



## Embracing Diversity: New TTC Fare Inspector and Special Constable Complaints Office and 2020 Annual Report

**Date:** July 7, 2021

**To:** TTC Board

**From:** Chief Diversity and Culture Officer

### Summary

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The TTC has committed to *Embracing Diversity* through the TTC's 10-Point Action Plan and Five Year Diversity and Human Rights Plan launched last December. As part of that Plan, the TTC has been implementing a Structure for Success to reflect diversity and inclusion as top priorities, ensure transparency, and remain accountable to its commitments.

This report introduces the Fare Inspector and Special Constable Complaints (FISCC) Office, provides a statistical update on 2020 Fare Inspector and Special Constable complaints, and presents the work the TTC has undertaken to improve its public complaint process for matters involving Fare Inspectors and Special Constables. It aims to demonstrate the steps we have taken, and continue to take, to strengthen the impartiality of investigations in response to the 2019 recommendations of the Ombudsman Toronto.

Specifically, we have established and deliberately realigned the oversight of public complaints involving Fare Inspectors and Special Constables to the TTC's Diversity and Culture Group, under the Human Rights and Investigations Department, in recognition of the importance of conducting investigations through a diversity and human rights lens.

To ensure transparency, Attachment A provides statistical information on the public complaints involving Special Constables and Fare Inspectors received by the TTC in 2020. For reference, in 2018 and 2019, respectively, the TTC received 192 and 165 complaints regarding Special Constables or Fare Inspectors. 2020 was an unprecedented year; the TTC received a total of 20 complaints involving Special Constables, and 42 complaints involving Fare Inspectors.

As we look to the future, the commitment of the FISCC Office is showcased in its key objectives: fair and impartial investigations; transparency and public accountability; education and outreach. Ultimately, we aim to enhance customer service through an improved complaints process, delivery of thorough and timely investigations, and data and analysis that monitors and identifies systemic issues for staff to act upon.

## **Recommendations**

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It is recommended that the TTC Board receive this report for information.

## **Financial Summary**

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The TTC's 2020 Operating Budget, approved by the TTC Board on December 16, 2019 and City Council on February 19, 2020 included the addition of \$1.0 million to fund a complement of seven positions for the establishment of the FISCC Office, which includes a manager, four investigators, a co-ordinator and shared data analyst, as well as external investigation services.

The Interim Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## **Equity/Accessibility Matters**

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The TTC is committed to promoting and supporting diversity and inclusion in all policies, procedures, processes, programs, and services, to reflect and respond to the needs of customers and employees.

The TTC is also committed to providing transit services that are respectful, inclusive, welcoming, fair, and free from harassment, discrimination and violence – this is an obligation that the TTC takes very seriously. The TTC has made changes to its public complaint processes for Fare Inspectors and Special Constables to be more streamlined and accessible so the public can hold the TTC accountable to its commitment. To assist in the intake of complaints, the TTC engaged its Customer Service Centre, which has longer service hours, and various accessible formats for a member of the public to submit a complaint. A complaint may be submitted online, by phone, TTY, email, fax or by mail. Information on submitting a complaint, and the complaint process, is available on the TTC website, [www.ttc.ca](http://www.ttc.ca).

In addition, the oversight of investigations into complaints involving Fare Inspectors and Special Constables has been realigned to the TTC's Diversity and Culture Group, and the new FISCC Office is staffed with investigators who have specialized training and experience in conducting human rights investigations.

## **Decision History**

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The Ombudsman Toronto recommended the TTC Unit Complaints Coordinator (UCC) prepare an annual public report outlining complaints statistics. The current report, found in Attachment A of this report, is the fourth annual reporting of such complaint data involving Fare Inspectors and Special Constables.

Presentation: Ombudsman Toronto Report: An Investigation into the Toronto Transit Commission's Oversight of its Transit Enforcement Unit

[http://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2017/May 18/Reports/3 Presentation Ombudsman Decision and Report.pdf](http://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2017/May%2018/Reports/3%20Presentation%20Ombudsman%20Decision%20and%20Report.pdf)

At its meeting on July 16, 17 and 18, 2019, City Council had before it the Ombudsman Toronto Enquiry Report: Review of the Toronto Transit Commission's Investigation of a February 18, 2018 Incident Involving Transit Fare Inspectors

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC9.2>

City Council adopted the six recommendations contained within the Ombudsman Toronto report, and further directed the TTC to adopt the Toronto Action Plan to Confront Anti-Black Racism.

At its meeting on September 24, 2019, the TTC Board had before it a report entitled TTC Status Update – Ombudsman Recommendations, which provided an overview of the Ombudsman's July report and the various initiatives undertaken by TTC staff in order to respond to the recommendations contained within the report.

