



Supplementary Report – Policies to Support the Revenue Protection and Special Constable Service Culture Change Program

Date: April 11, 2024

To: TTC Board

From: Chief Strategy and Customer Experience Officer (Acting)
Chief Diversity and Culture Officer

Summary

On December 7, 2023, the TTC Board considered approval of policies to support the Culture Change Program, namely:

1. Use of Force;
2. Use of Discretion; and
3. Body-Worn Camera and Special Constable In-Car Camera Policy.

The TTC Board deferred consideration of the policies until such time as the following actions were taken:

- Incorporation of all feedback received by the Board at its December 7, 2023, meeting into the policies;
- Full and robust consultation on the Use of Force, Use of Discretion, and Body-Worn and Special Constable In-Car Camera Systems policies, to begin no later than December 15, 2023, with Special Constables and Fare Inspectors, as represented by CUPE Local 5089; and
- Full and robust public consultation on the Use of Force, Use of Discretion, and Body-Worn and Special Constable In-Car Camera Systems policies, to begin no later than December 15, 2023.

This report details the feedback received through the policy consultations set out above, provides an explanation of how the feedback has been addressed, and recommends approval of the resulting amended three policies.

Recommendations

It is recommended that the TTC Board:

1. Receive the December 7, 2023 report entitled “Policies to Support the Revenue Protection and Special Constable Culture Change Program”.

2. Approve the Body-worn Camera and Special Constable In-Car Camera System policy, attached as Appendix 8.
3. Endorse a nine-month Body-worn Camera and Special Constable In-Car Camera System pilot beginning in Q2 2024.
4. Approve the amended Use of Force policy, attached as Appendix 9.
5. Approve the amended Use of Discretion policy, attached as Appendix 10.

Financial Summary

There are no financial impacts arising from the adoption of this report.

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

Equity/Accessibility Matters

Through the TTC's Culture Change Program, the Revenue Protection and Special Constable Service departments continue to undergo transformative internal and external change to demonstrate a commitment to accountability, transparency, building public trust, addressing regulatory concerns and ensuring bias-free delivery.

The Culture Change Program has been the foundation for all work carried out between 2020 and 2024 by the departments. This work includes restructuring the departments, updating technologies, overhauling training and modernizing policies. The TTC applied recommendations from the Ombudsman Toronto and various third-party reports into the development of the Culture Change Program.

In addition, the TTC is committed to supporting and promoting diversity, equity and inclusion in the development of all policies, procedures, and services to ensure that solutions reflect and respond to the complex societal challenges that Toronto residents face. The TTC's Human Rights Office and Diversity Department also reviewed and provided input on these policies and procedures to ensure employees perform their duties in an equitable, inclusive, respectful, and safe manner.

Decision History

Previously, at its meeting on April 14, 2022, the TTC Board received the [Racial Equity Impact Assessment of TTC Enforcement Activities](#). The report provided an update on the Use of Discretion policy development process, noting that a review of the policy and the Collection of Disaggregated Race-Based Data had been completed by University of Toronto Professors, Dr. Akwasi Owusu-Bempah and Dr. Scot Wortley, and lawyer, Arleen Huggins. The TTC, with support of the Professors, completed a comprehensive stakeholder consultation process to move the Use of Discretion policy forward.

On September 13, 2023, an external survey developed by Dr. Owusu-Bempah and Dr. Wortley on the Use of Force, Use of Discretion, and Body-Worn Camera and Special Supplementary Report – Policies to Support the Revenue Protection and Special Constable Culture Change Program

Constable In-Car Camera System policies was successfully administered by Forum Research Inc. to members of a TTC panel. Subsequently, the Professors provided an analysis and summary of the survey results, which were presented to the TTC Board on December 7, 2023, in a report entitled, [Policies to Support the Revenue Protection and Special Constable Service Culture Change Program](#).

The December 7, 2023 report was deferred until the February 22, 2024 TTC Board meeting, at earliest, subject to the following:

- a. Incorporation of all feedback received by the Board at its December 7, 2023 meeting into the Use of Force, Use of Discretion, and Body-Worn and Special Constable In-Car Camera Systems; and
- b. Full and robust consultation on the Use of Force, Use of Discretion, and Body-Worn and Special Constable In-Car Camera Systems policies, to begin no later than December 15, 2023 with Special Constables and Fare Inspectors, as represented by CUPE Local 5089; and
- c. Full and robust public consultation on the Use of Force, Use of Discretion, and Body-Worn and Special Constable In-Car Camera Systems policies, to begin no later than December 15, 2023; and
- d. Preparation of a report to the TTC Board detailing the feedback received through a. b. and c. above, whether the feedback was incorporated into the policies, and if not, an explanation as to why the feedback was not incorporated.

Comments

The purpose of this report is to provide an update on the work undertaken to address the motions adopted by the TTC Board at its meeting on December 7, 2023. Responses to the Board's requests for further information have been organized by each Board-recommended action.

1. Incorporation of all feedback received by the Board at its December 7, 2023 meeting into the Use of Force, Use of Discretion, and Body-Worn and Special Constable In-Car Camera Systems (refer to [TTC Board Decision](#) – Item A)

Comparison of previous and updated Use of Force policies

The Use of Force policy is intended to establish guidelines for when force is used by Special Constables, Fare Inspectors, and Protective Services Guards during the course of their duties, and detail reporting responsibilities for when force and excessive force is used. The Use of Force policy and training materials have been amended to emphasize the importance of de-escalation as an alternative to force for Special Constables.

Last updated in 2014, the former version of the Use of Force policy did not address the importance of using de-escalation techniques to gain subject compliance before resorting to physical force. Rather, the focus of the former policy was on the use of force options available to Special Constables, such as restraining devices and equipment. The updated Use of Force policy clearly outlines de-escalation techniques, such as active listening and conflict resolution as viable non-force options for Special Constables. In addition, any references to the use of weapons or equipment in the

policy have been removed to ensure that focus is primarily placed on de-escalation and non-force options.

The previous version of the policy also did not outline the circumstances where use of force may be used and did not define the application of excessive force. The Use of Force policy has been updated to clearly list the circumstances where force may be used to ensure that use of force is strictly limited to the circumstances described within the policy and only used as a last resort, in accordance with training. Additionally, the policy has been amended to clearly outline what excessive force is and to require Special Constables who observe an employee to be using excessive force to intervene.

Finally, the previous policy did not outline the circumstances in which Fare Inspectors and Protective Service Guards could use force. The revised policy outlines the utilization of force for the purposes of self-defence and to assist a Peace Officer, consistent with section 34(1) of the Criminal Code and section 25 of the Criminal Code, respectively. While these powers are not considered new, the additions introduce transparency aimed at supporting staff and provide clear guidelines regarding the use of force.

A comparison chart on the previous and updated Use of Force policies can be found in Appendix 1.

Comparison of TTC and Toronto Police Service Use of Force Policies

The TTC's Use of Force policy mirrors the procedural requirements outlined in the Toronto Police Service's (TPS) [De-escalation and Appropriate Use of Force policy](#), where appropriate and applicable.

Although TTC Special Constables and TPS Officers possess different powers and equipment, both policies require Officers to prioritize de-escalation and communication tactics to the greatest extent possible when conducting their duties. Both policies promote the use of verbal and non-verbal communication strategies to de-escalate conflicts and reduce the need for use of force.

The Provincial Use of Force Model is included in both the TTC and TPS Use of Force policies and guides Officers on best practices for use of force, including:

- Continuously assessing incidents as they unfold for opportunities to effectively de-escalate a conflict without force or with a lesser degree of force.
- Using verbal and non-verbal strategies to prevent conflict or reduce the intensity of a situation without the application of force.
- Considering factors that may impact an Officer's perception and decision-making, such as the number of Officers and subject(s), perceived subject(s) ability (cognitive ability, skills, size, and weapon), cultural awareness and gender identity.

To ensure consistency between the policies, where appropriate, the TTC Use of Force policy has adopted TPS's definition of "excessive force" as closely as possible. Both definitions consider excessive force to be the application of force that is beyond what can reasonably be believed to be necessary and proportional to the circumstance. Both policies also deem Officers with the duty to intervene if they observe an employee using excessive force. In this situation, both policies direct Officers to intervene, where feasible, by using verbal instructions and/or creating physical distance between the Officer and the subject(s).

A comparison chart of both the TTC and TPS Use of Force policies can be found in Appendix 2.

2. Full and robust consultation on the Use of Force, Use of Discretion, and Body-Worn and Special Constable In-Car Camera Systems policies, to begin no later than December 15, 2023, with Special Constables and Fare Inspectors, as represented by CUPE Local 5089 (refer to [TTC Board Decision](#) – Item B)

From December 19, 2023, to March 8, 2024, the TTC consulted with executive members of CUPE Local 5089 over six meetings to obtain feedback on all three policies. Through the consultations, the TTC was able to derive recommendations on how to improve the policies to better reflect the needs of Special Constables, Fare Inspectors and Protective Service Guards and address any concerns about the policies. The majority of the recommendations that CUPE Local 5089 provided were incorporated into the policies, including:

- Updating language to clarify that force should only be used as a last resort, unless it is the only reasonable option available to ensure the safety of the public and employees.
- Adding CUPE Local 5089 as members of the policy review process.
- Aligning the definition of "Excessive Force" more closely to the Toronto Police Service's definition.
- Updating requirements for compliance with the policy to be less stringent on Officers.
- Emphasizing that body-worn cameras and in-car cameras will enhance Officer safety.
- Highlighting that body-worn cameras should not be activated for the purposes of recording crime scenes.

Although the majority of CUPE Local 5089's recommendations were incorporated into the policies, a few suggestions were not included. For example, CUPE Local 5089 expressed concerns towards the emphasis of Black, Indigenous and racialized individuals in the policies, stating that services should be provided equally to all communities to achieve fair treatment for all customers. The TTC has made a commitment to provide equitable services, and like the City of Toronto, acknowledges that Indigenous, Black, and other racialized individuals are disproportionately impacted. As such, the recommendations surrounding this topic were not incorporated. The revised policies were shared with the Ombudsman for review, to which overall support was provided on the proposed changes to the policies.

A complete list of CUPE Local 5089's feedback and whether it was addressed in the policies can be found in Appendix 3.

3. Full and robust public consultation on the Use of Force, Use of Discretion, and Body-Worn and Special Constable In-Car Camera Systems policies, to begin no later than December 15, 2023 (refer to [TTC Board Decision](#) – Item C)

Between 2021 to 2022, 16 community consultations and five expert stakeholder consultations were conducted by Dr. Wortley and Dr. Owusu-Bempah as a part of the Diversity and Culture Racial Equity Impact Assessment (REIA). The consultations targeted members of Toronto's Black and Indigenous communities and sought to evaluate public opinion on use of force, use of discretion and use of body-worn cameras and in-car cameras by Special Constables and Fare Inspectors. The consultations found that there was overall community support for body-worn cameras and belief that the equipment would increase accountability and reduce racial bias towards customers.

Stakeholders also unanimously endorsed the development of a Use of Force policy that thoroughly describes use of force options for Special Constables, highlighting that violation of the policy should result in disciplinary options. Additionally, all respondents agreed that the TTC should develop a discretion policy that defines discretion and governs how discretion is used with respect to various enforcement decisions, including decisions to issue formal cautions, issue tickets, formally charge customers, or arrest members of the public. A complete list of the stakeholder groups along with a summary of the consultation outcomes is available in Appendix 4.

In addition, in August 2023, public consultations were conducted through a survey developed by Dr. Wortley and Dr. Owusu-Bempah. The survey was distributed to TTC customers who were members of a dedicated TTC Panel to gain better insight into TTC customer and employee experiences with Special Constables and Fare Inspectors, and support of the policies. The survey was completed by 503 respondents and results found that TTC users were generally supportive of the TTC implementing the proposed policies and were in alignment with external stakeholder opinions. The results of the August 2023 survey can be found in Appendix 5.

Following direction from the TTC Board, in January 2024, the survey was made available to all TTC customers through ttc.ca. Re-circulation of the survey provided the broader public with the opportunity to share their opinions on the policies. The survey was posted for three weeks and was completed by over 2,900 respondents. The survey results were analyzed by Dr. Wortley and can be found in Appendix 6.

Additionally, on February 5, 2024, a virtual consultation was held to obtain feedback on all three policies. An invitation to participate in the consultation was sent to more than 300 stakeholder groups, representing over 1,400 members with diverse interests such as transit, youth, and community advocacy.

