



## **Policies to Support the Revenue Protection and Special Constable Service Culture Change Program**

**Date:** December 7, 2023

**To:** TTC Board

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

### **Summary**

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The Revenue Protection and Special Constable Service departments are undergoing transformative change to improve commitment to accountability and transparency, build public trust, address regulatory concerns, and ensure bias-free service delivery. The departments have considered critical recommendations from the Ombudsman Toronto, various third-party reports, expert stakeholders, and industry benchmarking while focusing on the essential priorities of transit safety and security, and at the same time, maximizing revenue protection. To instill an effective cultural change, the Revenue Protection and Special Constable Service departments have developed a Culture Change Program to action recommendations from the Toronto Ombudsman.

On May 18, 2017, the TTC Board accepted all 26 of the recommendations made in the Ombudsman's report. The purpose of this report is to obtain Board approval of the following policies:

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

Approval of the Use of Force policy will result in the existing Use of Force policy and training materials to be amended to further emphasize the importance of de-escalation as an alternative to force for Special Constables. Upon approval of the Body-worn Camera and Special Constable In-Car Camera System policy, the TTC will be piloting Body-worn Cameras for Special Constables and Fare Inspectors. In addition, Special Constable patrol vehicles will be equipped with In-Car Camera Systems.

Additionally, approval of the policies will contribute to the continued progress on three of the four pillars of the Culture Change Program:

1. Modernize policy, procedures, standards and programs;
2. Update technologies; and
3. Overhaul training and monitoring systems.

The policies and pilot have been developed in consultation with external advisors, expert stakeholders and the public, and are in alignment with modernization initiatives being led by enforcement agencies across Ontario.

## Recommendations

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It is recommended that the TTC Board:

1. Approve the Use of Force policy, attached as Attachment 1.
2. Approve the Use of Discretion policy, attached as Attachment 2.
3. Approve the Body-worn Camera and Special Constable In-Car Camera System policy, attached as Attachment 3.
4. Endorse a nine-month Body-worn Camera and Special Constable In-Car Camera System pilot beginning in Q1 2024.

## Financial Summary

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There are no financial impacts arising from the adoption of the proposed Use of Force and Use of Discretion policies.

Funding for the Body-worn Camera and Special Constable In-Car Camera System initiatives is included in the TTC's 2023-2032 Capital Budget and Plan under 7.1 – Corporate Camera and Delivery Program, which was approved by the TTC Board at its meeting on January 9, 2023 and City Council on February 15, 2023.

The total cost the Body-worn Camera and Special Constable In-Car Camera System pilots is \$1,243,000, which includes life-to-date costs of \$562,000 and approved funding of \$681,000 in the 2023-2032 Capital Budget and Plan. An additional \$99,000 will be included in the 2024 Operating Budget submission for the Video Service Unit.

**Table 1 – Body-worn Camera Pilot Costs**

Body-worn Camera	LTD to 2022	2023	2024	Total Pilot Cost
Capital Costs	\$191	\$351	\$167	\$709
Operating Costs	-	-	\$99	\$99

*(in thousands)*

**Table 2 – Special Constable In-Car Camera System Pilot Costs**

Special Constable In-Car Cameras	LTD to 2022	2023	2024	Total Pilot Cost
Capital Costs	\$371	\$116	\$47	\$534

*(in thousands)*

The current estimate of the capital costs related to the full deployment of the Body-worn Camera is \$374,000. Any recommendation to proceed with a full deployment is subject to final pilot results and will be funded in the TTC's 10-year Capital Plan, should it proceed. The cost for the full fleet of Special Constable vehicles were included in the In-Car Camera pilot funding. Therefore, there is no additional capital cost for full deployment.

Sustainment costs for both initiatives will be identified as part of the final pilot results and will be included in future operating budget submissions, should they be recommended to proceed.

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

## **Equity/Accessibility Matters**

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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 2023 by the departments. This work includes restructuring the departments, updating technologies, overhauling training and monitoring 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 June 2021, the new Fare Inspector and Special Constable Complaints (FISCC) Office was launched to investigate complaints (including public complaints) related to the conduct, policies and services of employees in the Special Constable Service and Revenue Protection departments (including Fare Inspectors and Special Constables). With the launch of the FISCC Office, reporting into the Diversity and Culture Group, new streamlined, accessible, public complaint procedures were also posted on the TTC website.

## **Decision History**

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At its April 26, 2017 meeting, City Council adopted a report from the Ombudsman Toronto entitled, [Ombudsman Toronto Report: An Investigation into the Toronto Transit Commission's Oversight of its Transit Enforcement Unit](#), and in doing so, requested the TTC to implement all of the Ombudsman's recommendations. The report was considered and the recommendations were adopted by the TTC Board at its meeting on May 18, 2017. One of the recommendations requested that the Transit Enforcement Unit (now the Revenue Protection Department and Special Constable Service) issue, on an annual basis, a public report on use of force activities.

At its July 10, 2018, meeting, the TTC Board adopted the recommendations contained in the [Investigation into Incident dated February 18, 2018, Involving Transit Fare Inspectors](#) report.

At its meeting on July 16, 17 and 18, 2019, City Council adopted the recommendations of the [Ombudsman Toronto Enquiry Report: Review of the Toronto Transit Commission's Investigation of a February 18, 2018, Incident Involving Transit Fare Inspectors](#).