[http://www.ttc.ca/about the ttc/commission reports and information/commission meetings/2019/september 24/reports/19 ttc status update ombudsman recommendations .pdf](http://www.ttc.ca/about%20the%20ttc/commission%20reports%20and%20information/commission%20meetings/2019/september%2024/reports/19%20ttc%20status%20update%20ombudsman%20recommendations.pdf)

At its meeting on February 25, 2020, the TTC Board had before it a report entitled TTC Status Update: Anti-Racism Strategy and Ombudsman Recommendations, which provided an overview of TTC actions to implement the Toronto Ombudsman six recommendations and an overview of TTC's Anti-Racism Strategy.

[http://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2020/February 25/Reports/9 TTC Status Update Anti Racism Strategy and Ombudsman Recom.pdf](http://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2020/February%2025/Reports/9%20TTC%20Status%20Update%20Anti%20Racism%20Strategy%20and%20Ombudsman%20Recom.pdf)

At its meeting on May 13 2020, the Board adopted a motion requesting a status update on the proposed investigative unit to receive and investigate customer complaints, and that the annual report include a breakdown of numbers of cases that were internally investigated and those that were externally investigated by complaint type.

[http://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2020/May 13/Reports/Decisions/8 TTC 2019 Annual Report Public Complaints Involving Special.pdf](http://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2020/May%2013/Reports/Decisions/8%20TTC%202019%20Annual%20Report%20Public%20Complaints%20Involving%20Special.pdf)

At its meeting on December 15, 2020, the TTC Board considered a report entitled Embrace Diversity: The TTC's 10-Point Action Plan and Five Year Diversity and Human Rights Plan. The report outlined the TTC's commitment to advance its objectives around diversity and inclusion and the development of 10 items for immediate action through the 10-Point Action Plan.

[http://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2020/December 15/Reports/7 Embrace Diversity 10 Point Action Plan.pdf](http://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2020/December%2015/Reports/7%20Embrace%20Diversity%2010%20Point%20Action%20Plan.pdf)

## Issue Background

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In July 2019, Ombudsman Toronto released a review of the TTC's oversight of its former Transit Enforcement Unit. Following this review, the TTC committed to implementing long-term changes to its public complaints process regarding Fare Inspectors and Special Constables to ensure fair, equitable, thorough and impartial investigations.

As part of this commitment, the TTC has established a new Fare Inspector and Special Constable Complaints (FISCC) Office. This new office will investigate public complaints involving the conduct of TTC Fare Inspectors and Special Constables, as well as complaints related to the Special Constable Service and/or Revenue Protection policies and services. In 2018 and 2019, respectively, the TTC received 192 and 165 complaints regarding Special Constables or Fare Inspectors.

Prior to the FISCC Office, all complaints regarding Fare Inspectors and Special Constables were handled through the TTC's Unit Complaints Coordinator (UCC). The UCC function has since been decommissioned. The FISCC Office is an impartial body, and is structurally independent from the TTC's Revenue Protection and Special Constable Service departments, Executives, TTC Board and the public. The FISCC Office's updated complaint procedures have undergone external expert review, including the Ombudsman Toronto, and the TTC's External Advisor on Diversity and Inclusion, Arleen Huggins.

## Comments

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The TTC is committed to *Embracing Diversity* and aims to do so by ensuring fair, impartial, thorough and timely investigations into public complaints involving Fare Inspectors and Special Constables. To ensure long term success in meeting this commitment, the TTC simplified its public complaint procedures for Fare Inspectors and Special Constables and underwent a reorganization with the creation of the newly formed FISCC Office. Under the Human Rights and Investigations Department, the office reports to the TTC's inaugural Chief Diversity and Culture Officer.

Guided by principles of equity, diversity, inclusion, impartiality, and accountability, the FISCC Office is responsible for:

- Receiving, reviewing, investigating and resolving misconduct complaints involving Fare Inspectors and Special Constables, and/or complaints regarding a policy or service of the Special Constable Service or Revenue Protection departments;
- Providing an accessible and streamlined public complaints process for the public to bring forward their complaints;
- Conducting impartial, thorough and fair investigations into alleged misconduct, and reaching findings and conclusions without influence of TTC Management, employees and the public; and
- Publicly reporting complaint numbers and outcomes to ensure transparency.

## **Objectives of the FISCC Office**

The FISCC Office identified three key objectives to meet its mandate:

1. Fair and Impartial Investigations.
2. Transparency and Public Accountability.
3. Education and Outreach.

The following summary highlights the actions undertaken by the newly formed FISCC Office toward these objectives.