A total of 32 stakeholder groups attended the online session to provide their questions and concerns about the policies. The consultation was facilitated by Left Turn Right

Turn as a neutral third-party who directed questions from participants to the following panel members:

- Dr. Wortley, Centre for Criminology and Sociolegal Studies, University of Toronto
- Dr. Owusu Bempah, Department of Sociology, University of Toronto
- Arleen Huggins, LSM- Koskie Minsky - LLP
- Keisha Campbell, Chief Diversity and Culture Officer, TTC
- Angela Gibson, Executive Director, Farecard Technology and System Stewardship (Acting), TTC

Participants expressed general support for the implementation of body-worn cameras and in-car camera systems for Special Constables and Fare Inspectors. Questions surrounding access to footage emerged where participants sought clarification on who would be able to review the footage and to what extent. The panellists emphasized that Officers would be permitted to access their footage solely for tagging specific significant moments and providing clarifying notes during their shifts. They would not have the authority to edit or destroy the footage. It was also re-affirmed that footage would be managed by the Video Surveillance Unit, a department within the TTC that is external to both the Revenue Protection and Special Constable Service departments.

There were minimal inquiries regarding the Use of Discretion policy. Participants raised reservations regarding the effectiveness of Special Constable and Fare Inspector training if it occurs only once. Panelists assured participants that annual recertification training is provided to all Officers to ensure that Officers apply training consistently throughout their roles over time

The predominant focus of the discussion centered on the Use of Force policy. Primary concerns and questions revolved around the perceived authorization for Fare Inspectors to use force to ensure fare compliance, the TTC's approach to addressing excessive force, clarifying the relationship between Special Constables and the Toronto Police Service, and the use of force for self-defense purposes. It was affirmed that Fare Inspectors are not permitted to use force for fare compliance; rather, they are trained to de-escalate situations whenever possible and disengage when necessary. The assurance was given that excessive force would not be tolerated.

The use of body-worn cameras was highlighted as a tool that contributes to added accountability for instances of force. It was also clarified that, in Canada, all peace officers are obligated to support their counterparts in their duties, which is why the policy highlights that Special Constables may have to use force in situations to support Toronto Police Service. It was emphasized that the right to self-defense is inherent under the Charter of Rights and Freedoms, and the inclusion of Fare Inspectors' right to use force for self-defense in the policy was for transparency rather than as additional empowerment. Additionally, it was clarified that Special Constables are instructed to resort to force only as a last option and in accordance with their training.

It should be noted that subsequent to the virtual consultation, further engagement with CUPE Local 5089 was conducted to clarify the circumstances in which force may be used. As a result, language in the Use of Force policy was updated to clarify that force

should only be used as a last resort, unless it is the only reasonable option available to protect an employee or member of the public from violence and/or injury.

As the TTC monitors the initial phases of the policies and pilots the Body-Worn and In-Car Cameras, ongoing consultations with stakeholder groups will be conducted to assess any shifts in opinions and concerns as Officers apply the policies and equipment. This approach will allow the TTC to further expand its engagement with stakeholder groups and gather feedback on the policies from representatives who reflect the diversity and interests of the public. A complete summary of the discussions from the consultation can be found in Appendix 7.

Next Steps

Subject to the TTC Board approving the December 7, 2023 report recommendations, the following actions will be taken:

- TTC staff to report to Ombudsman Toronto with the approved policies when all 26 recommendations have been implemented from the Ombudsman Toronto Report: An Investigation into the Toronto Transit Commission's Oversight of its Transit Enforcement Unit;
- The TTC will proceed with the Body-Worn Camera and Special Constable In-Car Camera System pilot starting in Q2 2024; and
- At the conclusion of the pilot, an evaluation of pilot success will be completed using established KPIs, with a report outlining the final results provided to the TTC Board in Q4 2024.

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Attachments

Appendix 1: Comparison of Previous and Updated Use of Force Policies

Appendix 2: Policy Feedback from CUPE Local 5089

Appendix 3: Comparison of TTC and TPS Use of Force Policies

Appendix 4: Diversity and Culture Racial Equity Impact Assessment Consultation Results

Appendix 5: August 2023 Public Survey Results

Appendix 6: January 2024 Public Survey Results

Appendix 7: Virtual Consultation Discussion Summary

Appendix 8: Body-worn Camera and Special Constable In-Car Camera System policy

Appendix 9: Use of Force policy

Appendix 10: Use of Discretion policy

Appendix 1: Comparison of Previous and Updated Use of Force Policies

Content	Previous Use of Force Policy	Updated Use of Force Policy
References to de-escalation techniques	<ul style="list-style-type: none"> No references to de-escalation techniques. Direction to use the lowest level of force that can control a subject. 	<ul style="list-style-type: none"> Updated to clearly outline that Officers must apply various de-escalation techniques (e.g. active listening and conflict resolution using effective communication) in accordance with training.
References to effective communication	<ul style="list-style-type: none"> “Tactical Communication” listed as a use of force option, but policy does not include examples or any other references to communication techniques. 	<ul style="list-style-type: none"> In directing Special Constables to select the most reasonable options relative to the subject and circumstance, non-force tactics, such as verbal and non-verbal communication are emphasized as viable options. De-escalation techniques, such as active listening and conflict resolution using effective communication are listed.
References to excessive force	<ul style="list-style-type: none"> Policy does not define excessive force or explain what Special Constables must do when they see excessive force being used. Policy directs Special Constables to apply force at a level that is sufficient in controlling the subject, but to never apply it excessively. 	<ul style="list-style-type: none"> Excessive force is clearly defined as the “application of force that exceeds what is reasonably determined to be necessary and proportional to the circumstances surrounding the incident.” Updated to require Special Constables who observe an employee to be using excessive force to intervene by using verbal persuasion and moving between the employee and the subject, where reasonable and safe to do so.
References to use of equipment	<ul style="list-style-type: none"> Policy lists equipment: Oleoresin Capsicum (OC) Foam, handcuffs, and expandable baton as use of force options for Special Constables and outlines when they may be used. 	<ul style="list-style-type: none"> Policy has been updated to remove references to the use of weapons or equipment to ensure that focus is primarily placed on de-escalation and non-force options. Instruction on using equipment is provided in training with relevant context in accordance with the Ontario Use of Force Model.

<p>Circumstances where use of force may be used</p>	<ul style="list-style-type: none"> • Policy describes the circumstances where force may be used broadly and without parameters: <ul style="list-style-type: none"> ◦ “A Transit Enforcement Officer is authorized to use force on another person to do anything in the administration or enforcement of the law if he acts on reasonable ground in doing what he is required or authorized to do and in using as much force as necessary for that purpose.” 	<ul style="list-style-type: none"> • Policy has been updated to clearly list the circumstances where force may be used to ensure that use of force is strictly limited to the circumstances described: <p>Special Constables:</p> <ul style="list-style-type: none"> • Special Constables, during the course of their duties, are authorized to use Force in response to an event or incident to preserve the peace, prevent crimes, maintain order, and detain and arrest suspects. • Special Constables, during the course of their duties, have the right to use Force for Self-defence, as outlined in section 34 of the Criminal Code of Canada. <p>Fare Inspectors and Protective Services Guards:</p> <ul style="list-style-type: none"> • Fare Inspectors and Protective Services Guards can only use force for the purposes of self-defence. • Fare Inspectors and Protective Services Guards, during the course of their duties, also have the right to use Force to assist a Peace Officer as outlined in section 25 of the Criminal Code of Canada.
<p>References to training</p>	<ul style="list-style-type: none"> • Policy requires Officers to complete training in order to be authorized to use force. • Policy requires department to ensure that every Officer receives training on use of force. 	<ul style="list-style-type: none"> • Policy has been updated to use more rigid language, prohibiting Officers from using force without completing training. • Policy references disciplinary action as a result of non-compliance. • Policy commits to training being in accordance with TTC training standards, which includes de-escalation techniques, mental health awareness, anti-racism, unconscious bias, Ontario Use of Force Model, and trends on customer demographics.

Appendix 2: Policy Feedback from CUPE Local 5089

Use of Force Policy		
Feedback	Incorporated	Not Incorporated
<p><u>Section 4.0 Definitions:</u> “Excessive Force” definition should be updated to be more consistent with TPS’s definition.</p>	<p>Updated TTC definition to be more consistent with TPS’s definition: “The application of force that exceeds what is reasonably determined to be necessary and proportional to the circumstances surrounding the incident.”</p>	
<p><u>Section 5.3:</u> Add CUPE Local 5089 to the policy review process.</p>	<p>Accepted, CUPE Local 5089 has been added to list of reviewers.</p>	
<p><u>Section 9.2:</u> Union will not support the policy with the language that states force will only be used as a last resort, this does not align with training and is not realistic or true when in the field.</p>	<p>Partially accepted. Language will be updated to state “Force should be used as outlined in sections 6.0, 7.0, and 8.0, and only as a last resort, unless it is the only reasonable option available to protect an employee or member of the public from violence and/or injury.”</p> <p>The TTC believes that Special Constables must be held to a high standard when it comes to using force, but that there are scenarios where force may be the only reasonable option available to ensure the safety of the public and employees.</p>	
<p><u>Section 11.2(d):</u> Update to say that an Officer may submit the demographic info at their earliest convenience. At times, the Officer is working overtime and does not have time to fill out the forms at the end of the shift.</p>	<p>Accepted to capture Officer duties more accurately.</p>	

Use of Discretion Policy		
Feedback	Incorporated	Not Incorporated
General discomfort with the policy, feel that the policy can be used against the Officers and may lead to more frivolous complaints.		On July 10, 2018, the TTC Board adopted all recommendations contained in the Ombudsman report, including recommendation 24, which is to develop and implement a Use of Discretion policy.
<p><u>Section 1.1</u> Suggestion to remove references to Indigenous and Black individuals in section 1.1 so that all communities are considered: “The Toronto Transit Commission (TTC) is committed to providing equitable and non-discriminatory service to all Individuals, including Indigenous, Black, and other racialized Individuals, and acknowledges its obligations under the Human Rights Code (Ontario), and the Canadian Charter of Rights and Freedoms.”</p>		Will continue to keep this language as the TTC, as an organization, has made a commitment to equitable service, and like the City of Toronto, recognizes that there are disproportionate impacts on Indigenous, Black, and other racialized individuals.
<p><u>Section 1.1</u> Suggestion to replace reference of “equitable” with “equal” as it is consistent with the TTC Equal Opportunity policy and is more in line with Special Constable duties: “The Toronto Transit Commission (TTC) is committed to providing <i>equitable</i> and non-discriminatory service to all Individuals, including Indigenous, Black, and other racialized Individuals, and acknowledges its obligations under the Human Rights Code (Ontario), and the Canadian Charter of Rights and Freedoms.”</p>		<p>Equity means meeting communities where they are and allocating resources and opportunities as needed to create equal outcomes for all community members. Equity recognizes each person has different circumstances and needs, meaning different groups of people need different resources and opportunities allocated to them in order to thrive.</p> <p>Will continue to keep this language as the TTC is committed to providing equitable services. This includes removing barriers in its policies in order to respond to the individual needs of employees and customers.</p>

Use of Discretion Policy

<p><u>Section 1.2:</u> Suggestion to remove “racial and social equity approach”: “Any Special Constable, Fare Inspector, or Supervisor must apply training and a racial and social equity approach when using Discretion towards the delivery of an equitable transit service.”</p> <p>The meaning of racial and equity approach is unclear and difficult to understand in practice.</p>	<p>Partially accepted. Section has been updated to state: “Any Special Constable, Fare Inspector, Protective Services Guard, or Supervisor must apply training, <i>including</i> a racial and social equity approach when using Discretion towards the delivery of their duties.</p> <p>A definition for “Racial and social equity approach” has been added to the glossary.</p>	
<p><u>Section 4.0:</u> Suggestion to update “Racism” definition to be more clear, concise and in line with the Ontario Human Rights Code’s definition of racism: “Belief that one group is superior or inferior to others (i.e. of lesser importance or value). Racism can be openly displayed in racial jokes, slurs or hate crimes. It can also be more deeply rooted in attitudes, values and stereotypical beliefs, which in some cases, people do not even realize they have. Racism consists of assumptions that have evolved over time and have become part of systems and institutions. Acts of racism are a violation of the Code, may constitute harassment and/or violence under the Occupational Health and Safety Act (OHSA), and may constitute an offence under the Criminal Code of Canada.”</p>		<p>The Ontario Human Rights Code’s definition of racism is: “Racism is an ideology that either directly or indirectly asserts that one group is inherently superior to others. It can be openly displayed in racial jokes and slurs or hate crimes, but it can be more deeply rooted in attitudes, values and stereotypical beliefs. In some cases, these are unconsciously held and have become deeply embedded in systems and institutions that have evolved over time. Racism operates at a number of levels, in particular, individual, systemic and societal.”</p> <p>Both definitions include the same key principles (i.e. belief that one group is superior to others and that racism can be displayed through stereotypes, racial jokes, slurs, etc.).</p>

