



STAFF REPORT ACTION REQUIRED

Transit Fare Inspection and Enforcement Model Update

Date:	December 20, 2016
To:	TTC Board
From:	Chief Executive Officer

Summary

An overview of the Transit Enforcement Unit was provided to the TTC Board on January 21, 2015. The Board at its meeting of January 21, 2015 deferred this item to the next meeting of the Board to allow for further discussion. The Board at its meeting of February 25, 2015 received the information provided in the Overview of the Transit Enforcement Unit and adopted several member motions.

Staff is recommending the adoption of a fare inspection strategy that was used during the first six months of the subject pilot project. The recommended fare inspection model includes a customer service friendly uniform with no batons and no handcuffs. This recommendation is based in part, on the data compiled with the assistance of CH2MH and their comparative analysis of the original grey shirt model of fare inspection versus the new white shirt model of fare inspection. Subsequent to this comparative analysis, there is a negligible difference in data collected between the recommended white shirt model versus the original grey shirt model.

Staff is also recommending the use of multi-functional Transit Enforcement Officers (TTC Special Constables) to supplement and support the function of Transit Fare Inspectors. This will provide a consistent level of customer service, appropriate enforcement, and maintain the integrity of the TTC fare collection system. This model would include plain clothes assignments.

Staff further recommends the Board seek an amendment to Chapter 150 of the Toronto Municipal Code to allow members of the Transit Enforcement Unit to tag and tow vehicles that disrupt TTC service and support limited sections of the Highway Traffic Act to allow Transit Enforcement Unit Special Constables to direct traffic around planned and unplanned closures and service disruptions with an implementation target of Quarter 3 of 2017.

Recommendations

It is recommended that the Board:

1. Approve the modified customer friendly uniform without batons or handcuffs for Transit Fare Inspectors.
2. Direct staff to continue the search for third party oversight of Transit Enforcement Officers and Transit Fare Inspectors.
3. Direct staff to report back on efforts at recruitment outreach to attract a diverse workforce.
4. Seek an amendment to Chapter 150, Article IV of the Toronto Municipal Code to allow members of the TTC Transit Enforcement Unit to tag and tow vehicles that disrupt service.
5. Endorse enhanced authorities, as approved by the Toronto Police Service and the Ministry of Community Safety and Correctional Services, under the Highway Traffic Act to allow Transit Enforcement Unit Special Constables to direct traffic around planned and unplanned closures, and service disruptions.
6. Direct staff to report back to the Board when more meaningful data is available regarding Presto inspections.

Financial Impact

The recommended transition from the original grey shirt model to the new white shirt model is expected to cost about \$2,000 in 2017 and will be accommodated within the 2017 TTC Operating Budget which was approved by the TTC Board at its meeting of November 21, 2016.

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

Accessibility/Equity Matters

As Transit Enforcement Officers and Transit Fare Inspectors have significant public contact and perform both enforcement and customer service roles, equity becomes an important factor. Challenges serving customers living with a mental illness will arise. The importance of having all the skills necessary to ensure all customers are treated equally and with dignity and respect, is crucial. A gap in the Mental Health Awareness Training was identified in 2015, and the TTC Board concurred. This has led to all front line members of the Transit Enforcement Unit to participate in a mandatory five day mental health awareness training program. This training program covers such topics as

Understanding Mental Illness, Psychological First Aid, Crisis Intervention and De-Escalation, Self-Care: Maintaining Health and Well-Being and includes an interactive panel discussion with community members living with a mental illness. Transit Enforcement members participate in holistic simulation-based training as part of the curriculum as well. As the program evolves, equity issues that are identified will be resolved through the same process; appropriate stakeholders consulted, best practices identified, policy and procedural changes will be made as required. All front line members of the Transit Enforcement Unit also participate in mandatory Diversity and Inclusion Training as facilitated by the Ontario Police Video Training Alliance in an e-learning format and by the TTC Human Rights and Diversity Unit in instructor led or e-learning formats. In addition to the aforementioned Diversity and Inclusion Training, all new Transit Enforcement Officer recruits also participate in an extra one day, interactive, instructor led diversity course.