### **1. Fair and Impartial Investigations**

#### **a) Accessible and Inclusive Public Complaint Procedures**

Our updated complaint procedures incorporate the 2019 recommendations of the Ombudsman Toronto, and are focused on creating more accountability, procedural fairness and impartiality in the TTC's complaint handling. They provide:

- A simplified process so anyone can submit a complaint. To get started, individuals can reach out to the TTC's Customer Service Centre, which has longer service hours; or contact the FISCC Office directly at [FISCCInquiries@ttc.ca](mailto:FISCCInquiries@ttc.ca).
- A more streamlined, clear and accessible process for customers to raise complaints to the TTC involving Fare Inspectors or Special Constables.
- A clear mandate for the FISCC Office to receive and respond to such public complaints in a fair and impartial manner with a customer service focus, including through alternative forms of conflict resolution, where appropriate.
- Timely communication; the FISCC Office will communicate with the Complainant to acknowledge receipt of their complaint within two business days of receipt, followed by a fulsome intake interview by a FISCC Investigator;
- Provision to retain third-party investigators, where appropriate;
- The procedural steps taken to investigate and resolve complaints in a fair, thorough and impartial manner; and,
- The option for the Complainant or Respondent to request a review of the TTC's investigation through the Office of the Ombudsman Toronto.

The updated complaint procedures have undergone external expert review, including the Ombudsman Toronto, and the TTC's External Advisor on Diversity and Inclusion, Arleen Huggins. Additional expert consultations with key stakeholders included the City of Toronto's Confronting Anti-Black Racism Unit, the City of Toronto's Indigenous Affairs Office, the Ontario Human Rights Commission, as well as the Toronto Police Service.

To ensure the complaint procedures are inclusive, responsive to the needs of the diverse communities the TTC serves, and continuously improve, feedback on the complaint process will be sought as part of the planned public and community

consultations by the University of Toronto Professors Dr. Akwasi Owusu-Bempah and Dr. Scot Wortley scheduled to begin in Q3 2021.

The TTC's new public complaint procedures for Fare Inspectors and Special Constables have been made available to the public on the TTC's website, [www.ttc.ca](http://www.ttc.ca).

#### b) Experienced and Diverse FISCC Investigators

The new FISCC Office is staffed with a Manager and four workplace investigators. The team has human rights investigative and lived experience and knowledge of issues of equity and systemic change (including the history of barriers faced by Indigenous, Black and racialized communities due to racism).

In addition to the experience the FISCC Office team brings to the TTC, they will receive ongoing human rights and workplace investigation training to ensure the necessary tools and methods are used to conduct investigations in a fair and impartial manner. This training includes Confronting Anti-Black Racism training from the City's Confronting Anti-Black Racism Unit, which will address bias, racial profiling, and the historical relationships as well as power imbalances between marginalized groups and positions of enforcement.

## 2. Transparency and Public Accountability

#### a) Complaint Data Collection and Analysis

The collection, analysis and public reporting of complaint data is an important part of evaluating the impact of the TTC's diversity and anti-racism initiatives on the conduct and performance of Special Constables and Fare Inspectors. It also helps to actively monitor for systemic discrimination, including: racial discrimination; identify and remove systemic barriers; and promote equity in the delivery of the TTC's revenue protection, transit safety and security services.

The TTC is in the process of procuring a new case management system for the FISCC Office and the Human Rights and Investigations Department to enable better complaint data collection, including the collection of demographic data. It is anticipated that a new case management system will also enable more effective trend analysis and implementation of early warning mechanisms to identify and root out potential systemic issues.

A Request for Proposal (RFP) was issued in Q1 2021. Subject to successful completion of the procurement process, implementation of a new database is anticipated for as early as Q1 2022.

## b) Public Reporting

### Annual Reporting

As transparency and public accountability are critical functions to maintaining impartiality, the FISCC Office recognizes the importance of reporting to the Board its complaints data on an annual basis.

2020 was an unprecedented year, with the COVID-19 pandemic. The TTC saw a substantial reduction in ridership<sup>1</sup>, and a temporary suspension of fare inspections, which in turn resulted in a corresponding reduction in complaints involving Special Constables and Fare Inspectors.

In 2020, the TTC received a total of 20 complaints involving Special Constables, and 42 complaints involving Fare Inspectors. The decrease in complaints from the prior year may be due to the impact of the pandemic and has made 2020 complaint data an anomaly in comparison to prior years.

Attachment A of this report provides a breakdown of: (i) the total complaints received by the TTC in 2020 involving Special Constables and Fare Inspectors; (ii) the nature of the complaints; (iii) the details as to whether the matter was investigated internally or externally; and (iv) the outcomes.

#### Highlights from Appendix A:

- While the TTC saw an overall reduction in complaints relating to the conduct of Special Constables and Fare Inspectors in 2020, the TTC did receive a number of new complaints attributed to COVID 19 PPE concerns.
- Special Constables:
  - *Discreditable Conduct* continued to receive the highest volume of complaints in 2020, with a majority of the allegations relating to discourtesy.
  - *Unlawful or Unnecessary Exercise of Authority* saw a marginal decrease, with the complaints *Related to Use of Force*<sup>2</sup>,
  - Of the 20 Special Constables investigations, 11 were assigned to external investigation.
- Fare Inspectors:
  - While we saw a reduction in complaints, we continued to see *Discreditable Conduct* receive the highest volume of complaints in 2020, with a majority of allegations relating to discourtesy, harassment or discrimination.
  - Of the 35 *Discreditable Conduct* investigations, 13 were resolved through informal resolution; 16 were investigated internally; and six were investigated externally.