Use of Discretion Policy

<p><u>Section 1.2:</u> Suggestion to remove “equitable”: “Any Special Constable, Fare Inspector, Protective Services Guard, or Supervisor must apply training when using Discretion towards the delivery of an <i>equitable</i> transit service.”</p> <p>Language puts the onus on Officers to ensure equitable transit service when that can be addressed through different avenues by the TTC.</p>	<p>Accepted. “Equitable transit service” is vague and does not clearly state how discretion contributes to an overall equitable transit service. Rather, the language has been replaced with “the delivery of their duties”. This language removes the onus on Officers to ensure equity for the transit service as a whole.</p>	
<p><u>Section 5.3:</u> Add CUPE Local 5089 to the policy review process.</p>	<p>Accepted.</p>	
<p><u>Section 6.1(a):</u> Remove references to Black and Indigenous people as it would inadvertently cause Officers to avoid interactions with these individuals in fear of complaints: “To instill anti-racism practices, particularly with respect to disproportionately impacted groups, including Black and Indigenous peoples”.</p>		<p>The intention behind this messaging is for Officers to be more mindful and conscious of behaviour when interacting with members of these groups. Highlighting these interactions contributes to this goal.</p>
<p><u>Section 7.2:</u> Update section to be clearer in explaining that an Officer’s previous experiences with an individual dictates how they will apply a compliance action (i.e. an individual who violates TTC laws on a re-occurring basis).</p>		<p>Section 7.2 c) already captures the recommendation as it states that Officers may consider whether or not a compliance action will actually deter an individual from future violations: “The likelihood that the person could be deterred from future violations with a written warning or a formal charge.”</p>

Use of Discretion Policy

<p><u>Section 7.2(b):</u> Suggestion to amend this section by adding the term “relevant” before context. Understanding that these examples may not always be relevant to the situation at hand. For example, homelessness scenario may not be accurate; sometimes Special Constables do ticket people experiencing homelessness depending on context.</p> <p>“The context in which the offence takes place (e.g. the person’s familiarity with the transit system, person’s experiencing homelessness, etc.).”</p>	<p>Accepted to clarify that relevant context must be considered when applying discretion.</p>	
<p><u>Section 7.2(d):</u> Suggest removing example: “The role and impact of both conscious and unconscious bias on decision-making. For example, the employee’s perception of the person’s demeanour (e.g., aggressive, threatening, co-operative, unpredictable, honest, etc.) is based on stereotypical or prejudicial views related to the person’s personal characteristics or social background.”</p> <p>Expressed that the examples can be used against staff and the meaning of stereotypical and prejudicial views is not clear or easy to understand. Also attaches a negative connotation to Special Constable and Fare Inspector behaviour.</p>	<p>Accepted. Section 7.2(d) intends to emphasize the importance of conscious and unconscious bias when making decisions and can be understood without including an example that is potentially harmful to Special Constable and Fare Inspector perception.</p>	

Use of Discretion Policy		
<p><u>Section 11:</u> Compliance section is very strongly worded. Suggestion to add language such as “after a fair and impartial investigation.”</p>		<p>Will continue to keep language as is. In accordance with the Code of Conduct Policy, Officers may face disciplinary action, up to and including dismissal for breach of applicable policies. As such, a reference to the Code of Conduct policy has been added. Language mentioning “dismissal” has been removed in the Use of Discretion policy as Officers cannot be dismissed based on a breach to the Use of Discretion policy.</p>

Body-Worn Camera and Special Constable In-Car Camera Policy		
Feedback	Incorporated	Not Incorporated
<p><u>Section 1.1:</u> Feel that section is putting too much emphasis on specific groups. Suggestion to strike this section: “The Toronto Transit Commission (TTC) is committed to providing equitable and non-discriminatory service to all individuals, including Indigenous, Black, and other racialized individuals, and acknowledges its obligations under the Human Rights Code (Ontario), and the Canadian Charter of Rights and Freedoms.”</p>		<p>Will continue to keep this language as the TTC, as an organization, has made a commitment to equitable service, and like the City of Toronto, acknowledges that there are disproportionate impacts on the Indigenous, Black, and other racialized individuals.</p>
<p><u>Section 1.2:</u> Suggestion to put more emphasis on keeping Officers safe, it currently reads that we are implementing these cameras more for the public. Suggestion to also remove references to Black and Indigenous people as it would inadvertently cause Officers to avoid interactions with these individuals in fear of complaints.</p>	<p>Accepted. Language has been added to capture Officer safety. Additionally, to ensure that Officers perform their duties properly, the language on specific groups has been removed. Language supporting anti-racism practices is still included in Section 1.1 to capture the importance of equity, inclusion and non-discrimination.</p>	

Body-Worn Camera and Special Constable In-Car Camera Policy

<p><u>Section 1.4:</u> Suggestion to look to TPS policy to strengthen the first bullet “Enhance public and Officer safety.”</p>	<p>Accepted. Added to policy.</p>	
<p><u>Section 1.4:</u> Reference to “timely” in Point 5 is not accurate and cannot be achieved due to the current FISCC investigation process; consider rewording: “Support fair and timely resolution of complaints against an Officer to strengthen public and Officer confidence in the complaint process.”</p>		<p>Will continue to keep language as is to highlight that body-worn cameras and in-car cameras have the potential to resolve complaint investigations in a timely manner by providing recordings of interactions.</p>
<p><u>Section 1.4:</u> Suggestion to replace “supplementary” with “improved” evidence (Point 4): “Provide supplementary evidence for investigations, oversight, and other legal purposes.”</p>	<p>Accepted as revised language captures the use of cameras more accurately.</p>	
<p><u>Section 1.4:</u> Consider rewording Point 2 as not everything is considered law enforcement or an investigation, i.e. a wellness check/mental health related: “Capture an accurate record of Officer interactions with individuals relating to law enforcement or investigations.”</p>		<p>Will continue to keep language as it. Existing language captures suggestion and example provided.</p>
<p><u>Section 3.0:</u> Other TTC policies and training refer to the public as “customers”. This policy refers to the public as “individuals”. Suggestion to align with 10.1 Dignity Policy and consider adding “all persons, including customers.”</p>	<p>Accepted. Language has been updated to define “individuals” as “All persons, including customers who are on, using, entering or exiting the Transit System”.</p>	

Body-Worn Camera and Special Constable In-Car Camera Policy

<p><u>Section 3.0:</u> Add definition for “calls for service,”</p>		<p>The scenarios listed in Section 3.0 encompass calls for service.</p>
<p><u>Section 5.5</u> Add CUPE Local 5089 to review process</p>	<p>Accepted, CUPE Local 5089 has been added to list of reviewers.</p>	
<p><u>Section 6.2:</u> Add point that references “calls for service” and add Controlled Drugs and Substances Act to Section 6.2(d).</p>		<p>Calls for service are captured under Sections 6.2(a), 6.2(b), and 6.2(c).</p>
<p><u>Section 6.2 (d):</u> Question on what to do if an individual asks an Officer to turn on camera in a hospital.</p>	<p>Will evaluate and look into this during the pilot.</p>	
<p><u>Section 6.4:</u> Consider adding that cameras should not be used for the purposes of taking pictures of a crime scene.</p>	<p>Accepted.</p>	
<p><u>Section 6.6:</u> Clarify language on what supervisor review is intended to capture.</p>	<p>Will be addressed in the Guideline document.</p>	
<p><u>Section 7.2:</u> Add in Controlled Drugs and Substances Act.</p>	<p>Accepted.</p>	

Appendix 3: Comparison of TTC and TPS Use of Force policies

Content	TTC Use of Force Policy	TPS Use of Force Policy
References to de-escalation	<ul style="list-style-type: none"> • Outlines various de-escalation techniques (e.g. active listening and conflict resolution using effective communication) in accordance with training. • In directing Special Constables to select the most reasonable options relative to the subject and circumstance, non-force tactics, such as verbal and non-verbal communication are emphasized as viable options. • De-escalation techniques, such as active listening and conflict resolution using effective communication are listed. 	<ul style="list-style-type: none"> • Outlines de-escalation as verbal and non-verbal strategies intended to reduce the intensity of a conflict or crises encountered by an Officer, with the intent of gaining compliance without the application of force. If force is necessary, the Officer must reduce the amount of force required, including remaining calm, using verbal communication strategies, creating physical distance between the Officer and the members of the public, and employing critical thinking skills to pivot to other tactics in response to changing dynamics.
Definition of Excessive Force	<ul style="list-style-type: none"> • Excessive Force is defined as “The application of force that exceeds what is reasonably determined to be necessary and proportional to the circumstances surrounding the incident,” 	<ul style="list-style-type: none"> • Excessive force is defined as “The application of force beyond what can be reasonably believed to be necessary and proportional to the danger in any given incident.”
References to the Provincial Use of Force Model	<ul style="list-style-type: none"> • Policy requires training to be in accordance with the Ontario Use of Force Model and includes the model in Appendix 1 of the policy. 	<ul style="list-style-type: none"> • Policy requires Officers to apply the Ontario Use of Force Model and lists considerations, such as circumstances where less-lethal force options should be considered, circumstances where lethal force options must not be used and providing a verbal warning prior to using lethal force.
Duty to Intervene	<ul style="list-style-type: none"> • “Special Constables who observe an Employee within or outside their department to be using excessive force must: <ul style="list-style-type: none"> ○ Where feasible, use verbal persuasion and/or instructions in a manner that is proportional to the 	<ul style="list-style-type: none"> • “Uniform Service Members who observe other Members or members of other law enforcement agencies (including Special Constables employed by other organizations) using prohibited or excessive force, or engage in acts that constitute misconduct, must:

	<p>perceived risk of harm to members of the public; and</p> <ul style="list-style-type: none"> ○ Where reasonable and safe to do so, move between and provide separation between the person if it is proportional to the perceived risk of harm to members of the public and the Employee.” 	<ul style="list-style-type: none"> ○ Intervene, where feasible, using verbal instructions or reasonable soft or hard physical control, in a manner that is proportional to the perceived risk of harm to members of the public if the acts continue, and that does not jeopardize safety, and with the goal of de-escalating the situation and preventing further harm to members of the public; and ○ Report the incident as soon as possible in accordance with the procedure.”
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Appendix 4: Diversity and Culture Racial Equity Impact Assessment Consultation (REIA) Results

REIA Expert Stakeholder Groups

As part of the TTC's Racial Equity Impact Assessment (REIA) of the TTC Special Constable and Fare Inspection Units, Dr. Wortley and Dr. Owusu-Bempah organized a series of community consultations to learn about community members' experiences with Fare Inspectors and Special Constables and their opinions about the how TTC enforcement activities might be improved to prevent bias and meet the needs of Toronto's diverse population.

Sixteen community consultations, involving 119 TTC customers took place between November 2021 and April 2022. These consultations purposively targeted members of Toronto's Black and Indigenous communities.

Expert Stakeholder Group	Date	Number of Participants
Canadian Civil Liberties Association (CCLA)	July 8, 2021	3
Toronto Police Service Equity and Data teams	September 10, 2021	5
Conference of Minority Transportation Officials (COMTO)	September 15, 2021	1
Toronto Police Service Officer involved in Equity Initiatives	September 16, 2021	1
Black Legal Action Centre (BLAC)	September 30, 2021	3
The Centre for Addiction and Mental Health (CAMH)	September 30, 2021	4

Community Group	Date	# of Participants
BSSN/GBC student focus group (Black Student Success Network at George Brown College)	November 5, 2021	12
CNIB focus group (Canadian National Institute for the Blind)	November 21, 2021	5
BQYC focus group (Black Queer Youth Collective)	December 15, 2021	10
Black migrant focus group	February 7, 2022	9
Racialized migrant focus group	February 8, 2022	3
PAC members focus group (Partnership and Accountability Circle)	February 10, 2022	6
NCFST Indigenous seniors focus group (Native Child and Family Services of Toronto)	February 28, 2022	8
NCFST Indigenous youth focus group	March 7, 2022	9
NCFST General Indigenous focus group	March 2, 2022	8
NCFST General Indigenous focus group	March 8, 2022	3
UARR Black youth focus group (Urban Alliance on Race Relations)	March 14, 2022	11
UARR Racialized youth focus group	March 15, 2022	7

Community Group	Date	# of Participants
UARR Black adults focus group	March 17, 2022	4
UARR Racialized adults focus group	March 18, 2022	10
ESBGC Black youth focus group (East Scarborough Boys and Girls Club)	April 30, 2022	7
ESBGC Black adult focus group	April 30, 2022	7

REIA Expert Stakeholder Consultation Results

Recruitment and Hiring

- Overall, there was community support for increased recruitment and hiring of Black, Indigenous, and other racialized people. Many identified the need to hire more racialized Special Constables and Fare Inspectors. However, participants also felt that the TTC needed to hire more racialized persons to serve as Operators, station staff, and to fill upper-management positions.
- Screening recruits for possible racial bias and to ensure cultural competency was also proposed by several community members.