At its meeting on September 24, 2019, the TTC Board had before it the [TTC Status Update – Ombudsman Recommendations](#) report. The report sought Board acceptance of the recommendations contained within the Ombudsman Toronto Enquiry Report that was considered by Council in July, and outlined the interim steps the TTC took towards implementing the Ombudsman Toronto's recommendations.

At its meeting on February 25, 2020, the TTC Board received a report entitled [TTC Status Update – Anti-Racism Strategy and Ombudsman Recommendations](#), which updated the Board on the development of the TTC's Anti-Racism Strategy and progress towards implementing the Ombudsman's recommendations from their 2019 report.

At its meeting on May 13, 2020, the TTC Board received the [TTC 2019 Annual Report – Public Complaints Involving Special Constables and Fare Inspectors](#), which contained information on complaints received from customers in 2019 involving TTC Special Constables and Fare Inspectors. The report also described the enhancements made to the TTC Special Constable and Fare Inspector public complaint processes.

At its meeting on April 14, 2022, the TTC Board received the [TTC Special Constable Service 2021 Annual Report](#), which provided a brief update on the Culture Change Program. At the same meeting, the Board considered the [Diversity and Culture 2021 Annual Report](#), which also provided an update on the Culture Change Program and the development of the Use of Force and Use of Discretion policies.

At its May 8, 2023 meeting, the [TTC Special Constable Service 2022 Annual Report](#) was considered by the Board. The report included a summary of public complaints and use of force reporting, as required by Ontario Regulation 926/90, and TTC policy, and as recommended by the Ombudsman in their 2017 report.

In June 2023, the TTC Board received the [Diversity and Culture 2022 Annual Report: Equity, Diversity & Inclusion in Motion](#), which provided an update on the progress made toward implementing the TTC's commitments and priorities related to diversity, equity, inclusion and culture change.

## Issue Background

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On April 20, 2017, the Ombudsman issued a report of their investigation of an January 29, 2015, incident involving two TTC employees and two members of the public. A subsequent internal review focused on how to improve internal reporting processes to reduce the likelihood of a similar incident in the future.

The Ombudsman provided 26 recommendations to the TTC to improve oversight, training and public reporting of Special Constables and Fare Inspectors. This included the recommendation to install video recording cameras in all Special Constable patrol cars and to amend the TTC's corporate policy and procedures.

In July 2019, the Ombudsman issued a report on their review of the TTC's investigation of a February 18, 2018, incident involving three Fare Inspectors and a Black customer. The Ombudsman identified concerns with the TTC's investigation and made recommendations to improve the TTC's ability to conduct investigations in a fair and effective way, and to enhance public trust in the investigation process.

Included in both of the above reports were a number of recommendations that identified the need for the development of, or revisions to, key policies and procedures, specifically, Use of Discretion, Use of Force and video surveillance. Underlying the Ombudsman's report was a suggestion to change the culture of the the Revenue Protection and Special Constable Service departments (formerly Transit Enforcement Unit) and to ensure and protect against racial bias in the process.

### Culture Change Program

The Revenue Protection and Special Constable Service departments continue to ensure that the delivery of Special Constable and Fare Inspector duties are provided in an equitable, inclusive, respectful and safe manner to increase accountability, transparency and public trust. The departments have considered critical recommendations from the Ombudsman, expert stakeholders, and industry benchmarking while focusing on the essential priorities of transit safety and security, and at the same time maximizing revenue protection.

Key reports that input into the Culture Change Program, in addition to the Ombudsman reports, include:

- [2020: Dr. Wortley – Ontario Human Rights Commission \(OHRC\) – reports on racial profiling and racial discrimination of Black persons by the Toronto Police Service, Use of Force by the Toronto Police Service report \(Peer report\)](#); and
- [2021: Dr. Owusu-Bempah and Dr. Wortley – Toronto Transit Commission Racial Equity Impact Assessment: Interim Report.](#)

To instill an effective cultural change, the Revenue Protection and Special Constable Service departments have taken a holistic approach by examining and addressing people, processes, training and technology. The Revenue Protection and Special Constable Service Culture Change Program’s pillars provide a framework to guide all work within the departments. Table 3 below provides an overview of the Culture Change Program’s four pillars.

**Table 3: Culture Change Program Pillars**

<b>Culture Change Pillars</b>	 <b>Structure for Success</b>	 <b>Modernize Policies, Procedures, Standards and Programs</b>	 <b>Update Technologies</b>	 <b>Overhaul Training and Monitoring Systems</b>
	Create and support a diverse and inclusive workforce	Alignment with third-party report recommendations	Implement new technologies to support third-party report recommendations	Implement training founded in equity, respect and dignity for customers and employees

The Use of Force, Use of Discretion, and Body-worn and Special Constable Service In-Car Camera System policies support the outcomes desired through three of the four Culture Change Program pillars: Modernize Policies, Procedures, Standards and Programs, Update Technologies and Overhaul of Training and Monitoring Systems.