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<sup>1</sup> At its lowest point in April 2020, passenger volumes dropped to just 14 per cent of normal, and then climbed to 30 per cent of normal volumes.

<sup>2</sup> Please note small sample size.

The FISCC Office is in the process of securing a new case management system, as noted in section 2a above, to increase our data collection and analysis capabilities, identify potential systemic issues, and drive systemic change.

### New Reporting Commitments

In addition to the TTC's annual complaint reporting, the FISCC Office will provide the Board notification of matters of public interest involving Fare Inspectors and Special Constables designated for external investigation upon designation. A matter of public interest may include:

- Systemic investigations into human rights allegations;
- Allegations of serious misconduct that raise a general public concern regarding transit safety, and has effects that are broader than the scope of an individual complaint impacting the integrity, reputation or public confidence of the TTC;
- May require the involvement of other external bodies to ensure public accountability; and/or
- Any other matter deemed as such by Chief Diversity and Culture Officer and/or the FISCC Office.

The FISCC Office will also provide directly to the Board the results of public interest external investigations involving Fare Inspectors and Special Constables by way of a summary report.

### **3. Education and Outreach**

It is important that the FISCC Office provides information to the public and TTC employees about its role and mandate, and how to access its complaints process.

The FISCC Office has a new webpage on [www.ttc.ca](http://www.ttc.ca), which aims to provide accessible resources to the public and employees, including:

- Information on how to make a complaint;
- Access to downloadable forms, and the complaint procedures;
- Frequently Asked Questions;
- Published annual data reports; and
- Details of community engagement events.

To introduce the FISCC Office, TTC has created a communication plan with clear objectives:

- To ensure TTC employees and the public are informed of the new Fare Inspector and Special Constable Complaints (FISCC) Office;
- To ensure that information on how to make a complaint is easy to find and the process is easy to follow; and,
- To highlight the work of the FISCC Office and how it supports TTC's work to create a more inclusive transit system, guided by the TTC's Anti-Racism Strategy and 10-Point Action Plan on Diversity and Inclusion.



TTC's communications to the public will include:

- A media release on June 30, 2021;
- Launch of the new FISCC Office webpage on June 30, 2021;
- TTC Twitter and Instagram posts;
- Councilor and Stakeholder newsletter notifications distributed to many diverse community groups in Toronto;
- Wheel Trans customer newsletter; and,
- Introduction of the FISCC Office in the July TTC CEO Report to be presented at the TTC Board meeting July 7, 2021.

From an ongoing education perspective, the FISCC Office will also deliver training on the public complaint procedures to Fare Inspectors and Special Constables as part of their new recruit and refresher training programs, and on an as needed basis.

In order to engage with the community and build positive partnerships, it is important for the FISCC Office to remain in touch with the needs of the diverse customers and communities the TTC serves. To this end, the FISCC Office will be exploring mechanisms to seek feedback and engage with customers and TTC employees regarding their experiences with the complaint process. In addition, the FISCC Office will continue to engage with the TPS Special Constable Liaison Office through regular meetings to discuss the status of the ongoing investigations involving Special Constables, and process efficiencies.

## **Conclusion**

This past year and a half was unprecedented due to the global pandemic and the substantial reduction in ridership. While this caused a corresponding decrease in the number of complaints received by the TTC, it did not alter the TTC's commitment and ongoing work to advance long-term improvements to the public complaint process. These improvements have not only addressed the recommendations of the Ombudsman Toronto, but have gone beyond to ensure long-term success with a sustainable infrastructure for fair and impartial investigations through the establishment of the FISCC Office under the TTC's inaugural Diversity and Culture Officer, and the revamp of the public complaint processes using an equity, diversity and human rights lens.

The TTC looks forward to reporting back to the Board on its ongoing work to build public trust, confidence and accountability in the TTC's public complaint processes involving Fare Inspectors and Special Constables.

## Contact

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## Signature

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Keisha Campbell  
Chief Diversity and Culture Officer

## Attachments

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Attachment A – 2020 Annual Complaints Data involving TTC Special Constables and Fare Inspectors

# **ATTACHMENT A: 2020 ANNUAL COMPLAINT DATA INVOLVING TTC SPECIAL CONSTABLES AND FARE INSPECTORS**

## **Introduction**

The TTC acknowledges that in order to promote public confidence and trust in the complaint processes involving Fare Inspectors and Special Constables, it must ensure that complaints of misconduct brought to the TTC's attention are investigated in a full, fair and impartial manner.