Body-Worn Cameras

- Most participants believe that body cameras should be worn by both Special Constables and Fare Inspectors. In general, participants are hopeful that body cameras will increase accountability, improve transparency, reduce racial bias, and ensure the fair treatment of all customers.
- However, participants also articulated several concerns, including whether customers would have access to TTC camera footage that captured their own image or words.
- Additional concerns raised by community members included the possible deletion of unwanted camera footage by TTC staff, the editing or manipulation of camera footage by the TTC officials, the improper use of body-worn cameras by enforcement staff (i.e. not turning cameras on or off when appropriate), and the public release of camera footage by the TTC in a manner that would violate the privacy of customers. A few participants were worried that camera footage would only capture members of the public and not the images of the enforcement staff deploying the technology.
- Black and Indigenous youth expressed the greatest concern about body-worn cameras, stating that cameras would not actually change the behaviour of Special Constables and Fare Inspectors, but render TTC enforcement personnel more like the police and thus less approachable.

- Most participants strongly believed that customers should have immediate access to TTC body-worn camera footage that includes their own image. They felt that access to footage was the only way to ensure accountability and could provide valuable evidence when filing a complaint against the TTC.
- A few participants felt that TTC camera footage should only be released to members of the public when they are involved in an incident that results in a charge or court hearing.

Use of Force

- All participants felt that the TTC needs to develop a strong policy to govern the use of force by TTC Special Constables and Fare Inspectors.
- All participants felt that Fare Inspectors and Special Constables should have to fill out a report every time they decide to use force against another person. These reports should document the type of force used, the reason for using force, and injuries to both civilians and TTC staff.
- Participants also felt that TTC use of force reports should also collect demographic information on all civilians involved in use of force incidents. Important demographic variables highlighted by participants include racial background, age, gender-identity, religion, and sexual orientation.
- Participants felt that the TTC should release annual reports documenting use of force by Special Constables and Fare Inspectors.

Documenting Discretion

- Most participants felt that the TTC should collect racial data on all enforcement-related discretionary decisions, including fare inspections, formal cautions, tickets, by-law violations, charges, arrests and use of force.
- However, community members were mixed in their opinion of whether verbal warnings should be documented. On the one hand, some community members remarked that it would be important to know who gets breaks from Special Constables and Fare Inspectors and who does not. Recording verbal warnings would mean that enforcement staff are held accountable for their leniency as well as their formal enforcement actions.
- On the other hand, some expressed concerns that the TTC could use this data to develop profiles of individuals within the TTC system and that this data could be used in a manner that would harm these individuals (i.e. much like carding or street check data was used by the Toronto Police Service).
- Generally, community members expressed that the development of effective policy and training on how Fare Inspectors and Special Constables use discretion is crucial.

Appendix 5: August 2023 Public Survey Results

Background and Methods

- Over the past two years, the TTC has developed several new policies to govern both the Special Constable and Revenue Protection units.
- Specific policies include a Use of Discretion policy, a Use of Force policy, and a policy on the Use of Body-Worn and In-Car cameras.
- The survey was designed by TTC staff in consultation with Professor Scot Wortley (Centre for Criminology and Sociologic Studies, University of Toronto) and Professor Akwasi Owusu-Bempah (Department of Sociology, University of Toronto).
- The survey was administered by Forum Research between August 23 and September 13, 2023.
- The survey was completed by 503 respondents from Forum's dedicated TTC Panel.

Opinions about Use of Force and the TTC Use of Force Policy

- All respondents were asked whether TTC Special Constables should be able to use physical force under different circumstances.
- Consistent with TTC policy, 85.5% of respondents believe that Special Constables should be able to use force to protect themselves or other TTC staff from violence or harm.
- Similarly, consistent with TTC policy, 87.7% believe that Special Constables should be allowed to use force to protect TTC customers and other members of the public from violence or harm.
- Approximately six out of 10 respondents believe Special Constables should be allowed to use force when someone is threatening to harm TTC customers (61.8%), when someone is threatening to harm TTC staff (60.2%), to assist Toronto Police Officers when they are trying to make an arrest (62.0%), when trying to remove troublemakers or trespassers from TTC property (60.0%), or when an individual is resisting arrest (58.8%).
- By contrast, only 29.6% of respondents feel that Special Constables should be allowed to use force when an individual refuses to accept a ticket for non-payment of fare.
- Only 7.0% of respondents feel that TTC Special Constables should never be allowed to use force.
- Half of respondents (50.7%) feel safe knowing that TTC Special Constables can use force, if required. Only 10.0% report feeling unsafe.
- One out of five respondents (18.9%) believe that TTC Special Constables should not carry weapons.
- On the other hand, consistent with TTC policy, 69.6% believe that they should carry pepper spray and 53.9% think they should carry batons.
- An additional 51.3% believe that Special Constables should carry Tasers or Conducted Energy Weapons (CEWs).
- Only 15.9% of respondents believe that TTC Special Constables should be allowed to carry firearms.

- Consistent with TTC policy, almost all respondents (93.6%) believe that Special Constables should be required to fill out a report, explaining their actions, every time they decide to use force.
- Consistent with TTC policy, most respondents (67.0%) agree that Special Constables should be required to record the race and gender of the individuals involved in use of force incidents. Only 15.9% disagree with this type of data collection. An additional 17.1% report that they are unsure whether data collection should be required.
- Consistent with TTC policy, 95.0% of respondents believe that Special Constables should be disciplined if found guilty of using “excessive force” (see Table 9). Recommended punishments vary. Six out of 10 respondents (59.8%) believe that the incident should be recorded in the Constable’s employment record, 54.1% think guilty Officers should be sent for more training, 47.9% think guilty officers should be fired or dismissed, 41.4% believe guilty officers should apologize to the victim, 29.2% believe guilty Officers should be demoted, and 28.9% feel that guilty Officers should lose pay. An additional 12.9% of respondents stress that the discipline to be administered should reflect the seriousness of individual cases.
- Consistent with TTC policy, 85.5% of all respondents believe that Special Constables should be disciplined if they fail to intervene when they observe others using excessive force or fail to report such incidents to their superiors.
- Consistent with TTC policy, almost all respondents (95.4%) believe that, to reduce use of force incidents within the TTC, Special Constables should receive de-escalation training.

Public Opinions about Body-Worn and In-Car Cameras

- Consistent with emerging TTC policy, 84.1% of respondents believe that both Special Constables and Fare Inspectors should be equipped with body-worn cameras while on patrol or responding to calls.
- Similarly, 88.5% of respondents believe that the vehicles used by TTC Special Constables should be equipped with in-car cameras.
- Few respondents report that they would feel uncomfortable being recorded by TTC body-worn cameras or in-car cameras. However, respondents are slightly more likely to report discomfort with being recorded by Fare Inspectors (18.4%) than Special Constables (16.0%).
- Consistent with TTC policy, almost all respondents support the use of cameras by Fare Inspectors and Special Constables while engaged in regular work duties (see Table 10). For example, more than 85% of respondents believe that Special Constables and Fare Inspectors should be allowed to record when making an arrest or apprehension (87.9%), when charging people with criminal offences (87.1%), or when using force (87.3%).
- More than 70% of respondents believe recording should be allowed when Special Constables or Fare Inspectors are conducting investigations or questioning customers (79.3%), when giving out tickets for fare violations (77.1%), when giving out citations for bylaw infractions (76.3%), and when giving out cautions for fare violations (72.8%).
- Two-thirds of respondents (66.2%) agree that Special Constables and Fare Inspectors should record while conducting fare inspections.

- Few respondents support the recording of casual conversations with TTC customers (6.4%) or staff (4.2%).
- Most respondents (61.6%) agree that Special Constables and Fare Inspectors should be disciplined if they violate the TTC's camera policy. An additional 35.8% believe that discipline should depend on the nature and seriousness of the violation.
- Only five respondents (1.0% of the sample) feel that Special Constables and Fare Inspectors should not be disciplined for violating the TTC's camera policy.
- Most respondents believe that body-worn cameras and in-car cameras will improve the quality of TTC service. Nine out of 10 respondents (88.7%) believe cameras will make Special Constables and Fare Inspectors more accountable to the public, 83.1% believe cameras will improve the quality of TTC investigations, 81.9% believe cameras will improve how Special Constables and Fare Inspectors treat TTC customers, 75.7% believe that cameras will reduce racial bias and other forms of discrimination among Special Constables and Fare Inspectors, and 75.0% believe cameras will improve safety on TTC vehicles and properties.
- Most respondents believe that TTC recordings should be shared with the Toronto Police Service and other enforcement agencies upon request.
- Only 2.2% of respondents believe that camera recordings should never be shared with the police.
- Almost all respondents (95.3%) believe that camera footage should be shared with the police when they are investigating crimes that took place on TTC vehicles or properties.
- Almost all respondents (86.1%) believe that camera footage should be shared with the police when they are investigating use of force incidents.
- Three quarters of respondents (75.7%) believe that TTC footage should be shared with the police when they are investigating crimes that took place off TTC property.
- Only 60.7% of respondents feel that TTC camera footage should be shared with the police for Revenue Protection purposes. Only 55.9% feel footage should be shared with the police for intelligence purposes.
- Nonetheless, four out of 10 respondents (41.1%) believe that TTC camera footage should be shared with the police whenever they request it.
- Consistent with TTC policy, 85.9% of respondents believe that, when possible, Special Constables and Fare Inspectors should inform customers and other members of the public that they are being recorded.
- Almost all respondents (91.7%) believe that members of the public should be able to access TTC camera footage that captures their own image or voice. More than half (53.1%) believe that customers should have immediate access to TTC footage, while 38.6% believe that members of the public should have to apply to receive access.
- Only 4.2% of respondents believe that members of the public should be denied access to TTC camera footage that captures their image.
- Eight out of 10 respondents (79.8%) also believe the media should have access to TTC camera footage. One out of five respondents believe that the media should always have access to TTC camera footage, while 58.1% believe that media access should be limited and "depend on the situation."
- Only 16.5% of respondents believe that the media should always be denied access to TTC camera footage.

Public Opinions about the TTC's Use of Discretion Policy

- Consistent with TTC policy, almost all respondents (92.8%) agree that Special Constables and Fare Inspectors should receive Anti-Bias training.
- Almost three quarters of the sample (72.1%) are hopeful that Anti-Bias training will reduce discrimination within the TTC and ensure that all customers are treated equally. However, one in five respondents (20.5%) feel that Anti-Bias training will do little good.
- Almost half of respondents (48.1%) would feel uncomfortable if asked to disclose their race and gender while being given a caution or ticket by a TTC Special Constable or Fare Inspector.
- A third of respondents (33.6%) are worried (17.1%) or very worried (16.5%) that the collection of personal data by Special Constables and Fare Inspectors will violate the privacy rights of TTC customers.
- Most respondents (52.5%) are hopeful that collecting data on the race of individuals subject to TTC enforcement activities will reduce racial discrimination within the TTC. However, over a third of respondents (34.2%) are not hopeful.
- Most respondents (72.0%) agree that TTC Supervisors should monitor data collected by Special Constables and Fare Inspectors to identify individuals who may be biased towards Black, Indigenous, or other racialized people.
- Most respondents (62.2%) agree that the TTC should release Annual Reports documenting the race and gender of people involved in TTC enforcement activities. However, 21.1% of respondents disagree and 16.7% are unsure.
- Finally, almost all respondents (93.4%) agree that Special Constables and Fare Inspectors who violate the TTC's Use of Discretion policy should be disciplined. However, a third of respondents (31.2%) believe discipline should depend on the details of the case.
- Only 1.2% of respondents believe that there should be no punishment for violating the TTC's Use of Discretion policy.

