

Toronto Transit Commission

POLICY/INSTRUCTION

| 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*

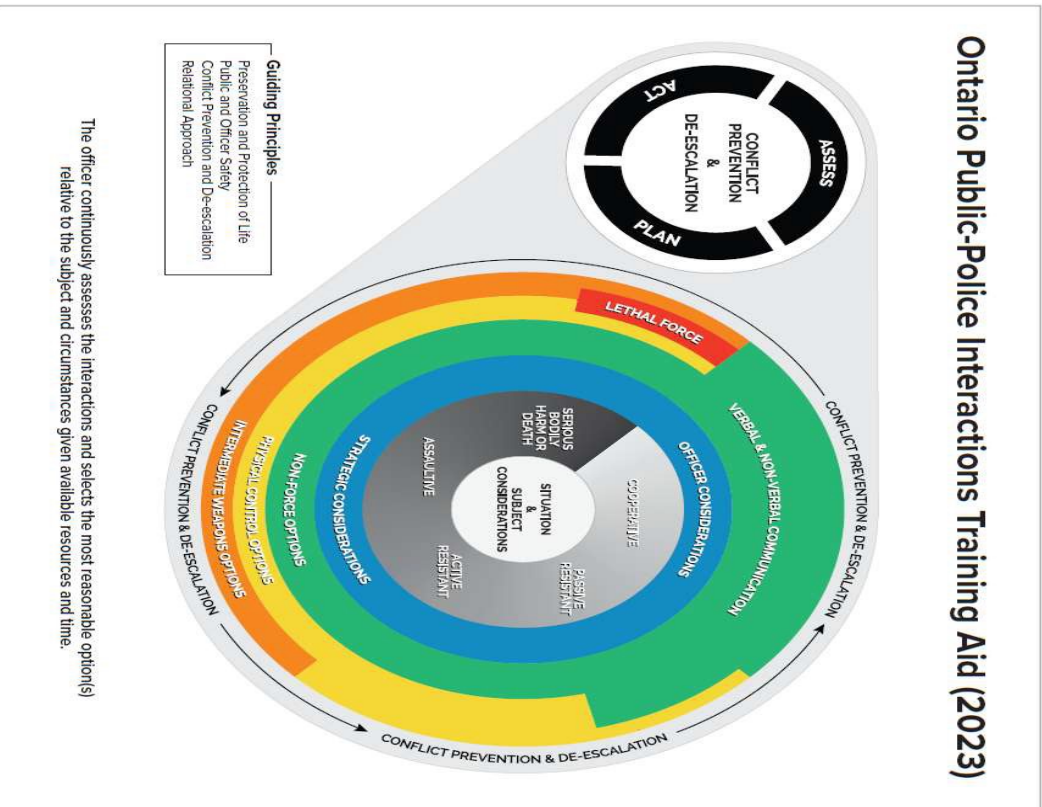
Appendix 1: Ontario Use of Force Model (2023)

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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, NRA, POL, personal experience, stability, 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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The Training Aid is not prescriptive and does not replace the Law. An officer's actions must be lawful, necessary, reasonable and proportional.