Accordingly, in addition to the immediate interim changes made in 2020, the TTC focused on developing and implementing long-term improvements to strengthen the impartiality of its internal investigations with new updated public complaint procedures, and the establishment of the TTC's new Fare Inspector and Special Constable Complaints (FISCC) Office.

Guided by principles of equity, integrity, diversity, inclusion, transparency and accountability, the FISCC Office provides fair, impartial and timely handling of public complaints involving Fare Inspectors and Special Constables, and helps to monitor and hold the TTC accountable for providing revenue protection, transit safety and security services in an equitable and non-discriminatory manner.

In alignment with the TTC's Anti-Racism Strategy, and the TTC's 10-Point Action Plan, the FISCC Office is committed to continuing to improve the public complaints process to ensure greater fairness, accessibility and responsiveness to the needs of the diverse communities the TTC serves.

This appendix outlines the annual statistical data for public complaints involving TTC Fare Inspectors and Special Constables received by the TTC under the interim public complaints process in 2020.

## **Interim Changes to Public Complaint Process**

Under the TTC's public complaint process, a member of the public may submit a complaint about the conduct of a Special Constable or Fare Inspector, or about a policy or service provided by the Special Constable Service or Revenue Protection departments.

Given the immediacy of the concerns raised by the Ombudsman Toronto of perceived bias and a need for physical separation of the TTC's Unit Complaints Coordinator (UCC), the TTC made some immediate interim changes to the public complaint process to ensure fairness and impartiality of its investigations into public complaints involving Fare Inspectors and Special Constables.

These interim changes included identifying an interim UCC within the TTC who had the requisite training from Toronto Police Service (TPS) Professional Standards in accordance with the TTC's Special Constable Agreement with the TPS Board, and no prior association with Revenue Protection and Special Constable Service departments.

All complaints involving human rights, discrimination and/or harassment were reviewed by the TTC's Human Rights Office, and third-party external investigators were retained to conduct these investigations where internal TTC investigators were not available. Third-party, external investigators were also retained to investigate complaints involving allegations of unnecessary use of force.

Due to a limited capacity of the TTC's internal investigators, external investigators were relied on often under the interim complaint process, until recruitment and staffing of the new FISCC Office investigators was completed in May 2021.

## **2020 In Review**

2020 was an unprecedented year, with the COVID-19 pandemic. The TTC saw a substantial reduction in ridership<sup>3</sup>, and a temporary suspension of fare inspections as of March 2020.

The combination of the reduction in ridership and the limited customer interactions resulted in a reduction in public complaints received by the TTC in 2020. The TTC received a total of 20 complaints involving Special Constables, and 42 complaints involving Fare Inspectors last year. This has made 2020 complaint data an anomaly in comparison to prior years.

The TTC also saw a change in the nature of complaints received. New general complaints<sup>4</sup> were being raised to the UCC relating to allegations of the improper wearing of PPE (i.e. masks), and concerns about physical distancing. While some of these complaints related to Fare Inspectors and Special Constables, most related to other customers or TTC staff generally. As a result, many were referred to Customer Service Centre to address as appropriate.

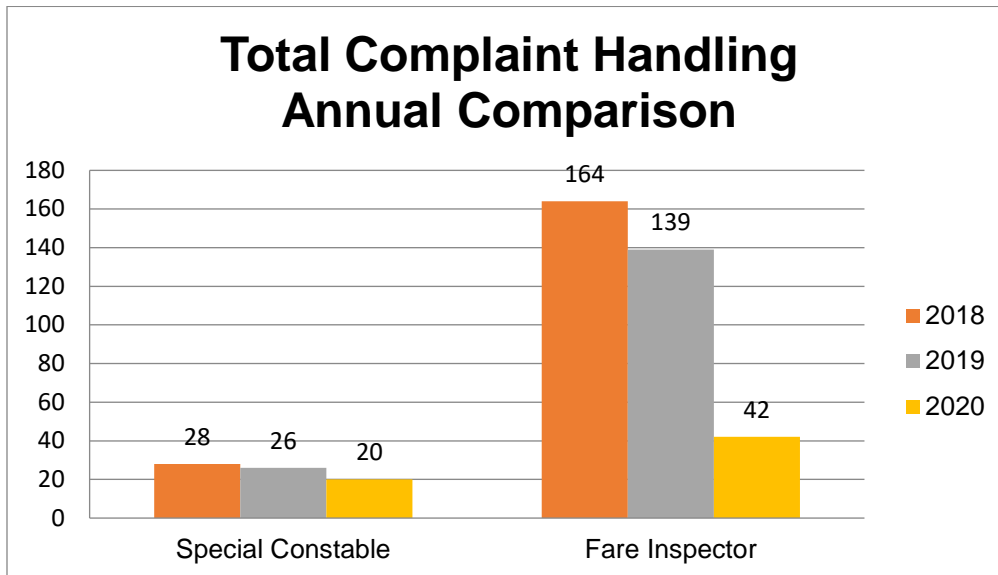
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<sup>3</sup> At its lowest point in April 2020, passenger volumes dropped to just 14 per cent of normal, and then climbed to 30 per cent of normal volumes.