Appendix 6: January 2024 Public Survey Results

Opinions About Use of Force

- Consistent with TTC policy, most respondents believe that Special Constables should be able to use force to protect themselves, TTC staff, or TTC customers from violence or harm.
- Consistent with TTC policy, almost all respondents (96.2%) believe that, to reduce use of force incidents within the TTC, Special Constables should receive De-Escalation training.
- Consistent with TTC policy, over 95.0% of respondents believe that Special Constables should be disciplined if found guilty of using “excessive force”.
- Over forty percent of respondents believe that TTC Special Constables should be able to use force when helping Toronto police officers make an arrest (46.7%), when a person is threatening other TTC customers (44.6%), when a person is resisting arrest (42.9%), when a person is threatening to harm other TTC staff (42.5%), or to remove trespassers from TTC property (43.8%).

Opinions about Body-Worn and In-Car Cameras

- Consistent with emerging TTC policy, 77.9% of respondents believe that both Special Constables and Fare Inspectors should be equipped with Body-Worn cameras while on patrol or responding to calls.
- Similarly, 79.4% of respondents believe that the vehicles used by TTC Special Constables should be equipped with In-Car cameras.
- Consistent with TTC policy, almost all respondents support the use of cameras by Fare Inspectors and Special Constables while engaged in regular work duties (see Table 9). For example, over eighty percent of respondents believe that Special Constables and Fare Inspectors should be allowed to record when making an arrest or apprehension (82.5%), when charging people with criminal offences (81.1%), or when using force (83.3%).
- Almost two-thirds of respondents (62.9%) agree that Fare Inspectors should record interactions while conducting fare inspections.
- Consistent with TTC policy, 85.7% of respondents believe that, when possible, Special Constables and Fare Inspectors should inform customers and other members of the public that they are being recorded.

Opinions about the TTC’s Discretion Policy

- Consistent with TTC policy, almost all respondents (89.3%) agree that Special Constables and Fare Inspectors should receive Anti-Bias training.
- Almost all respondents (90.9%) agree that Special Constables and Fare Inspectors who violate the TTC’s Discretion policy should be disciplined (see Figure 22). However, one-quarter of respondents (25.8%) believe discipline should depend on the details of the case.
- Most respondents (73.2%) agree that TTC supervisors should monitor data collected by Special Constables and Fare Inspectors to identify individuals who may be biased towards Black, Indigenous, or other racialized people.

- Most respondents (69.0%) agree that the TTC should release Annual Reports documenting the race and gender of people involved in TTC enforcement activities (see Figure 21). However, 17.9% of respondents disagree and 16.7% are unsure.

Appendix 7: Virtual Consultation Discussion Summary

On February 5, 2024, the TTC led a virtual Stakeholder Engagement Session to provide stakeholders with the opportunity to ask questions surrounding the Use of Force, Use of Discretion, and Use of Body-worn Camera and In-Car Camera policies. This section summarizes the key questions from participants and the responses provided by the panelists by theme.

Accountability

- Who is able to use force, and when is it appropriate?
 - Only special constables have been trained as per the provincial guidelines when it comes to use of force. Fare inspectors are able to use self-defense like any citizen. The fundamental, underlining definition in the updated policy uses, is the application of force that exceeds excessive force is the application of force exceeds what is reasonably determined what is necessary and proportionate to the circumstances surrounding the incident. The key concept is not just reasonableness but proportionality. The use of discretion policy helps special constables to tailor their response to the situation.
- How can we ensure that the good elements of these policies will be followed?
 - It falls under the practice of the expectations of all our officers to follow these policies. There is an audit process that will be in place to ensure that we are regularly checking on the adherence of our staff to these policies.
 - Special constables are undergoing new training, with respect and dignity to the public, and the use of force only to the extent necessary and proportionate, as the Ombudsman directed. The training focuses on de-escalation as a first basis and the use of force as absolute last resort.
- Do body worn cameras change the behavior that they mean to?
 - Much research is in its infancy and the results of studies are somewhat mixed. It depends on the study. There tends to be a civilizing effect, with both parties behaving in a more civil manner, knowing they are being recorded. There is also evidence to suggest that the civilizing effect or other benefits wanes over time. To keep that civility, cultural change, continuing in ongoing training and accountability mechanisms would be key.
- When will cameras be activated and deactivated?
 - Cameras will be activated by the special constable. Every officer has a memo book they are required to record almost all the events that are taking place throughout their interaction with the public. If there was an accidental deactivation, every officer is required to identify what happened, the time, and when they reactivated the camera to continue their interaction. Incidents are subject to an investigation by management to determine malpractice.
- What is the oversight of the special constables and fare collectors?
 - We are accountable to the TTC board. Every year, we report on the number of special constables we have, the complaints that we receive, how and when we have applied use of force, and the kinds of incidences that we respond to. This report is shared with the Toronto Police Services (TPS) board, which helps to see how these two departments and the TPS interact with the public and themselves.

- There are systems and independent departments to monitor incidents, trends, and complaints.
 - Our special complaint office oversees all matters related to special constables and revenue protection officers, including internal and external complaints. There is an analyst for the special complaint office, checking trends in the use of force, or with a particular officer.
- We are also in the process of developing an interception system.

Transparency

- Who has access to the footage of body-worn and in-car cameras?
 - The TTC developed a policy wherein a Freedom of Information can be issued to gain access to footage. Some of the emerging research demonstrated that when services have a closed policy that says civilians cannot access the footage at any time, it undermines trust. Cynical members of the public will think there is no transparency. On the other hand, they may not want to release video footage unless it supports their image. The issue of dissemination and access to data will continue to be an important discussion.
 - Body-worn cameras in and of themselves will not solve problems. They can be an additional layer as part of the culture shift. The body worn cameras provides additional information and greater level of transparency than may exist without them which can contribute to accountability.
- How long will reports on Use of Force incidents be kept?
 - The TTC follows the same retention guidelines as we do for other matters, which is 30 years.
- When will incidents be shared with Toronto Police Services?
 - Every time there is use of force incident, those officers must fill out appropriate paperwork so the TTC aware that they have used force.
 - The TPS is informed of special constables who have complaints to help with the transparency of process.
 - The TTC provides an annual report on the number of special constables we have, the complaints that we receive, how and when we have applied use of force, and the kinds of incidences.
- How is race reported in incidents?
 - We are developing new ticket cards and report of force cards for the person involved in the interaction. We have used racial categories that are developed by the Government of Canada, used by TPS and several other police services across Ontario. Race based data collection is being mandated, but there is a great debate between race as perceived by the special constable or fare inspector and self-reported racial background. These methodologies are piloted in the field as we speak with fare inspectors and special constables. We have some evaluation sessions set up to see how it is going.
 - It is more than just a policy. As a crucial tenant of this culture change policy, we have done extensive work in hiring people that reflect the racialized make-up of the city. We have more than 50% of fare inspectors that are racialized, and an increasing number of women represented in these two departments.

Training

- How was the training developed and conducted?
 - This will be an ongoing journey of training, coaching, and mentoring to prepare our staff for all situations that they will encounter. The policy establishes comprehensive training programs on appropriate use of de-escalation strategies, conflict resolution, ethical decision making and use of force techniques if any.
 - For the first 3 to 6 months, we partnered with a third party for guidance and support on a thorough de-escalation program. This training has since been brought in-house. All front-line workers or staff at the TTC received the de-escalation training including special constables and revenue protection officers. We worked with professionals in that field to include mental health awareness tactics and techniques as part of new recruit training.
- How is De-escalation included?
 - We have communication and de-escalation techniques as a major component of what these groups do. We have Alzheimer's and dementia training, confronting anti-black racism, diversity and human rights, suicide awareness and prevention, first aid and CPR, customer service excellence, and emergency procedures. Then we have annual recertification of many of those areas, including mental health awareness, de-escalation, and use of force.
- How does the training incorporate mental health, accessibility, and unhoused people?
 - We have been incorporating a social and compassionate approach to help the under housed and folks that have different challenges within our system. This includes working with community and safety ambassadors as well as working with social housing within the SSHA part of the City of Toronto. We have added 100 customer service agents and 30 supervisory roles so that customers have access if they have questions.

Implementation

- What was the process to develop and approve these policies?
 - The TTC board ultimately decides whether this information is sufficient. There has been consultation for a larger body of research, on racial equity impact assessment that is fed into these policies. Many of the stakeholders invited to this call have been involved before. We completed a focus group last year, an online survey and a stakeholder engagement session. All of this information feeds into our built-in mechanisms that allows us to revisit the policies to change them as needed.
- How will the success of these policies be measured?
 - Ultimately, we are responding to the Toronto Ombudsman, and we have accepted all 26 of their recommendations. We believe that we are progressing in the direction, and we have not arrived yet. There is oversight from the public, the TTC board, the TPS, and the Ombudsman to hold us accountable.
 - Data transparency allows us to compare historical data on use of force and complaints, cautions, and charges to see if these policies are reducing racial

disparity with use of force incidents, or use of force incidents that are deemed questionable.

- Incidents of successful de-escalation may not be tracked in our current reporting systems. Further research is required.
- Transparency of information acts as a form of accountability. We recommend an ongoing process to review the effectiveness of the policies, not just static evaluations that take place after a crisis.

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1.0 INTRODUCTION/POLICY STATEMENT

- 1.1 The Toronto Transit Commission (TTC) is committed to providing equitable and non-discriminatory service to all individuals, including Indigenous, Black, and other racialized individuals, and acknowledges its obligations under the *Human Rights Code* (Ontario), and the *Canadian Charter of Rights and Freedoms*.
- 1.2 Body-Worn Cameras (BWC) and Special Constable In-Car Camera Systems (SCICCS) are being implemented as tools by the TTC to strengthen public trust and accountability and to ensure the safety of Officers.
- 1.3 The TTC recognizes the need to balance an Individual's right to privacy and the need to ensure the safety and security of Individuals and employees. This policy has been developed to minimize privacy intrusions, where possible, when using BWC and SCICCS.
- 1.4 The purpose of the use of BWC and SCICCS is to:
- Enhance public and Officer safety.
 - Capture an accurate record of Officer interactions with Individuals relating to law enforcement, investigations
 - Strengthen the TTC's commitment to anti-racist and bias-free service delivery.
 - Provide improved evidence for investigations, oversight, and other legal purposes.
 - Ensure the accountability of the TTC and Officers through internal and public oversight systems.
 - Support fair and timely resolution of complaints against an Officer to strengthen public and Officer confidence in the complaint process.
 - Provide data to improve transit enforcement and support Training.

2.0 RESPONSIBILITY

- 2.1 The Chief Strategy and Customer Experience Officer or designate is responsible for the ongoing management of this policy.

3.0 DEFINITIONS

Definitions to be used in the interpretation of this policy:

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Term	Definition/Reference
Activation/Activate	Any process by which the BWC or SCICCS starts to record audio or video data.
Authorized Users	TTC Employees and TTC Contractors who have been trained and given authority to use, view, or manage BWC Recording and SCICCS Recording for the purpose identified in section 1.4.
BWC	Body-Worn Camera is a device worn by an Officer for the purpose of recording video and audio information.
BWC Recording	Video and audio recording, including metadata, captured using BWC.
Code	<i>Human Rights Code, R.S.O. 1990, c. H.19</i> , as amended, which provides that everybody has equal rights and opportunities without discrimination, harassment and reprisal with respect to employment, trade, self-governing profession, services, good, contracts and facilities.
Covert	An action that is not openly displayed.
Deactivation/Deactivate	Any voluntary or involuntary process that stops the BWC or SCICCS from recording audio or video data.
Discrimination	Discrimination is an action or decision that is intentional or unintentional that results in an adverse impact to a person or group, where the adverse impact is related to a characteristic that is protected under the <i>Human Rights Code (Ontario)</i> .
Equity Seeking Groups	Communities that face significant collective challenges in participating in society because of barriers to equal access, opportunities and resources due to disadvantage and discrimination, and actively seek social justice and reparation. Complete City of Toronto definitions available here .
Fare Inspectors	A person employed by the TTC in Revenue Protection and designated as a Provincial Offences Officer who conducts fare inspections and ensures compliance with <i>TTC By-Law No.1</i> and applicable statutes.
FISCC Office	Fare Inspector and Special Constable Complaints Office.
FOI	Freedom of Information
Individual	All persons, including customers who are on, using, entering or exiting the Transit System.
SCICCS Recording	In-Car Camera System Recording Video and audio recording, including metadata, captured using SCICCS.

