting Entry – Corporate Policy

Submitted By: Heather Savage, Manager, Recreation Services, Community Services

RECOMMENDATION

That the Notice Prohibiting Entry Policy attached as Schedule A to Staff Report 2020-0103 be approved; and

That the 'Guiding Principles - Allocation of 'Notice Prohibiting Entry' attached as Scheduled B to Staff Report 2020-0103 be approved.

REPORT HIGHLIGHTS

- Town facilities attract residents and visitors who partake in a variety of services that the corporation has to offer.
- Town staff may encounter unreasonable behaviour from patrons where the need to protect staff, members of Council and residents is required.
- Unreasonable behaviour may include damage to property, interference with operation of Town property or service delivery, behaviour that is physically or verbally threatening or in contravention of a law in Canada, Ontario or a municipal by-law.
- The standard operating procedure 'Public Code of Conduct' outlines the steps staff can follow to de-escalate a situation involving unreasonable behaviour.
- If the unreasonable behaviour continues to put other patron's or staff's safety in jeopardy a 'Notice Prohibiting Entry' may be issued. When issuing a 'Notice Prohibiting Entry' staff are to consult the corporate policy 'Notice Prohibiting Entry' attached as Schedule 'A' and 'B'.
- The 'Notice Prohibiting Entry' policy provides Town staff with clear direction and guidance regarding the issuance of a 'Notice Prohibiting Entry' to ensure municipal property and facilities are protected in accordance with *Trespass to Property Act*, R.S.O. 1990, c. T.21.

DISCUSSION

The Town of Caledon aims to provide exemplary services to all members of the public and to address service requests and complaints equitably, comprehensively and in a timely manner, while promoting a respectful, tolerant and harassment-free workplace between Members of Council and employees of the Corporation, and the public.

To achieve these objectives, unreasonable behaviour from some members of the public who require services or access to Town premises may need to be limited in a manner that is clear, reasonable and proportional to the individual's action(s).

In 2018, the Recreation Division implemented the 'Public Code of Conduct', which outlines the Town's commitment to a safe and respectful environment for all staff, residents and visitors and that unsafe actions of offensive language or harassment will not be tolerated.

The 'Public Code of Conduct' is a procedure that assists staff in dealing with unreasonable behaviour, which may include, but not limited to, damage to property, interference with operation of Town property or service delivery, behaviour that is physically or verbally threatening or in contravention of a law in Canada, Ontario or a municipal by-law. At the first sign of a member of the public exhibiting unreasonable behaviour, Recreation staff are to enforce the 'Public Code of Conduct'.

The 'Public Code of Conduct' outlines ways to de-escalate a person's behaviour, defuse the situation and report the incident. In situations where an individual continues to demonstrate unreasonable behaviour, that is contrary to the 'Public Code of Conduct', the person is asked to leave the premises. The procedure authorizes staff to contact the OPP if the situation persists.

The 'Public Code of Conduct' does not address potential situations where the same member of the public does not abide by staff's direction to leave the premises or returns to exhibit similar unreasonable behaviour. To ensure the safety of other patrons and employees a corporate policy: 'Notice Prohibiting Entry' (Schedule A), has been developed.

The 'Notice Prohibiting Entry' policy contributes to the Town's objective of dealing with the public in ways that are consistent and fair while acknowledging that there may be a need to protect staff, members of Council and residents from unreasonable behaviour.

This policy addresses highly escalated situations and provides guidance as to whether a 'Notice Prohibiting Entry' is required and if so, how a Notice should be issued. The 'Guiding Principles - Allocation of Notice Prohibiting Entry' (Schedule B), outlines options available to Town Staff to limit and/or prevent varying behaviours from occurring in Town facilities or on Town property and, where such behaviour occurs, the possible action and consequences will be applied. Most importantly, these guidelines exist so that staff act consistently and proportionally in each situation as best as possible.

Key points regarding the issuance of a 'Notice Prohibiting Entry'

1. The 'Code of Conduct' procedure is the first step in managing unreasonable behaviour situations.
2. Staff are to report the incident within 72 hours. Once the report(s) are filed staff will meet with their respective member(s) of CMT, SMT to discuss the situation and consider if a 'Notice Prohibiting Entry' should be issued.
3. The Authorized Person (Chief Administrative Officer or designate) will determine if a 'Notice Prohibiting Entry' is warranted and for what duration of time. The 'Guiding Principles - Allocation of Notice Prohibiting Entry' will assist staff to determine the Notice's timeframe.

4. In most cases, the first 'Notice Prohibiting Entry' will be for a period of seven days up to thirty days. Subsequent cases or incidents of more serious or threatening behaviour may incur periods of up to twelve months including an indefinite ban as approved by the Authorized Person. Long term bans will be the exception rather than the rule.
5. If the 'Notice Prohibiting Entry' is longer than twelve months, the Notice is then subjected to an automatic review by the Authorized Person after twelve months and every succeeding twelve months after.
6. A copy of the 'Notice Prohibiting Entry' will be sent to the Ontario Provincial Police – Community Response Unit.
7. The Authorized Person can revoke or suspend a 'Notice Prohibiting Entry' on appeal.
8. A person to whom a 'Notice Prohibiting Entry' has been issued may appeal in writing to the Chief Administration Officer within five business days of receiving the Notice.

The 'Notice Prohibiting Entry' policy is intended to provide staff with clear direction and guidance regarding the issuance of a 'Notice Prohibiting Entry' to ensure that municipal property and facilities are protected in accordance with *Trespass to Property Act*, R.S.O. 1990, c. T.21 and that all residents have a right to the enjoyment and use of Town property without interference.

Staff identified best practices from other municipalities and reviewed policies produced by the City of Windsor, City of Ottawa, City of Mississauga and the Credit Valley Conservation.

FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with this report.

COUNCIL WORK PLAN

Subject matter is not relevant to the Council Workplan.

ATTACHMENTS

Schedule A: Corporate Policy: Notice of Prohibiting Entry

Schedule B: Guiding Principles – Allocation of Notice Prohibiting Entry