<sup>4</sup> General complaints involve issues relating to practices or services of the Special Constable Service or Revenue Protection departments, and are not specific to any single Special Constable or Fare Inspector.

The graph below provides an overview of the total number of public complaints received in 2020 involving Special Constables and Fare Inspectors, with a comparison to 2018 and 2019.

### Total Complaint Handling Annual Comparison Chart



### SPECIAL CONSTABLES

The interim Special Constable public complaint process in place during 2020, required the UCC to forward all misconduct complaints involving a Special Constable to the TPS Special Constable Liaison Office for review by the TPS Professional Standards Unit. This was in accordance with the agreement between the TTC and the Toronto Police Services Board. Upon receipt of the complaint, the TPS independently reviewed and assessed each complaint to determine whether they would retain the matter for TPS investigation, or whether they would return it to TTC for investigation.

If the complaint was returned to TTC by TPS, the TTC would proceed with an investigation conducted by either an internal investigator, or by an external investigator recognized by TPS as having the requisite TPS investigative training or an approved equivalency.

In 2020, the TTC received a total of 20 complaints involving Special Constables. With respect to the 20 complaints, four were general in nature, and 16 raised allegations of misconduct<sup>5</sup>, including:

- Nine alleging discourtesy, rudeness;

- Three alleging discrimination and/or harassment<sup>6</sup>; and
- Five alleging unnecessary use of force.

**Table 1:** Categorization of Special Constable Misconduct Complaint Allegations: Comparison Chart of 2019 and 2020<sup>7</sup>

TEU <sup>8</sup> Code of Conduct Section	Sub-Category	2019 Total	2020 Total
Breach of Confidence		0	0
Consuming Drugs or Alcohol in a Manner Prejudicial to Duty		0	0
Corrupt Practice		1	0
Damage to clothing or equipment		0	0
Deceit		0	0
Discreditable Conduct		20	11
	Discourtesy/Rudeness	12	9
	Harassment/Discrimination	6	3
	Poor Use of Discretion	3	0
Insubordination		0	0
Misrepresentation		0	0
Neglect of Duty		1	0
Other Less Serious		1	1
Unlawful or Unnecessary Exercise of Authority		6	5
	Related to Use of Force	6	5

In 2020, the majority of complaints against Special Constables were allegations relating to discourtesy and unnecessary use of force.

Of the 16 specific complaints received in 2020<sup>9</sup>, three were resolved through informal resolution, and 13 proceeded to investigation. This is in addition to six complaint investigations that were commenced in late 2019, and concluded in 2020.

Of the 20 investigations in total:

- 11 were assigned to external investigation;<sup>10</sup>
- Three were investigated by TTC Human Rights Office; and,
- Six were investigated by the UCC.

<sup>6</sup> Alleged harassment/discrimination on basis of disability (2); gender (1); and personal harassment (1) in 2020 complaints.

<sup>7</sup> Please Note: A single complaint may have multiple allegations, and therefore the total number of allegations is greater than the total number of complaints.

<sup>8</sup> Formerly known as Transit Enforcement Code of Conduct. It has been renamed Special Constable Service Code of Conduct.

<sup>9</sup> As noted above, four complaints were categorized as general complaints relating to Special Constable policy or services.

<sup>10</sup> The majority of the external investigators were retained for capacity reasons due to limited internal resources. Two exceptional cases: one relating to the February 7, 2020 incident on TTC streetcar that was presented to the Board at the December 2020 Board meeting. The other remains open and under external investigation. It raises allegations of improper overtime claims as reported publicly in March 2021.

Of the 20 investigations, nine were found to be unsubstantiated, six substantiated, five remain open (three external and two internal).<sup>11</sup>

### **Complaints of Discrimination and/or Harassment**

Of the three complaints in 2020 raising allegations of discrimination and/or harassment:

- One was an internal workplace complaint investigated by TTC Human Rights Office, and found to be unsubstantiated; and
- Two were investigated by external investigators, with one finding the Special Constables discriminated against the passenger on the basis of a perceived disability, and also used unnecessary force.<sup>12</sup> The other investigation remains open.<sup>13</sup>

In addition, there were three internal investigations into complaints of discrimination and/or harassment that commenced in late 2019, and concluded in 2020. Of the three complaints:

- Two were found unsubstantiated; and
- One was an internal workplace complaint that was found to be substantiated.