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Special Constable In-Car Camera System (SCICCS)	In-Car Camera System is a recording system inside Special Constable vehicle for the purpose of recording external video, internal video, and audio information.
Information Technology Services	Department of the TTC responsible for providing technology support, including network configurations, migration of data and software security issues.
MFIPPA	<i>Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, as amended.</i>
Officer	Any Special Constable, Fare Inspector, or Supervisor.
Personal Information	As defined in MFIPPA.
Racialized (person or group)	Racialized persons and/or groups can have racial meanings attributed to them in ways that negatively impact their social, political, and economic life. This includes, but is not necessarily limited to, people classified as “visible minorities” under the Canadian census.
Racism	Belief that one group is superior or inferior to others (<i>i.e.</i> of lesser importance or value). Racism can be openly displayed in racial jokes, slurs, or hate crimes. It can also be more deeply rooted in attitudes, values, and stereotypical beliefs and, in some cases, people do not even realize they have. Racism consists of assumptions that have evolved over time and have become part of systems and institutions. Acts of Racism are a violation of the Code and may constitute harassment and/or violence under the <i>Occupational Health and Safety Act</i> and an offence under the <i>Criminal Code of Canada</i> .
Redaction	A process to obscure or remove parts of a record, such as Personal Information, prior to publication or release.
Special Constable	A person employed by the TTC and appointed as a Special Constable in accordance with <i>Section 53</i> of the <i>Police Service Act, R.S.O. 1990, c. P. 15, as amended</i> .
Storage System	System and its individual components used by the TTC to store BWC Recordings and SCICCS Recordings.
Supervisor	An employee of Special Constable Service or Revenue Protection that has the responsibility and/or accountability for the conduct, discipline, and performance of Special Constable or Fare Inspector, respectively.

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Training	Action of teaching an Officer a particular skill or type of behaviour related to the performance of their duties, including and not limited to, Use of Force and Use of Discretion policies. This includes initial recruitment teaching as well as other teaching in response to changing business practices, and revisions to policy, procedures, and equipment.
Transit System	Any property that is owned, leased, operated, or used by the TTC for or in support of the operation of the transit service including, but not limited to, the following: <ol style="list-style-type: none"> i. Station entrances and exits. ii. Station mezzanine and platform areas. iii. Fare paid areas. iv. Transit hubs. v. TTC revenue vehicles such as buses, Wheel-Trans vehicles, streetcars, subway vehicles, rapid transit vehicles, and light rail transit vehicles. vi. Non-revenue vehicles, such as Special Constable vehicles.
TTC Contractors	Persons who perform work at a TTC workplace, including but not limited to, contractors, consultants, unpaid interns or co-op students, and an individual that is paid by a third party and uses TTC assets (e.g. computers) and performs work for the TTC.
TTC Employee	Any employee of the TTC, including all full-time, part-time, temporary, student, co-op, intern, casual, or term employees.
Video Services Unit	Unit of the TTC responsible for managing requests for BWC Recordings and SCICCS Recordings.
Workplace Health and Safety	The action of identifying and preventing hazards that could lead to injury, mental and physical illness and fatalities at work.

4.0 PURPOSE

4.1 This policy is intended to:

- a) Grant Officers with the authority to use BWC and SCICCS for the purposes of their duties.
- b) Establish the procedures surrounding the use of BWC by Officers during the course of their duties; and
- c) Establish the procedures surrounding the use of SCICCS by Special Constables during the course of their duties.

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5.0 POLICY REVIEW AND GOVERNANCE PROCESS

- 5.1 This policy applies to Officers and complements all other TTC policies and procedures.
- 5.2 This policy does not apply to video recordings under the Video Recording in Public Areas policy.
- 5.3 This policy is subject to a review by a review team within one year after full deployment of BWC and SCICCS, and thereafter, at least once every three years.
- 5.4 This policy may also be modified as necessary, including, but not limited to, to respond to modifications in relevant statutes and regulations, or any decisions.
- 5.5 As a part of the policy review process, the Special Constable Service and Revenue Protection Department will engage with representative(s) from the following groups:
- TTC Advisory Committee on Accessible Transit
 - TTC Commission Services
 - TTC Community Customer Racial Equity Advisory Committee or any successor committee
 - TTC FISCC Office
 - TTC Information Technology Services.
 - TTC Racial Equity Office
 - TTC Revenue Protection.
 - TTC Special Constable Service
 - TTC Video Services Unit
 - TTC Legal
 - TTC Audit, Risk and Compliance
 - Local CUPE 5089
 - City of Toronto Confronting Anti-Black Racism Unit or any successor department or unit
 - City of Toronto Indigenous Affairs or any successor department or unit
 - Ombudsman Toronto
 - Any other stakeholder, as appropriate, to inform the review of the policy
- 5.6 Any material changes to the use of BWC and SCICCS requires TTC Board approval. This includes, but is not limited to, the following circumstances:

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- a) The TTC wishes to utilize BWC Recording and SCICCS Recording in a novel manner or in combination with other software or hardware.
- b) The technology used to collect, retain, store, or destroy the BWC Recording and SCICCS Recording has changed beyond routine software updates issued by the supplier, including the deployment of any new or additional features.
- c) The purpose of the TTC's BWC and SCICCS program changes.

6.0 RECORDING USING BODY-WORN CAMERA

6.1 Officers who have completed Training provided by the TTC shall be permitted to use a BWC.

6.2 Officers shall Activate BWC during the duration of interactions with Individuals in the following circumstances:

- a) Fare Inspectors when conducting fare inspections.
- b) When interacting with Individuals to investigate and ensure compliance with *TTC By-law No 1*.
- c) Special Constables when interacting with Individuals with respect to a violation or breach of *TTC By-law No. 1, Trespass to Property Act, Liquor Licence and Control Act, Mental Health Act, Controlled Drugs and Substances Act, and Criminal Code of Canada*.
- d) When an Individual involved in an interaction with an Officer requests the Officer to record the interaction.

6.3 Officers have the option to Activate BWC in circumstances where an Officer reasonably believes the BWC Recording may support the Officer in the execution of their duties or an Individual's safety.

6.4 Except for the circumstances identified in section 7.2 and 7.3, Officers shall not activate BWC during their shift in the following circumstances:

- a) Interactions that are not investigative or enforcement in nature.
- b) For the purposes of covert or personal-use recordings.
- c) For the purposes of taking pictures of a crime scene.
- d) Where recording is restricted (e.g. a courthouse or a hospital) except in exigent circumstances or under legal authority.

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6.5 When equipped with BWC, Officers shall do the following:

- a) Only use the BWC assigned to them.
- b) Ensure BWC is mounted visibly on the front of their uniform in the approved location.
- c) Ensure BWC is functioning properly and immediately report any malfunction, damage or theft of BWC to their Supervisor.
- d) Strictly adhere to section 8.0 and 6.1 to 6.4.
- e) Ensure BWC Recording is uploaded to the Storage System at the end of their shift.

6.6 Supervisors shall do the following:

- a) Manage the use and storage of BWC equipment in accordance with section 9.1 and 9.2.
- b) Ensure all Officers under their supervision have uploaded BWC Recording to the Storage System in accordance with this policy.
- c) Act in accordance and compliance with this policy.
- d) Manage the maintenance of record of users who have access to the Storage System, including Authorized Users.
- e) Participate in monthly departmental reviews to ensure compliance with this policy.

7.0 RECORDING USING SPECIAL CONSTABLE IN-CAR CAMERA SYSTEM

7.1 Special Constables who have completed Training shall be permitted to record using SCICCS.

7.2 Special Constables shall Activate SCICCS during all interactions between a Special Constable and an Individual where that contact is for the purpose of an investigation with respect to a violation or breach of *TTC By-law No. 1, Trespass To Property Act, Liquor Licence and Control Act, Mental Health Act, Controlled Drugs and Substances Act, and Criminal Code of Canada.*

7.3 Special Constables have the option to Activate SCICCS in circumstances where a Special Constable reasonably believes the SCICCS Recording may support the Special Constable in the execution of their duties or an Individual's safety.

7.4 Except for the circumstances identified in section 8.2, Special Constables shall Deactivate SCICCS during their shift in accordance with Training (e.g., personal breaks, travelling to assigned work site). To respect privacy and other fundamental rights, Officers should not record in the following circumstances:

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- a) Interactions that are not investigative or enforcement in nature.
- b) For the purposes of personal-use recordings.
- c) In settings where recording may be restricted (e.g. police station or court parking lots) except in exigent circumstances or under legal authority.

7.5 When assigned a vehicle equipped with SCICCS, Officers shall do the following:

- a) Ensure SCICCS is functioning properly, and immediately report any malfunctions, damage or theft of equipment to their Supervisor.
- b) Strictly adhere to section 6.0 and 8.1 to 8.3.
- c) Ensure all SCICCS Recording is uploaded to the Storage System at the end of their shift.

7.6 Supervisors shall do the following:

- a) Manage use and storage of SCICCS equipment as outlined in section 9.1 and 9.2.
- b) Ensure all Officers under their supervision have uploaded SCICCS Recording to the Storage System in compliance with this policy.
- c) Act in accordance with and ensure compliance with this policy.
- d) Manage the maintenance of a record of users who have access to the Storage System, including Authorized Users.
- e) Participate in monthly departmental reviews to ensure compliance with this policy.

8.0 REQUIREMENTS FOR RECORDING

8.1 BWC and SCICCS are intended to capture the entire duration of specific incidents and are not intended for general 24-hour recording.

8.2 The pre-recording function shall retain the first 30 seconds of video prior to BWC and SCICCS being activated.

8.3 When recording, Officers must do the following:

- a) At the earliest opportunity of an interaction, inform the Individual that they are being recorded in both video and audio.
- b) Upon their arrival, inform other Officers and first responders that they are being recorded in both video and audio.
- c) Remain recording video and audio until the interaction has ended.

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8.4 In a circumstance where an Individual is not being detained, subject to a fare inspection, apprehended, or arrested in accordance with section 6.2, an Individual can request an Officer to stop recording. In this circumstance, Officers must inform the Individual that while the recording must continue, the Individual is free to discontinue the interaction by leaving the scene.

8.5 An Officer who accidentally Deactivates their BWC or SCICCS must do the following:

- a) Record an audible statement noting accidental Deactivation and providing explanation for the accidental Deactivation in the memorandum book.
- b) In a circumstance where an audible statement cannot be made, Officers must note the reason for Deactivation in the memorandum book.

9.0 RECORDING EQUIPMENT/RECORDS

9.1 BWC and SCICCS equipment must be clearly labelled with a unique verifiable number and stored in a safe and secure location.

9.2 An electronic log shall be maintained to record all activity related to BWC and SCICCS equipment, including information regarding its assignment to Officers and the maintenance of the equipment. This electronic log shall be reviewed regularly and remain in a safe and secure location.

9.3 All BWC Recording and SCICCS Recording shall be retained in the Storage System. The Storage System will keep a digital log of all actions performed by Authorized Users, including recording, accessing, viewing, redacting, downloading, sharing, and destruction of BWC Recording and SCICCS Recording.

10.0 ACCESS TO RECORDINGS

10.1 Access to BWC Recording and SCICCS Recording shall be restricted to Authorized Users, including, law enforcement agencies, for the purposes outlined in section 1.4 and shall be submitted to the Video Services Unit.

10.2 A production order is required before BWC Recording and SCICCS Recording are disclosed by the Video Services Unit for law enforcement investigations that are not directly related to the TTC.

10.3 Video Services Unit will disclose BWC Recording and SCICCS Recording to law enforcement agencies without a production order for any incident being investigated that is directly related to the TTC; meaning the incident being investigated occurred on, or in relation, to the TTC.

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- 10.4 Video Services Unit is responsible for managing the receipt of warrants, court orders, and Exigent/Urgent Request forms, and the corresponding disclosure of BWC Recording and SCICCS Recording to law enforcement agencies.
- 10.5 In exigent circumstances, BWC Recording and SCICCS Recording may be disclosed to law enforcement agencies without a production order for incidents that are not directly related to the TTC. Law enforcement agencies will be required to complete a TTC Video Services Unit Exigent/Urgent Request form for these incidents.
- 10.6 All requests for video recorded images from external parties where disclosure may be inconsistent with the principle purposes of the collection shall be directed to the FOI Office. All requests shall be assessed in accordance with *MFIPPA*, *TTC's Access to Information/FOI and Protection of Privacy policy*, and *TTC Privacy Code*.
- 10.7 As required, the Video Services Unit will disclose BWC Recording and SCICCS Recording for the specified date and time of the incident as requested and will retain all relevant Metadata with respect to the Video Recorded Images in a records management system.