## Comments

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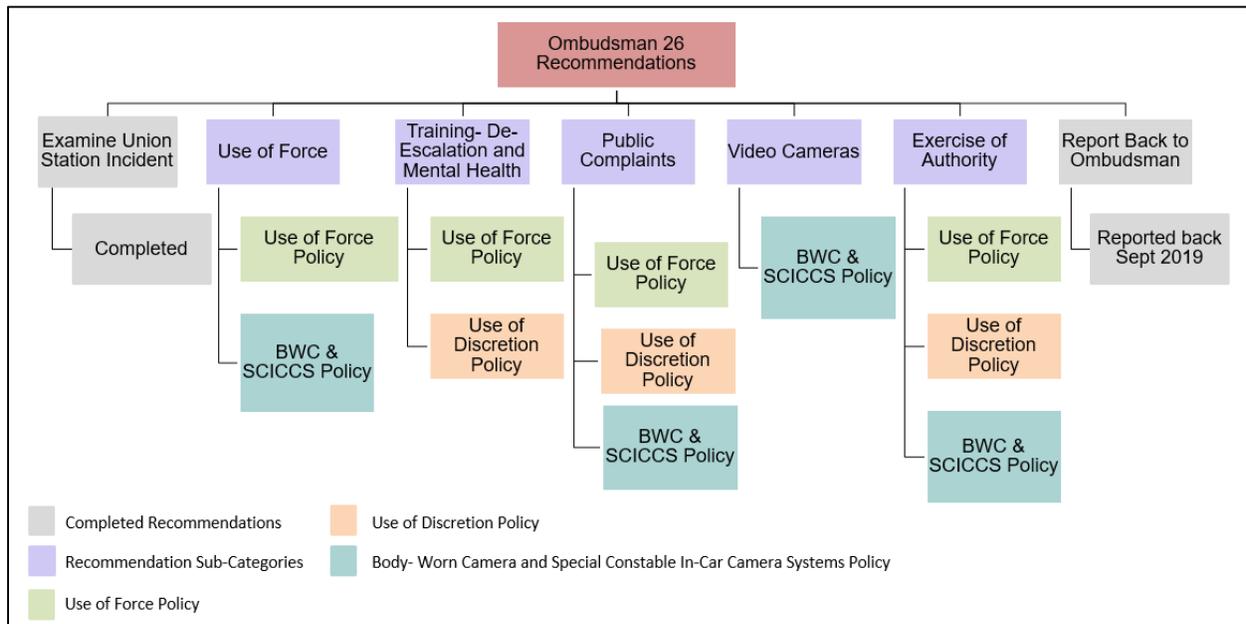
### Policy Overview

#### ***Policy Development Process***

The Ombudsman provided a total of 26 recommendations in their 2017 report aimed at improving internal oversight of Special Constables and Fare Inspectors. The TTC has implemented 15 recommendations to date and the proposed policies will satisfy an additional nine of the recommendations made in the Ombudsman’s report. Approval of these proposed policies will bring the total number of implemented recommendations to 24. Refer to Appendix 1 for the current status of each Ombudsman recommendation.

Figure 1 below shows the broad categories of the 26 recommendations provided in the 2017 Ombudsman Toronto’s report and where the proposed policies address those.

**Figure 1: Overview of Ombudsman’s Recommendations and Policy Alignment**



These policies have been developed through collaborative consultations and undergone thorough review by lawyer, Arleen Huggins, Professor Wortley, Professor Owusu-Bempah, and the Ombudsman Toronto. Additionally, organizations both internal and external to the TTC were consulted to develop all three policies and the pilot (refer to Appendix 2). Public consultations were also conducted through a survey developed by Drs. Wortley and Owusu-Bempah. The survey was distributed to TTC customers to gain better insight into TTC customer and employee experiences with Special Constables and Fare Inspectors, and support of the policies. Consultation results can be found in Appendix 3.

The two outstanding recommendations from the Ombudsman focus on establishing a framework for an Early Intervention System (EIS). Currently in development, this system aims to monitor patterns in complaints and incidents involving the use of force among Special Constables, Fare Inspectors, and Protective Services Guards (security personnel designated to safeguard TTC revenue operations facilities). Additional details of the EIS can be found in Appendix 4. The finalization and execution of the EIS is anticipated to conclude in 2024.

### ***Use of Force Policy Overview***

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 policy serves to operationalize the TTC’s commitment to customer service, safety and fare compliance through communication, education and de-escalation techniques designed to minimize physical harm and the reliance on the use of force.

Special Constables are authorized by the province of Ontario to use force in response to an event or incident to preserve the peace, prevent crimes, maintain order as well as detain and arrest suspects. Special Constables will only use force as a last resort and only after completing training provided by external trainers from the Control Institute, which incorporates various de-escalation techniques (i.e. active listening and conflict resolution using effective communication), mental health awareness, unconscious bias awareness, and in accordance with the Ontario Use of Force Model.

Fare Inspectors and Protective Services Guards are only permitted to use force for the purposes of self-defence as outlined in Section 8 of the policy or as permitted under Section 25 of the Criminal Code.

### ***Use of Force Reporting***

Recommendation #2 from the 2017 Ombudsman's report stated that the TTC should strongly consider implementing a Use of Force reporting policy for Special Constables similar to the one in place at the Ottawa-Carleton Regional Transit Commission (OC Transpo).

Special Constables are bound by Ontario Regulation 926/90, which compels Police Officers to submit a Use of Force Report to the Chief of Police when a Police Officer who, in the performance of their duties, uses force on another person that results in an injury requiring medical attention, or uses a weapon on another person. As mandated by the Province of Ontario, both OC Transpo and TTC Special Constables are required to complete the Provincial Use of Force Report when force is used in the course of their duties. In the report, they must indicate the nature of the incident, including the type of force used and the reason for the use of force.

The Provincial Use of Force Report and instruction guide does not apply to Fare Inspectors as they are not designated as Provincial Peace Officers. As such, the TTC has developed an internal Use of Force Report for Fare Inspectors to report incidents where the use of force was utilized.