### **Complaints of Unnecessary Use of Force**

There were five complaints in 2020 raising allegations of unnecessary use of force:

- Three were investigated externally, and one was found substantiated (as noted above)<sup>14</sup>; one was found unsubstantiated; and one remains under investigation; and
- Two third-party complaints are under internal review.

In addition, there were three external investigations into complaints raising allegations of unnecessary use of force that were commenced in late 2019, and concluded in 2020. Of the three complaints:

- Two were found unsubstantiated; and,
- One was substantiated, finding the Special Constable used unnecessary force in taking hold of the passenger's arm during an interaction.

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<sup>11</sup> As of June 1, 2021.

<sup>12</sup> This matter was brought to the TTC Board's attention at the December 2020 Board meeting. It was an external investigation into the February 7 2020 incident on the TTC streetcar.

<sup>13</sup> The complaint is an internal workplace complaint.

<sup>14</sup> See No. 12 above.

## **Complaints of Discourtesy and/or Unprofessional Conduct**

Under the interim public complaint process in place during 2020, complaints raising allegations of discreditable conduct of discourtesy, and rudeness may be investigated internally by the UCC, or resolved informally if appropriate.

Of the nine complaints that included allegations of discourtesy and/or unprofessional conduct:

- Three were investigated by the UCC, and two were found unsubstantiated, and one was found to be substantiated;<sup>15</sup>
- Two were informally resolved; and
- Four were assigned to external investigators as they also included allegations of unnecessary use of force and/or harassment.

Of these four complaints that underwent external investigation:

- Two were found to be substantiated, with one being an internal workplace complaint finding unprofessional conduct and personal harassment; and the other finding the Special Constable acted in a manner that was uncivil in raising their voice;
- One unsubstantiated; and
- One remains under investigation.

## **Matter of Public Interest**

In 2020, the TTC had an external investigation into a high profile, public interest matter. It involved an altercation between two Special Constables and two Fare Inspectors and a passenger on the 501 Streetcar on February 7, 2020. The external investigation found the two Special Constables had used unnecessary force against the passenger, and discriminated against them on the basis of a perceived disability. This matter was reported to the Board by way of an Executive Summary report at the December 15, 2020 public Board meeting.

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<sup>15</sup> Complaint related to off-duty conduct and found to have improperly withheld personal items.



## FARE INSPECTORS

Under the interim Fare Inspector public complaint process which was put in place during 2020, complaints involving allegations of misconduct assessed as minor in nature, may be investigated by the UCC or resolved informally if appropriate. Complaints assessed as serious, including allegations of harassment, discrimination, and/or use of force, are investigated by external investigators, managed through the TTC’s Human Rights Office or, subject to availability, by an internal TTC investigator having human rights investigation training.

In 2020, the TTC received a total of 42 complaints involving Fare Inspectors.

Of the 42 complaints, 35 were misconduct complaints, and the remaining seven matters were general complaints, including allegations of masks not being worn properly and/or Fare Inspectors not physically distancing. These were referred to management of the Revenue Protection Department to be appropriately addressed.

The 35 complaints raising allegations of misconduct included:

- 23 alleging discourtesy, rudeness;
- 10 alleging discrimination and/or harassment<sup>16</sup>; and
- Two alleging unnecessary use of force.

**Table 2:** Categorization of Fare Inspector Misconduct Complaint Allegations: Comparison Chart of 2019 and 2020<sup>17</sup>

TEU <sup>18</sup> Code of Conduct Section	Sub-Category	2019 Total	2020 Total
Breach of Confidence		0	0
Consuming Drugs or Alcohol in a Manner Prejudicial to Duty		0	0
Corrupt Practice		1	0
Damage to clothing or equipment		0	0
Deceit		0	1
Discreditable Conduct		123	32
	Discourtesy/Rudeness	82	23
	Harassment/Discrimination	35	10
	Poor Use of Discretion	23	1 <sup>19</sup>
Insubordination		0	0

<sup>16</sup> Alleged harassment/discrimination on the basis of race (5); age (1); sexual orientation (1); disability (2); gender (1) in 2020 complaints.

<sup>17</sup> A single complaint may have multiple allegations, and therefore the total number of allegations is greater than the total number of complaints.

<sup>18</sup> Formerly known as Transit Enforcement Code of Conduct. It has been renamed Revenue Protection Code of Conduct.

<sup>19</sup> This case raised allegations of improper ticketing for use of incorrect student card; it was investigated by UCC and no misconduct found.

Misrepresentation	0	0
Neglect of Duty	1	1
Other Less Serious	3	0
Unlawful or Unnecessary Exercise of Authority	3	2
Related to Use of Force	3	2

In 2020, while we saw a reduction in complaints, we continued to see the majority of allegations in the complaints relating to discourtesy, harassment or discrimination.

Of the 35 misconduct complaints, 13 were resolved through informal resolution; 16 were investigated internally; and six were investigated externally.