11.0 RETENTION, SECURITY AND DISPOSAL OF RECORDED DATA

- 11.1 BWC Recording and SCICCS Recording shall be retained in accordance with the *TTC Record and Retention By-Law*.
- 11.2 The TTC shall take all reasonable efforts to ensure the security of BWC Recording and SCICCS Recording in its custody and ensure their safe and secure disposal in accordance with their retention period, in a manner which prevents recovery and unauthorized access to the recordings and metadata.
- 11.3 All actions (e.g. recording, accessing, viewing, redacting, downloading, sharing, and destruction) in the Storage System will be logged and are auditable.
- 11.4 BWC Recording and SCICCS Recording are not to be used in combination with facial-recognition technology, or to generate a searchable database of images of Individuals who have interacted with Officers.

12.0 UNAUTHORIZED ACCESS AND DISCLOSURE (PRIVACY BREACH)

- 12.1 A TTC employee who becomes aware of any unauthorized collection, access, use, disclosure, retention, security, and disposal of a BWC Recording or SCICCS Recording, or potential or known privacy breach of a BWC Recording or SCICCS Recording, shall immediately report the matter to the FOI Office.

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13.0 AUDIT

- 13.1 Special Constable Service and Revenue Protection shall perform a monthly self-assessment review to ensure compliance with this policy. The self-assessment review will also identify opportunities for improvement within the departments.
- 13.2 A summary of patterns and trends from the self-assessment review shall be presented to the TTC Board through the Special Constable Service and Revenue Protection annual report.
- 13.3 As part of this policy review, the TTC shall conduct an internal review annually for the first five years and subsequently review as needed.
- 13.4 The TTC shall conduct an external audit once every three years to ensure adherence with this policy.

14.0 COMPLIANCE

- 14.1 Management will review and immediately report all potential breaches of this policy to the FISCC Office.
- 14.2 In accordance with the Code of Conduct Policy, any breach of this policy by Special Constables, Fare Inspectors, or Supervisors may result in disciplinary action, up to and including dismissal.

15.0 REFERENCE SOURCES

- *Accessibility for Ontarians with Disabilities Act, 2005, SO 2005, c.11*
- *City of Toronto Municipal Code, Chapter 192 Public Service*
- *Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c.11 (Canadian Charter of Rights and Freedoms)*
- *Human Rights Code, RSO 1990, c H.19*
- *Limitations Act, 2002, S.O. 2002, c.24, Sched. B*
- *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990*
- *TTC Access to Information and Protection of Privacy Policy*
- *TTC By-Law No. 1*
- *TTC Information Management Policy*
- *TTC Privacy Breach Protocol*
- *TTC Records Retention Schedule*
- *TTC Video Recording in Public Areas*

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SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Use of Force Policy	Customer Experience		(New) 13.18.0

1.0 INTRODUCTION AND POLICY STATEMENT

1.1 The Toronto Transit Commission (TTC) is committed to providing equitable and non-discriminatory service to all individuals, including Indigenous, Black, and other racialized individuals, and acknowledges its obligations under the *Human Rights Code* (Ontario), and the *Canadian Charter of Rights and Freedoms*.

1.2 Special Constables, Fare Inspectors, Protective Services Guards, or Supervisors are expected to carry out their duties with an equitable approach.

2.0 RESPONSIBILITY

2.1 The Chief Strategy and Customer Experience Officer or designate is responsible for the ongoing management of this policy.

3.0 PURPOSE

3.1 This policy is intended to:

- a) establish guidelines for when Force is used by Special Constables, Fare Inspectors, Protective Services Guards, or Supervisors during the course of their duties;
- b) establish and detail reporting responsibilities for when Force is used; and
- c) establish and detail reporting responsibilities for when Excessive Force is used.

4.0 DEFINITIONS

Definitions to be used in the interpretation of this policy:

Term	Definition/Reference
Discrimination	Discrimination is an action or decision that is intentional or unintentional that results in an adverse impact to a person or group, where the adverse impact is related to a characteristic that is protected under the <i>Human Rights Code</i> (Ontario).
Duty to Intervene	The requirement of a Special Constable to verbally or physically intervene, as reasonable in the circumstances, with another Employee who is using Excessive Force against a person.

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Employee	Any Special Constable, Fare Inspector, Protective Services Guard, or Supervisor within Special Constable Service or Revenue Protection.
Excessive Force	The application of force that exceeds what is reasonably determined to be necessary and proportional to the circumstances surrounding the incident.
Fare Inspector	A person employed by the TTC in Revenue Protection and designated as a Provincial Offences Officer.
FISCC Office	Fare Inspector and Special Constable Complaints Office
Force	An action taken by an Employee that is intended to obtain co-operation and gain physical control of another individual.
Ontario Use of Force Model	Provincial framework for law enforcement that assists in determining the level of Force reasonable in the circumstances. See appendix for outline of model.
Protective Services Guard	A security guard licensed under the <i>Private Security and Investigative Services Act, 2005</i> , S.O. 2005, c. 34 and employed by the TTC.
Racism	Belief that one group is superior or inferior to others (i.e. of lesser importance or value). Racism can be openly displayed in racial jokes, slurs or hate crimes. It can also be more deeply rooted in attitudes, values and stereotypical beliefs, which in some cases, people do not even realize they have. Racism consists of assumptions that have evolved over time and have become part of systems and institutions. Acts of racism are a violation of the Code, may constitute harassment and/or violence under the <i>Occupational Health and Safety Act (OHSA)</i> , and may constitute an offence under the <i>Criminal Code of Canada</i> .
Self-defence	As used in the Ontario Use of Force Model and the applicable sections of the <i>Criminal Code</i> .
Special Constable	A person employed by the TTC and appointed as a Special Constable in accordance with Section 53 of the <i>Police Services Act</i> , R.S.O. 1990, c. P.15, as amended.

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Supervisor	An employee of Special Constable Service or Revenue Protection that has the responsibility and/or accountability for the conduct, discipline, and performance of Special Constable or Fare Inspector, respectively.
Transit Control Centre (Transit Control)	A Department of the TTC responsible for the management of daily transit operations.
TTC Use of Force Report	TTC document that is required to be completed for all incidents where Force is used.

5.0 POLICY REVIEW PROCESS AND GOVERNANCE

- 5.1 This policy applies to any Special Constable, Fare Inspector, Protective Services Guard, or Supervisor, and complements all other policies and procedures.
- 5.2 This policy is subject to a review every three years by a review team and may be modified, with TTC Board approval, at any time as deemed necessary to respond to current and evolving laws and regulations, as well as relevant judicial decisions related to the use of Force.
- 5.3 As part of the policy review process, the Special Constable Service and Revenue Protection Department will engage with representative(s) from the following groups:
- TTC Advisory Committee on Accessible Transit
 - TTC Commission Services
 - TTC Community Customer Racial Equity Advisory Committee or any successor committee
 - TTC FISCC Office
 - TTC Information Technology Services.
 - TTC Racial Equity Office
 - TTC Revenue Protection.
 - TTC Special Constable Service
 - TTC Video Services Unit
 - TTC Legal
 - TTC Audit, Risk and Compliance

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- Local CUPE 5089
- City of Toronto Confronting Anti-Black Racism Unit or any successor department or unit
- City of Toronto Indigenous Affairs or any successor department or unit
- Ombudsman Toronto
- Any other stakeholder, as appropriate, to inform the review of the policy

6.0 FORCE – SPECIAL CONSTABLES

6.1 Special Constables, during the course of their duties, are authorized to use Force in response to an event or incident to preserve the peace, prevent crimes, maintain order, protect themselves and others, and detain and arrest suspects.

7.0 FORCE – REVENUE PROTECTION AND PROTECTIVE SERVICES

7.1 Fare Inspectors and Protective Services Guards can only use force for the purposes of Self-defence, as outlined in section 8.

7.2 Fare Inspectors and Protective Services Guards, during the course of their duties, also have the right to use Force to assist a Peace Officer as outlined in section 25 of the *Criminal Code of Canada*.

8.0 FORCE FOR SELF-DEFENCE

8.1 Special Constables, Fare Inspectors and Protective Services Guards and Supervisors, during the course of their duties, have the right to use Force for Self-defence, as outlined in section 34 of the *Criminal Code of Canada*.

9.0 APPLICATION

9.1 Special Constables, Fare Inspectors, Protective Services Guards, and Supervisors within Special Constable Service or Revenue Protection are trained to use various de-escalation techniques (e.g. active listening and conflict resolution using effective communication).

9.2 In accordance with training, Officers must select the most reasonable option relative to the subject and circumstance, which includes non-force options and verbal and non-verbal communication, where appropriate. Force should be used

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as outlined in sections 6.0, 7.0, and 8.0, and only as a last resort, unless it is the only reasonable option available to protect an employee or member of the public from violence and/or injury.

10.0 TRAINING

10.1 Special Constables, Fare Inspectors, Protective Services Guards, and Supervisors shall not use Force without completing training.

10.2 Training will be in accordance with TTC training standards, which includes de-escalation techniques, mental health awareness, anti-racism, unconscious bias, Ontario Use of Force Model, and trends identified through the TTC's demographic data collection procedure.

11.0 REPORTING RESPONSIBILITIES WHEN FORCE USED

11.1 Special Constables, Fare Inspectors and Protective Services Guards who use Force during the course of their duties shall:

- a) immediately report the incident to Transit Control and their Supervisor;
- b) at the earliest opportunity, independently document details of the incident in their memorandum book; and
- c) prior to the end of the shift, complete the TTC Use of Force Report, including the collection of demographic information as outlined in the TTC's demographic data collection procedure.

11.2 When Force used results in any physical injury to a person, Special Constables, Fare Inspectors and Protective Services Guards shall:

- a) immediately report the incident to Transit Control and their Supervisor, and obtain medical assistance for anyone who displays visible injuries, complains of being injured, or verbally requests medical attention;
- b) immediately provide first aid within the scope of their training;
- c) at the earliest opportunity, independently document details of the incident in their memorandum book; and
- d) at the earliest opportunity, complete the TTC Use of Force Report, including the collection of demographic information and the TTC Injury Report, if required.

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11.3 Supervisors shall review all TTC Use of Force Reports to inform training and to ensure compliance with this policy.

12.0 DUTY TO INTERVENE

12.1 Special Constables who observe an Employee within or outside their department to be using excessive force must:

- a) where feasible, use verbal persuasion and/or instructions in a manner that is proportional to the perceived risk of harm to members of the public; and
- b) where reasonable and safe to do so, move between and provide separation between the person if is proportional to the perceived risk of harm to members of the public and the Employee.

13.0 REPORTING BREACH OF POLICY

13.1 Any breach of this policy shall be reported to the Supervisor as soon as safely possible. Management will review all Use of Force Reports and immediately report all potential breaches of this policy to the FISCC Office and request any applicable video footage from the Video Services Unit.

14.0 COMPLIANCE

14.1 Special Constables, Fare Inspectors, Protective Services Guards, and Supervisors are not in contravention of the *TTC's Workplace Violence Policy* when using Force within the confines of this policy.

14.2 In accordance with the Code of Conduct Policy, any breach of this policy by Special Constables, Fare Inspectors, Protective Services Guards, and Supervisors may result in disciplinary action, up to and including dismissal.

15. RECORDS RETENTION

15.1 All records, including TTC Use of Force Reports, the datasets, and memorandum books, shall be retained in accordance with TTC retention policies and procedures.