### ***Use of Discretion Policy Overview***

The Use of Discretion policy is intended to outline guiding principles when using discretion and detail reporting responsibilities for when discretion is used.

Discretion is used by Special Constables, Fare Inspectors, and Protective Services Guards during fare non-compliance, safety and security concerns. When using discretion, employees are directed to consider factors, including, but not limited to:

1. Seriousness and nature of the offence;
2. Context in which the offence takes place;
3. Likelihood of a written warning deterring the person from committing future violations;
4. Behaviour that may be the result of a disability or other grounds protected by the Ontario Human Rights Code; and

5. Role and impact of both conscious and unconscious bias on decision-making, and other factors that are appropriate to consider.

Special Constables, Fare Inspectors, Protective Service Guards and Supervisors are expected to adhere to the following guiding principles when using Discretion:

- a) Instill anti-racism practices, particularly with respect to disproportionately impacted groups, including Black and Indigenous peoples.
- b) Respect the safety, dignity, and rights of others without Discrimination.
- c) Form and nurture community relationships and partnerships to promote and build pride and trust in the TTC.
- d) Align compliance action to the nature of the infraction.
- e) Increase transparency and accountability.

### ***Training***

Special Constables, Fare Inspectors and Protective Services Guards receive training that includes de-escalation techniques, mental health awareness, anti-racism and unconscious bias awareness. In addition to the foundational training, the TTC has introduced mandatory two-day training on the Use of Discretion and Use of Force policies for all Officers.

Use of Force Training provided to Special Constables includes the Ontario Use of Force Model and trends identified through the TTC's demographic data collection procedure. During recruit training, Fare Inspectors are taught about Use of Force for the purposes of self-defence and are walked through a number of scenarios as it relates to their duties.

Body-worn Camera and In-Car Camera training will commence once the policies are approved. It will include a full day of policy and hands-on training with the devices. Please refer to Appendix 5 for a more detailed discussion on training.

### ***Body-worn Camera and Special Constable In-Car Camera System Policy Overview***

The Body-worn Camera and Special Constable In-Car Camera System policy is intended to establish procedures surrounding the use of a body-worn camera by Special Constables and Fare Inspectors during the course of their duties, and the use of in-car camera system in patrol vehicles used by Special Constables.

The Body-worn Camera and Special Constable In-Car Camera System policy has been adapted from the Toronto Police Services' (TPS) current Body-worn Camera and In-Car Camera System policy and mirrors its procedural requirements, where applicable.

As requested by the Ombudsman Toronto, a jurisdictional review was conducted on body-worn camera usage by enforcement agencies in Ontario. The jurisdictional review identified that an increasing number of enforcement agencies in Ontario and around the world are using body-worn cameras and in-car camera systems to document Officer

interactions with members of the public. The complete jurisdictional review can be found in Appendix 6.

### ***Body-worn Camera and Special Constable In-Car Camera System Pilot Overview and Objectives***

The Body-worn Camera pilot is expected to run for a nine-month period, beginning in Q1 2024. In total, 20 Special Constables and 20 Fare Inspectors will be equipped with body-worn cameras using a phased implementation approach. The phased implementation will rotate body-worn cameras amongst all Special Constables and Fare Inspectors by requiring them to wear the devices during a six-week period. Through this phased approach, all Officers will have the opportunity to be equipped with a body-worn camera during the pilot.

The Body-worn Camera and Special Constable In-Car Camera System pilot will explore the benefits and possible issues associated with the use of the equipment by Special Constables and Fare Inspectors. Refer to Appendix 7 for Key Performance Indicators of the pilot.

### ***Body-worn Camera Procurements for Pilot***

#### *Body-worn Camera*

The TTC entered into a sole-source contract with Axon to provide technology compatibility with the Toronto Police Service. The contract for the procurement of body-worn cameras includes hardware, software, data storage provisions, as well as technical support and training services for the use of the body-worn cameras.

Axon is considered an industry leader in body-worn camera technology, both in Canada and internationally, and across a number of different sectors (i.e. law enforcement, private security, campus security). Axon is currently providing body-worn camera and in-car camera system technology for the Toronto Police Service. In 2020, Axon became the vendor of record for the Toronto Police Service following a comprehensive competitive procurement process to identify and select a vendor to supply the cameras, including hardware, software, technical support and training services. By procuring Axon, the TTC benefits from lessons learned by Toronto Police Service.

This contract includes unlimited data storage provisions. Pilot equipment and professional services have been purchased.

### ***Special Constable In-Car Camera System Pilot***

#### *Procurement*

The TTC entered into a contract with Panasonic Canada (now renamed to iPro) to procure in-car camera systems, including hardware, software, data storage provisions, and technical support for the duration of the pilot. iPro (Panasonic) was selected through a TTC Competitive Procurement bid process. iPro is considered an industry leader for in-car camera technology. At the time of the contract engagement, iPro

(Panasonic) was providing in-car camera system technology for the Toronto Police Service (TPS).

Camera equipment has been purchased for 14 Special Constable Service vehicles. The contract is an annual contract and can be cancelled for future years in which the TTC will assume the cost of the equipment.

