

Toronto Transit Commission

POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Body-Worn Camera and In-Car Camera Policy	Customer Experience		(New) 13.18.0

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: <ul 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 6.2 and 6.3, 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 6.1 to 6.4 and section 8.0.
- 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 7.2 and 7.3, 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 7.1 to 7.4 and section 8.0.
- 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, investigation, 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*