16.0 REFERENCE SOURCES

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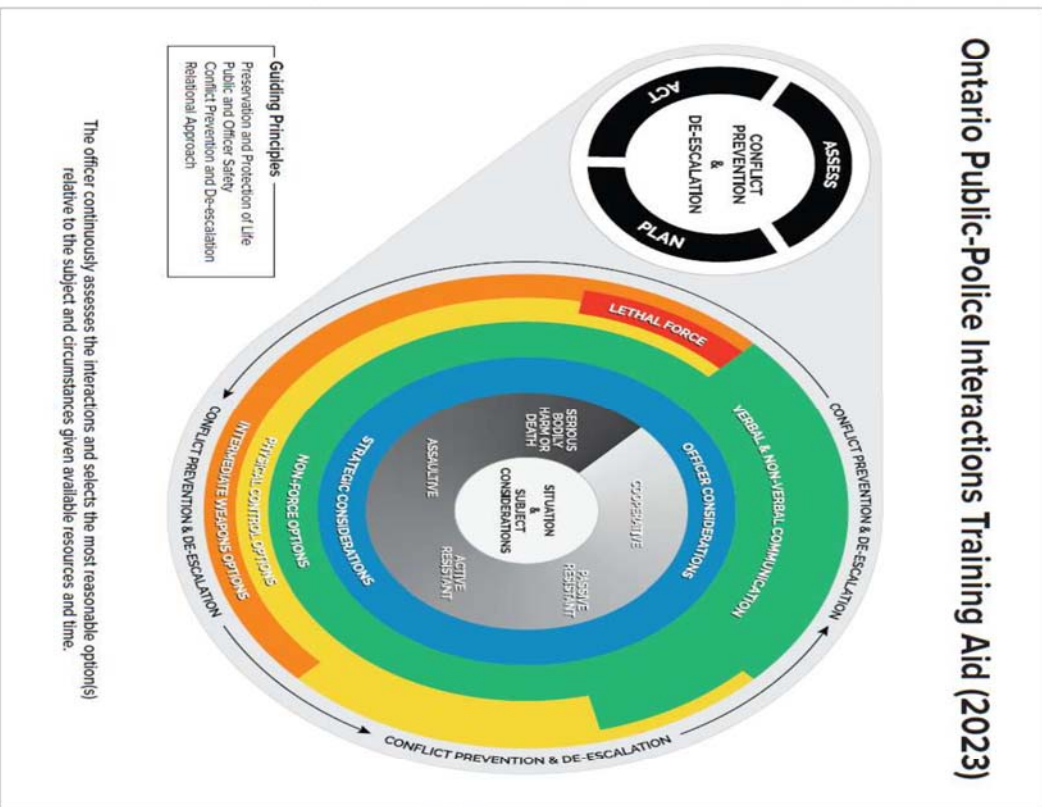
- *Accessibility for Ontarians with Disabilities Act, 2005, SO 2005, c.11*
- *Constitution Act, 1982 (79), Schedule B, Constitution Act, 1982, Canadian Charter of Rights and Freedoms*
- *Criminal Code (R.S.C., 1985, c. C-46)*
- *Human Rights Code, RSO 1990, c H.19*
- *Ontario Use of Force Model*
- *TTC Anti-Racism Strategy*
- *TTC Demographic Data Collection Procedure*
- *TTC Information Management*
- *TTC 10-Point Action Plan on Diversity and Inclusion*
- *TTC Respect and Dignity Policy*
- *TTC Workplace Violence Policy*

Appendix 1: Ontario Use of Force Model (2023)

POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
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<p>Conflict Prevention</p> <p>The pre-emptive use of verbal and non-verbal strategies with people in situations with a potential to escalate (speeding ticket, neighbour dispute)</p>	<p>De-escalation</p> <p>The use of verbal and non-verbal strategies intended to prevent conflict or reduce the intensity of a situation without the application of force and, if force is necessary, reducing the amount of force (if viable)</p>	<p>Assess-Plan-Act</p> <p>A cognitive process applied by the officer to circumstances related to the subject/situation and impacted by perceived/actual risk, available time, and resources. This process is continuous, allowing for reassessment based on changing information.</p>	<p>Situation & Subject Considerations</p> <p>Some factors impacting an officer's perception and decision-making of the subject and situation are: weather conditions, indoors/outdoors, number of officers/subjects, perceived subject ability (cognitive ability, skill, size, weapon), cultural awareness, gender identity.</p>	<p>Subject Behaviors</p> <p>Cooperative: Subject complies with a lawful request</p> <p>Passive Resistant: Subject refuses a lawful request, verbally and/or physically by standing still, sitting, laying down</p> <p>Active Resistant: Subject pulling/pushing away, walking away, running away</p> <p>Assaultive: Threatens/attempts/strikes the officer, kick, punch, spit, headbutt (no weapon)</p> <p>Serious Bodily Harm or Death: The use of any weapon or technique reasonably likely to cause serious bodily harm or death</p>
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<p>Officer & Strategic Considerations</p> <p>Factors impacting perception and decision-making, including ICEN, ICLEAR, NPA, POL, personal experience, suitability, stress, injuries, specialty units, available time</p>	<p>Verbal & Non-Verbal Communication</p> <p>First Contact Approach: Hello, my name is Relational Approach: I can see you are struggling, I'm here to help you.</p> <p>Directive Approach: Police, don't move!</p> <p>Consistent Verbal/Non-Verbal Approach: facial and body expressions consistent with message, applies to both subject and officer</p>	<p>Non-Force Options</p> <p>Increasing available time to delay/eliminate the need for force may be done using: Distance, Physical Presence, Isolation, Containment, Evacuation, Cover, Concealment, Reposition, teamwork, Disengagement</p>	<p>Physical Control Options</p> <p>Soft: controlling an arm/wrist, pressure points, barrier assist</p> <p>Hard: strikes/grounding techniques</p>	<p>Intermediate Weapons Options</p> <p>Pepper Spray, Expandable Baton, Conducted Energy Weapon, Less Lethal Shotgun, ARWEN, Shields, Canine, Horses, any other approved weapon</p>	<p>Lethal Force</p> <p>Use of any weapon/technique reasonably likely to cause serious bodily harm or death</p>
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1.0 INTRODUCTION AND POLICY STATEMENT

1.1 The Toronto Transit Commission (TTC) is committed to providing equitable and non-discriminatory service to all Individuals, including Indigenous, Black, and other racialized Individuals, and acknowledges its obligations under the *Human Rights Code* (Ontario), and the *Canadian Charter of Rights and Freedoms*.

The TTC Anti-Racism Framework, TTC 10-Point Action Plan on Diversity and Inclusion, and TTC Respect and Dignity Policy reflects the TTC’s commitment to a more diverse and inclusive organization.

1.2 Any Special Constable, Fare Inspector, Protective Services Guard, or Supervisor must apply training, including a Racial and Social Equity Approach when using Discretion towards the delivery of their duties.

2.0 RESPONSIBILITY

2.1 The Chief Strategy and Customer Experience Officer or designate is responsible for the ongoing management of this policy.

3.0 PURPOSE

3.1 This policy is intended to:

- a) outline the framework of guiding principles when using Discretion; and
- b) establish and detail reporting responsibilities for when Discretion is used.

4.0 DEFINITIONS

Definitions to be used in the interpretation of this policy:

Term	Definition/Reference
Caution Form	A written warning of an offence.
Discretion	Refers to the authority given to an Individual to make independent judgments and decisions within the scope of their responsibilities and based on their professional knowledge, expertise, and understanding of the situation at hand. These decisions shall be in accordance with training and with section 7.2.

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Discrimination	Discrimination is an action or decision that is intentional or unintentional that results in an adverse impact to a person or group, where the adverse impact is related to a characteristic that is protected under the <i>Human Rights Code</i> (Ontario).
Document	A written or electronic record that provides information or evidence, or serves as an official record. This includes Caution Forms and Provincial Offence Notices.
Fare Inspector	A person employed by the TTC in Revenue Protection and designated as a Provincial Offences Officer.
FISCC Office	Fare Inspector and Special Constable Complaints Office.
Individual	All persons who are on, using, entering or exiting the Transit System.
Protective Service Guard	A security guard licensed under the <i>Private Security and Investigative Services Act, 2005</i> , S.O. 2005, c. 34 and employed by the TTC.
Provincial Offence Notice	A provincial certificate of offence served to Individuals found in contravention of <i>TTC By-law No. 1, Trespass to Property Act</i> , and <i>Liquor Licence and Control Act</i> .
Racial and social equity approach	Applying systemic fair treatment to all people in support of achieving equitable opportunities and outcomes for everyone, particularly for Black, Indigenous, and racialized persons. This also applies to systemic fair treatment in support of achieving equitable outcomes in accordance with the Ontario Human Rights Code's protected grounds, which include the following: citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, receipt of public assistance (in housing) and record of offences (in employment).
Racism	Belief that one group is superior or inferior to others (i.e. of lesser importance or value). Racism can be openly displayed in racial jokes, slurs or hate crimes. It can also be more deeply rooted in attitudes, values and stereotypical beliefs, which in some cases, people do not even realize they have. Racism consists of assumptions that have evolved over time and have become part of systems and institutions. Acts of

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	racism are a violation of the Code, may constitute harassment and/or violence under the <i>Occupational Health and Safety Act (OHSA)</i> , and may constitute an offence under the <i>Criminal Code of Canada</i> .
Special Constable	A person employed by the TTC and appointed as a Special Constable in accordance with Section 53 of the <i>Police Services Act</i> , R.S.O. 1990, c. P.15, as amended.
Supervisor	An employee of Special Constable Service or Revenue Protection that has the responsibility and/or accountability for the conduct, discipline, and performance of Special Constable or Fare Inspector, respectively.

5.0 POLICY REVIEW PROCESS

- 5.1 This policy applies to any Special Constable, Fare Inspector, Protective Service Guard, or Supervisor, and complements all other policies and procedures.
- 5.2 This policy is subject to a review every three years by a review team and may be modified with TTC Board approval, at any time as deemed necessary to respond to current and evolving laws and regulations, as well as relevant judicial decisions related to the use of Discretion.
- 5.3 As part of the policy review process, the Special Constable Service and Revenue Protection Department will engage with representative(s) from the following groups:
- TTC Advisory Committee on Accessible Transit
 - TTC Commission Services
 - TTC Community Customer Racial Equity Advisory Committee or any successor committee
 - TTC FISCC Office
 - TTC Information Technology Services.
 - TTC Racial Equity Office
 - TTC Revenue Protection.
 - TTC Special Constable Service
 - TTC Video Services Unit
 - TTC Legal
 - TTC Audit, Risk and Compliance

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- CUPE Local 5089
- City of Toronto Confronting Anti-Black Racism Unit or any successor department or unit
- City of Toronto Indigenous Affairs or any successor department or unit
- Ombudsman Toronto
- Any other stakeholder, as appropriate, to inform the review of the policy

6.0 GUIDING PRINCIPLES

- 6.1 Aligned with the TTC Code of Conduct, Special Constables, Fare Inspectors, Protective Service Guards and Supervisors are expected to adhere to the following guiding principles when using Discretion:
- a) Through training, instill anti-racism practices, particularly with respect to disproportionately impacted groups, including Black and Indigenous peoples.
 - b) To respect the safety, dignity, and rights of others without Discrimination.
 - c) To form and nurture community relationships and partnerships to promote and build pride and trust in the TTC.
 - d) To align compliance action to the nature of the infraction.
 - e) To increase transparency and accountability.

7.0 APPLICATION

- 7.1 Special Constables, Fare Inspectors, Protective Service Guards and Supervisors are trained to use Discretion while inspecting fares, enforcing bylaws and engaging in other enforcement actions
- 7.2 The following examples include, but are not limited to, factors that Special Constables, Fare Inspectors, Protective Service Guards and Supervisors shall consider when using Discretion:
- a) The seriousness and nature of the offence.
 - b) The relevant context in which the offence takes place (e.g. the person's familiarity with the transit system, person's experiencing homelessness, etc.).
 - c) The likelihood that the person could be deterred from future violations with a written warning or a formal charge.
 - d) The role and impact of both conscious and unconscious bias on decision-making.

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- e) Any other factors that are appropriate to consider as being consistent with the TTC Code of Conduct, TTC 10-Point Action Plan on Diversity and Inclusion, and the Guiding Principles as per section 6.1 as set out in this policy.

9.0 TRAINING

9.1 Special Constables, Fare Inspectors, Protective Service Guards and Supervisors shall not engage in fare non-compliance enforcement, safety and security matters without completing the mandatory training.

9.2 Training will be in accordance with TTC training standards, which include de-escalation techniques, mental health awareness, anti-racism, unconscious bias and trends on customer demographics.

10.0 REPORTING RESPONSIBILITIES

10.1 Special Constables, Fare Inspectors, Protective Service Guards and Supervisors who engage in fare non-compliance enforcement, safety and security matters shall:

- a) At the earliest opportunity, complete the required Documents, as applicable, including the collection of demographic information.
- b) At the earliest opportunity, independently document details of the incident in their memorandum book.

10.2 Supervisors shall regularly review the required Documents to inform training and to ensure compliance with this policy.

10.3 Any potential breach of this policy shall be reported to the Supervisor as soon as possible and the Manager will report this breach to the FISCC Office.

11.0 COMPLIANCE

11.1 Any breach of this policy by Special Constables, Fare Inspectors, Protective Services Guards, or Supervisors may result in disciplinary action.

12.0 RECORDS RETENTION

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12.1 All records, including Caution Forms, Provincial Offence Notices, the datasets, and memorandum books, shall be retained in accordance with TTC retention policies and procedures.

13.0 REFERENCE SOURCES

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- *Constitution Act, 1982 (79), Schedule B, Constitution Act, 1982, Canadian Charter of Rights and Freedoms*
- *Human Rights Code, RSO 1990, c H.19*
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