### ***Implementation Plan for Body-worn Camera and Special Constable In-Car Camera System***

Once the pilot begins, the Special Constable Service and Revenue Protection departments will gather feedback from Supervisors, Special Constables and Fare Inspectors on the process and application of the Body-worn Camera and Special Constable In-Car Camera System policy on an ongoing basis. The Special Constable Service and Revenue Protection departments will perform a monthly managerial review to ensure compliance with the Body-worn Camera and Special Constable In-Car Camera System policy, which will identify opportunities for improvement within the departments. This will be achieved by requiring Special Constable Service and Revenue Protection Supervisors to review Body-worn Camera and Special Constable In-Car Camera System recordings a minimum of once per month from 5% of the total Body-worn Camera and Special Constable In-Car Camera System recordings to ensure that Officers are using the equipment in accordance with the policy and training.

### **Communications – Customer and Internal**

Information about the Use of Force, Use of Discretion, Body-worn Camera and Special Constable In-Car Camera System policies and pilot will be communicated to TTC customers, TTC employees and the public. TTC customers, TTC employees and the public will have access to the pilots' webpage, which contains information about the pilot. Communication approaches are summarized in Appendix 8.

### **Next Steps**

Subject to the Board approving the report recommendations, the following actions will be taken:

- TTC staff to report to Ombudsman Toronto when all 26 recommendations from the Ombudsman Toronto Report: An Investigation into the Toronto Transit Commission's Oversight of its Transit Enforcement Unit have been implemented;
- The TTC will proceed with the Body-worn Camera and Special Constable In-Car Camera System pilot starting in Q1 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.

## Contact

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## Signature

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## Attachments

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- Appendix 1: Status of Ombudsman Recommendations
  - Appendix 2: External Consultations
  - Appendix 3: Public Consultation Results
  - Appendix 4: Early Intervention System
  - Appendix 5: Training
  - Appendix 6: Body-Worn Camera Jurisdictional Review
  - Appendix 7: Body-Worn Camera and Special Constable In-Car Camera System Pilot  
Key Performance Indicators
  - Appendix 8: Communication Approaches
- 
- Attachment 1: Use of Force Policy
  - Attachment 2: Use of Discretion Policy
  - Attachment 3: Use of Body-Worn Camera and Special Constable In-Car Camera  
System Policy

## Appendix 1: Status of Ombudsman Recommendations

Recommendation Theme	# of Corresponding Recommendations	Status		
Investigate Union Station Incident	1	1 complete		
Use of Force	8	1 complete	6 pending policy approval	1 pending Early Intervention System approval
Training and De-Escalation	4	4 complete		
Public Complaints	8	7 complete	1 pending Early Intervention System approval	
Video Cameras	1	1 pending policy approval		
Exercise of Authority	3	1 complete	2 pending policy approval	
Reporting Back	1	1 complete		

## **Appendix 2: External Consultations**

The following external organizations were consulted to support the development of the policies:

- City of Toronto – Indigenous Affairs Office
- Ombudsman Toronto
- Information and Privacy Commissioner of Ontario (IPC)
- City of Toronto – Confronting Anti-Black Racism (CABR) Unit
- Ontario Human Rights Commission (OHRC)
- TTC Advisory Committee on Accessible Transit (ACAT)
- Dr. Akwasi Owusu-Bempah
- Dr. Scot Wortley
- Arleen Huggins, Lawyer
- Public Consultation Survey – Prepared by Dr. Wortley and Dr. Owusu-Bempah

## **Appendix 3: Public Consultation Results**

### ***Background and Methods***

- Over the past two years, the Toronto Transit Commission (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, over 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 4: Early Intervention System**

In response to recommendations from the Ombudsman Toronto, an Early Intervention System (EIS) framework has been developed to monitor complaint trends and Use of Force incidents amongst Special Constables, Fare Inspectors, and Protective Services Guards. The EIS is a non-disciplinary management accountability tool used to identify employees with potential conduct issues and address these issues using various strategies designed to support the employees and improve their performance. The goal of the EIS is to capture and flag any patterns or trends of problematic conduct in employees before the need for discipline arises. This system is monitored by the department's Compliance Specialist.

To identify employees whose conduct warrants review and intervention, performance indicators are used. These performance indicators are measurable factors that are used to raise alerts on an employee whose conduct may need to be monitored under the EIS. These indicators include complaints, Use of Force Reports, body-worn and in-car camera non-compliance, cautions/charges/summons, discipline records and recognition records. Once an alert is triggered, an intervention will be provided to the employee in the form of evaluation, coaching, training/retraining, re-assignment of duties, and if need be, discipline.

## Appendix 5: Training

### Use of Force Training

Special Constable training is in accordance with TTC training standards, which includes de-escalation techniques, mental health awareness, unconscious bias, Ontario Use of Force Model, and trends identified through the TTC's demographic data collection procedure. During recruit training, Fare Inspectors are taught about Use of Force for the purposes of self-defence and are walked through a number of scenarios as it related to their duties.

Below is an overview of the Special Constable three-day Use of Force training program:

#### **Day 1 – Academic Review**

- Updates on Provincial and Federal legislation;
- Analysis of case law relevant to Use of Force scenarios;
- Exercises focused on de-escalation techniques;
- Comprehensive examination of the Ontario Use of Force Model;
- Understanding of legal authority and justification for Use of Force;
- Familiarization with various levels of force, such as verbal commands, physical control tactics and Use of Force options;
- Training on techniques for mitigating violent situations;
- Development of skills for making Use of Force decisions and assessing risks; and
- Exploration of ethical considerations associated with Use of Force.