Of the 22 complaints that were investigated:

- 10 were found to be unsubstantiated (four of which were externally investigated);
- Three were substantiated (two were externally investigated); and,
- Nine are pending resolution.<sup>20</sup>

There were also four investigations that were commenced in late 2019, and concluded in 2020. All four were assigned to external investigators as they raised human rights allegations, and two were unsubstantiated, and two were found to be substantiated, as noted below.

### Complaints of Harassment and/or Discrimination

Of the 10 complaints raising allegations of harassment and/or discrimination:

- Five were investigated by an external investigator; and,
- Five remain open under internal review or investigation. Some of these cases also raise allegations of discourtesy and/or unprofessional conduct.<sup>21</sup>

Of the five investigated externally, four were found to be unsubstantiated<sup>22</sup>, and one was substantiated in finding a comment was made that was discriminatory on the basis of sexual orientation in violation of TTC’s Respect and Dignity Policy and Transit Enforcement Code of Conduct.

In addition, there were four external investigations into complaints of discrimination and/or harassment that were commenced in late 2019 and concluded in 2020. Two were found unsubstantiated, and two were found substantiated. Of the two substantiated cases, one found the conduct of a Fare Inspector against a passenger to

<sup>20</sup> As of June 1, 2021.

<sup>21</sup> Two of which are pending additional information from the Complainant, and three are under internal investigation.

<sup>22</sup> Two raised allegations of discrimination on the basis of race during fare inspection, one raised an allegation of discrimination on basis of race and gender during fare inspection, and a third party complaint raised allegations of discrimination on basis of age, and race and disability, during fare inspection.

be discriminatory on the basis of a disability in violation of the TTC's Respect and Dignity Policy and Transit Enforcement Code of Conduct.<sup>23</sup> The second found that a Fare Inspector engaged in conduct that was discriminatory on the basis of race in violation of the TTC's Respect and Dignity Policy and the Transit Enforcement Code of Conduct.<sup>24</sup>

### **Complaints of Unnecessary Use of Force**

Of the two complaints alleging unnecessary use of force, one was externally investigated and found that the Fare Inspector used force without authority in their interaction with a passenger on a TTC streetcar.<sup>25</sup> The other was an anonymous third party complaint investigated by the UCC and found to be unsubstantiated.

### **Complaints of Discourtesy and/or Unprofessional Conduct**

Of the 23 allegations of discourtesy raised in 2020:

- 12 were resolved through informal resolution;
- One was externally investigated and found unsubstantiated; and
- 10 were investigated by the UCC (with five unsubstantiated, one substantiated,<sup>26</sup> and four remain open).

### **Matter of Public Interest**

In 2020, the TTC had an external investigation into an incident that was of intense public concern involving the 501 Streetcar as noted above. The external investigation found one Fare Inspector used unauthorized force against the passenger. This matter was reported to the Board by way of an Executive Summary report at the December 15, 2020 public Board meeting.

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<sup>23</sup> Transit Enforcement Code of Conduct renamed in or about March 2021. Now known as Revenue Protection Department Code of Conduct.

<sup>24</sup> Previously reported in the TTC Annual Report to the Board on May 13, 2020.

<sup>25</sup> This matter was brought to the TTC Board's attention at the December 2020 Board meeting. It was an external investigation into a February 7, 2020 incident on a TTC streetcar.

<sup>26</sup> Raised allegations of improper wearing of mask and discourtesy.

## Reflection

2020 was a year of transition, learning, and continuous improvement. Progress was made to implement the interim complaint process with limited departmental resources, while concurrently working to develop and implement long-term improvements. These included a new FISCC Office with a dedicated team of experienced investigators; updated public complaint procedures; and the realignment of the oversight of Special Constables and Fare Inspectors complaint investigations to the TTC's Human Rights and Investigations Department under the TTC's new Diversity and Culture Group. Despite best efforts to hire the new investigators as quickly as possible, the TTC experienced some delays due to COVID-19 in the final hiring of the new FISCC Office team until Q1 and Q2 2021.

## 2021 and Looking Forward

### New FISCC Office

The TTC continues to be committed to *Embracing Diversity* and has undergone a structural reorganization with the creation of a new FISCC Office. Under the Human Rights and Investigations department, the office reports to the TTC's inaugural Chief Diversity and Culture Officer. This structure provides separation between the investigators and the departments they are investigating, and ensures complaints are being handled impartially, through an equity, diversity and human rights lens.

The TTC hired a Manager for the new FISCC Office, and four investigators, with equity and human rights investigative and lived experience. This FISCC Office has a clear mandate of ensuring fair and impartial investigations by reaching findings independent of TTC management, employees and the public, and enhancing transparency and public accountability.

The FISCC Office's new public complaint procedures are accessible to the public at [www.ttc.ca](http://www.ttc.ca).