#### **Day 2 – Use of Force Overview**

- Training on empty-hand techniques;
- Familiarization with proper handcuffing techniques;
- Learning how to establish and maintain subject control during an arrest, using proper techniques and tactics;
- Training on pressure point control and its application in an uncooperative suspect;
- Instruction on the proper use of batons in different Use of Force scenarios;
- Achieve voluntary compliance by utilizing verbal de-escalation techniques;
- Learning how to retain Use of Force options in a dynamic situation; and
- Practice exercises that simulate real-world Use of Force situations for a better understanding of the principles and techniques involved.

### Day 3 – Scenario

- Comprehensive scenario-based training to provide a holistic understanding of real-life situations that Special Constables may encounter;
- Analysis of incidents, debriefs and discussions to evaluate and learn from scenario training; and
- Proper report writing and how to maintain accurate memorandum books as it relates to Use of Force scenario.

Immediately following the Use of Force training, all Special Constables also attend mental-health awareness training. Fare Inspectors must also attend Mental Health Awareness training during recruit training.

### Day 4 – Mental Health Awareness

- Understanding mental health and reducing stigma;
- Crisis intervention techniques for managing individuals in distress;
- Familiarization with substance-related disorders and their symptoms;
- Learning about mood-related disorders and their impact on behaviour;
- Training on identifying and managing individuals with anxiety and trauma-related disorders;
- Familiarization with psychotic disorders and their impact on behaviour; and
- Techniques for identifying and managing stress to maintain mental health and well-being.

### Use of Discretion and Use of Force Policy Training

As of November 8, 2023, all Fare Inspectors and 83% of Special Constables have attended the two-day, in-person training program on the Use of Discretion and Use of Force policies. The first day of training is led by Dr. Akwasi Owusu-Bempah, Dr. Scot Wortley and staff from the TTC's Racial Equity Office. The first day of training focuses on:

### Day 1

- Defining discretion and bias (conscious and unconscious);
- Importance of race and gender identity in Canadian society;
- Uses and potential misuses of race-based and gender identity data; and
- Collection of race-based and gender identity data within the TTC.

The second day of training is led by the Special Constable's Training Team and Revenue Protection Supervisors. The training focuses on:

## Day 2

- Importance of Use of Discretion within the TTC;
- When force is to be used;
- Self-identification and perception data;
- How to exercise discretion and force;
- Case studies and scenario-based learning;
- Reporting responsibilities when using discretion and force; and
- Overview of Data Collection Procedure.

## **Appendix 6: Body-Worn Camera Jurisdictional Review**

Body-worn cameras are being used by an increasing number of enforcement agencies in Ontario and around the world to document Officer interactions with members of the public. Staff conducted a scan of neighbouring/comparable transit agencies in the Greater Toronto Area and Toronto Police Service. Staff also conducted a scan of public agencies that employ Special Constables, including the University of Toronto and Toronto Community Housing.

The use of digital recording systems inside vehicles are becoming increasingly prevalent among drivers all around the world. This technology enables the driver to safeguard the security of the vehicle by recording incidents like crashes, thefts and vandalism in and around the vehicle. Law enforcement agencies have increasingly adopted body-worn cameras to record interactions between officers and individuals. To explore the use of these cameras in Ontario, staff conducted a scan of three neighbouring transit agencies in Ontario and the Toronto Police Service, as well as two public agencies that employ Special Constables, the University of Toronto and Toronto Community Housing.

Between the two public agencies surveyed, neither currently utilizes body-worn cameras or in-car camera systems. They believe that most interactions within their premises are already captured on CCTV and that body-worn cameras are not necessary for law enforcement purposes.

Regarding transit agencies, it was found that Ottawa Transit and Montreal Transit do not currently use body-worn cameras or in-car camera systems. York Region Transit is piloting a CCTV system for the rear passenger securement area to increase levels of liability protection, but the agency has not yet identified any plans for implementing body-worn cameras. Cost, storage, supervision, and overall effectiveness are cited as potential challenges to adoption.

Transit agencies agree that transit networks have thousands of cameras everywhere from entry points to tunnels, and with the new subway trains equipped with inside cameras that record both video and audio. All of the transit buses have cameras and are position-monitored. As a result, more than 90% of Special Constable interventions are already captured on CCTV cameras, and most physical altercations involving Special Constables are filmed by the public. Therefore, the use of body-worn cameras is seen as less necessary for Special Constables than for city police departments.

In addition to body-worn cameras, digital recording systems inside vehicles are becoming increasingly common among drivers worldwide. Law enforcement agencies have adopted this technology to increase transparency and liability. The system is mainly used for traffic stops or transporting individuals in the back seat. Only two agencies in the scan (York Region Transit and the Toronto Police Service) have adopted in-car camera systems. These cameras have added functionality for police departments, such as the capability to read license plates and cross-reference them with stolen or suspect vehicle lists. They also have the capability to notify Officers if the tag registration is expired. The rear-seat camera can also record video statements,

providing a useful tool for investigations and an independent witness in the event of a complaint.

In conclusion, while body-worn cameras have become increasingly popular among law enforcement agencies, the adoption of this technology is not yet widespread in Ontario. Public agencies and transit agencies surveyed in this study have cited various challenges, such as cost, storage and effectiveness, as potential barriers to adoption. However, the use of CCTV cameras in transit networks and other public spaces has already provided a significant amount of footage for documenting interactions between law enforcement and the public. The use of in-car camera systems has also been adopted by some law enforcement agencies, providing additional functionalities for traffic stops and investigations. As technology continues to evolve, it is likely that the use of cameras for law enforcement purposes will become even more widespread.

**Appendix 7: Body-Worn Camera and Special Constable In-Car Camera System Pilot Key Performance Indicators**

Pilot Deliverables	Performance measures
Solution meets Technical Requirements for Special Constable and Revenue Protection Officers	100% compliance
Solution meets Functional Requirements for Special Constable and Revenue Protection Officers	100% compliance
Solution meets Data Privacy Requirements as per approved PIA	100% compliance
Accepted data loss (during network transmission between Body-worn Camera-Dock-Cloud)	1% maximum
Online Application Availability (given consistent network connectivity)	99%
Training delivery – Train the Trainer	Minimum 95% end-users
Go-No Go report and recommendation	Evaluation and recommendation

## **Appendix 8: Communication Approaches**

Information about the Use of Force, Use of Discretion, Body-worn Camera and Special Constable In-Car Camera System policies and Body-worn Camera and Special Constable In-Car Camera System pilot will be communicated to TTC customers, TTC employees and the general public in a number of ways including:

- TTC Customers, TTC employees and the general public can access the TTC's webpage for information about the Use of Force, Use of Discretion, and Body-worn Camera and Special Constable In-Car Camera System policies. The webpage contains a section for "Frequently Asked Questions" that will enable the TTC to address customer inquiries. This section will be updated and amended with any changes to the policies to facilitate public transparency and build accountability. The policies will also be promoted by linking them from the TTC's social media channels, and information about the policies will be shared internally through MyTTC|Weekly, on MyTTC|SAP Jam and MyTTC|Now.
- Leveraging social media to inform customers about the pilot programs;
- Informing customers about the pilots at TTC stations via the Platform Video Screens;
- Providing communication materials to Managers/Supervisors so that they can inform TTC staff about the pilot programs;
- Providing information to external stakeholders via the Community Relations Stakeholder Update e-Newsletter.
- Including information in the Special Constable 2023 Annual Report and the Diversity and Culture 2023 Annual Report.

## 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.

## Toronto Transit Commission

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

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 reasonably appears to be necessary under all 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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SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Use of Force Policy	Customer Experience		(New) 13.18.0

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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Use of Force Policy	Customer Experience		(New) 13.18.0

- 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, 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 as outlined in sections 6.0 and 7.0, and only as a last resort.

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Use of Force Policy	Customer Experience		(New) 13.18.0

#### 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) 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 and the TTC Injury Report, if required.
- 11.3 Supervisors shall review all TTC Use of Force Reports to inform training and to ensure compliance with this policy.

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Use of Force Policy	Customer Experience		(New) 13.18.0

#### 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 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

- *Accessibility for Ontarians with Disabilities Act, 2005, SO 2005, c.11*

**Toronto Transit Commission**

**POLICY/INSTRUCTION**

<b>SUBJECT</b>	<b>CLASSIFICATION</b>	<b>DATE APPROVED</b>	<b>P/I NUMBER</b>
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- *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*

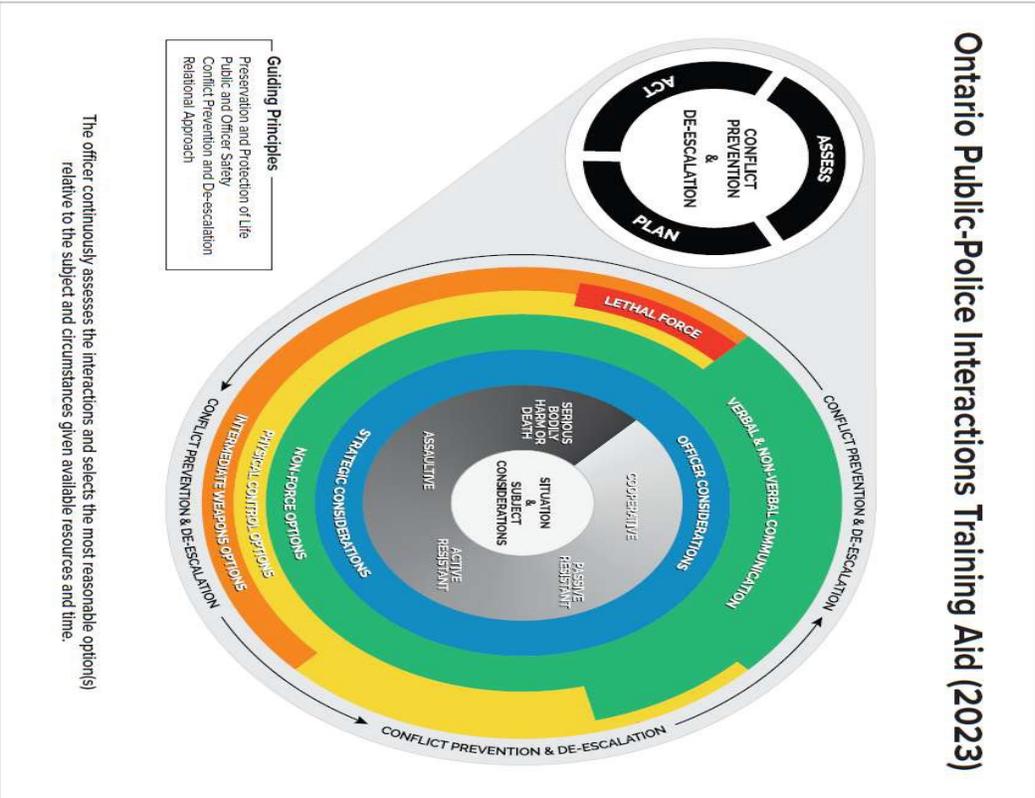
# Toronto Transit Commission

## POLICY/INSTRUCTION

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Use of Force Policy	Customer Experience		(New) 13.18.0

### Appendix 1: Ontario Use of Force Model (2023)

<p><b>Conflict Prevention</b></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><b>De-escalation</b></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><b>Assess-Plan-Act</b></p> <p>A cognitive process applied by the officer to circumstances related to the subject/situation and impacted by perceived/radical risk. Available time, and resources. This process is continuous, allowing for reassessment based on changing information.</p>	<p><b>Situation &amp; Subject Considerations</b></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><b>Subject Behaviors</b></p> <p><b>Cooperative:</b> Subject complies with a lawful request</p> <p><b>Passive Resistant:</b> Subject refuses a lawful request, verbally and/or physically by standing still, sitting, laying down</p> <p><b>Active Resistant:</b> Subject pulling/pushing away, walking away, running away</p> <p><b>Assaultive:</b> Threatens/attempts/strikes the officer, kick, punch, spit, headbutt (no weapon)</p> <p><b>Serious Bodily Harm or Death:</b> The use of any weapon or technique reasonably likely to cause serious bodily harm or death</p>
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<p><b>Officer &amp; Strategic Considerations</b></p> <p>Factors impacting perception and decision-making, including: IC/EAR, NPA, PCL, personal experience, skills/ability, stress, injuries, specialty units, available time</p>	<p><b>Verbal &amp; Non-Verbal Communication</b></p> <p><b>First Contact Approach:</b> Hello, my name is [Relational Approach: I can see you are struggling, I'm here to help you].</p> <p><b>Directive Approach:</b> Police don't move!</p> <p><b>Consistent Verbal/Non-Verbal Approach:</b> facial and body expressions consistent with message, applies to both subject and officer</p>	<p><b>Non-Force Options</b></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><b>Physical Control Options</b></p> <p>Soft: controlling an arm/wrist, pressure points, barrier assist</p> <p>Hard: strikes/grounding techniques</p>	<p><b>Intermediate Weapons Options</b></p> <p>Pepper Spray, Expandable Baton, Conducted Energy Weapon, Less Lethal Shotgun, ARVEN, Shields, Canine, Horses, any other approved weapon</p>	<p><b>Lethal Force</b></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.

POLICY/INSTRUCTION

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Use of Discretion Policy	Customer Experience		(New) 13.19.0

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*.

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, or Supervisor must apply training and a racial and social equity approach when using Discretion towards the delivery of an equitable transit service.

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.

## Toronto Transit Commission

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SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Use of Discretion Policy	Customer Experience		(New) 13.19.0

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> .
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</i> (OHSA), and may constitute an offence under <i>the 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

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Use of Discretion Policy	Customer Experience		(New) 13.19.0

	the conduct, discipline, and performance of Special Constable or Fare Inspector, respectively.
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### 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
- 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

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Use of Discretion Policy	Customer Experience		(New) 13.19.0

- 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) To 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 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. For example, the employee's perception of the person's demeanor (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.
  - 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.

### 8.0 APPLICATION — SUPERVISORS

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- 8.1 Supervisors shall apply a racial and social equity approach when exercising Discretion to support equitable transit operations and service planning.
- 8.2 The following examples include, but are not limited to, factors that Supervisors shall consider when using Discretion:
- a) Fare inspection service planning (e.g. transit routes inspected and time of day).
  - b) Fare inspection procedures for each mode of transportation (e.g. which Individuals are stopped for inspections on streetcars and at subway stations).
  - c) Resource allocation (e.g. Special Constable presence at transit locations for safety and security purposes).

### 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 identified through the TTC's demographic data collection procedure.

### 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 as outlined in the TTC's demographic data collection procedure; and
  - 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.

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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, or Supervisors may result in disciplinary action, up to and including dismissal.

#### 12.0 RECORDS RETENTION

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

- *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*
- *Human Rights Code, RSO 1990, c H.19*
- *TTC Anti-Racism Strategy*
- *TTC Code of Conduct*
- *TTC Demographic Data Collection Procedure*
- *TTC Information Management*
- *TTC 10-Point Action Plan on Diversity and Inclusion*
- *TTC Respect and Dignity Policy*

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SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Body-Worn Camera and In-Car Camera Policy	Customer Experience		(Draft)13.20.0

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, particularly for the protection of rights and equity for Indigenous, Black, and Equity Seeking Groups.
- 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 TTC 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 or investigations.
  - Strengthen the TTC's commitment to anti-racist and bias-free service delivery.
  - Provide supplementary 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</i> (Ontario).
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 <a href="#">here</a> .
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 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 Individual 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"> <li>i. Station entrances and exits.</li> <li>ii. Station mezzanine and platform areas.</li> <li>iii. Fare paid areas.</li> <li>iv. Transit hubs.</li> <li>v. TTC revenue vehicles such as buses, Wheel-Trans vehicles, streetcars, subway vehicles, rapid transit vehicles, and light rail transit vehicles.</li> <li>vi. Non-revenue vehicles, such as Special Constable vehicles.</li> </ol>
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
  - 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:
- a) The TTC wishes to utilize BWC Recording and SCICCS Recording in a novel manner or in combination with other software or hardware.

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- 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, 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) Where recording is restricted (e.g. a courthouse or a hospital) except in exigent circumstances or under legal authority.
- 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.

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- 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, 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:

- 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:

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- 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.

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:

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- 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.

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

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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.
- 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.

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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 Any breach of this policy by employees 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*