Decision History

The Board at its meeting of February 25, 2015 received the information provided in the Overview of the Transit Enforcement Unit and adopted the following member motions: The Toronto Transit Commission:

1. Approve a modified uniform for fare inspectors that is more customer-friendly.
2. Support mental health training for all fare inspectors.
3. Continue to search for a third party that can undertake the oversight function for fare inspectors.
4. Approve in principle a pilot project where one or two LRT or streetcar lines are chosen where fare inspectors have no baton and no handcuffs; request staff to report back on an implementation strategy and third party evaluation process.
5. When recruiting Transit Fare Inspectors, TTC staff reach out to diverse communities in Toronto through all available avenues such as advertising in community newspapers, websites, job fairs, and community organizations in order to recruit a breadth of women and men who are qualified and reflect the TTC customers they will interact with on a daily basis.
6. That staff report back to the Board on powers for Enforcement Officers and Special Constables to issue tickets for parking by-law enforcement infractions and other traffic by-law charges (i.e. blocking intersections on transit routes and stops.)

Issue Background

An overview of the Transit Enforcement Unit was provided to the Board in January of 2015.

- November 2015:
 - Thirty-five Transit Fare Inspectors deployed in a customer friendly uniform with no batons or handcuffs conducting customer education.

- Fifteen Transit Fare Inspectors deployed to all streetcar lines conducting active fare inspections with batons and handcuffs in original grey uniform.

Progress made on the TTC fare inspection model since the Board's direction is the result of a collaborative effort on the part of various stakeholders. An implementation update for each aspect of the transition is listed below:

- Modified Uniform - approved and implemented – September 2015
- Mental Health Training - approved and implemented – September 2015
- Third Party Oversight – TTC Unit Complaints Coordinator and City Ombudsman.
- TFI Pilot Project – approved and implemented – September 2015
- January 2016:
 - 50 Fare Inspectors conducting proof of payment inspections on all lines
 - Statistical analysis based on Pilot Project recommendations which accurate accounts of statistics gathered based on Pilot Project group versus original deployment.

Transit Fare Inspectors have been gradually introduced to the system as recruitment efforts were progressively carried out as follows:

- 07 – Fare Inspectors July/ 2014
- 11 – Fare Inspectors Sept/ 2014
- 35 – Fare Inspectors May/ 2015
- 22 – Fare Inspectors Oct/ 2016
- 68 – Total Fare Inspectors

On May 15, 2014, a new Special Constable Agreement was executed between the TTC and the Toronto Police Services Board.

Transit Enforcement Officers have the powers of a Peace Officer to enforce the Criminal Code of Canada, and limited police powers to enforce the Trespass to Property Act, the Liquor License Act, and section 16 and 17 of the Mental Health Act anywhere in the City of Toronto, where an offence is committed on any TTC property or vehicle. Additionally, Transit Enforcement Officers are also designated as Provincial Offences Officers for the purposes of the enforcement of the Toronto Transit Commission Bylaw #1, the Trespass to Property Act, and the Liquor License Act.

The conditions of TTC Special Constable appointments are set out in the new agreement between the TTC and the Toronto Police Services Board.

The new agreement recognizes the need for adequate and effective powers and authorities for Transit Enforcement Officers to ensure they have the ability and tools to perform their functions while also ensuring accountability.

The TTC is seeking from the Toronto Police Services Board with the approval of the Ministry of Community Safety and Correctional Services, enhanced authorities under Part II of the

Provincial Offences Act and limited sections of the Highway Traffic Act with an implementation target of Quarter 3 of 2017.

The recommended additional authorities which support Toronto Police operations and Mayor John Tory's commitment to keep Toronto moving, will allow Transit Enforcement Officers to issue parking infraction notices and direct traffic with an objective to minimize service disruptions which could potentially result in significant public safety issues, and transit and traffic gridlock.

All Highway Traffic Act violations and/or motor vehicle collisions occurring while any Transit Enforcement Special Constable is directing traffic or otherwise exercising authorities granted under the Highway Traffic Act shall forthwith be reported to the Toronto Police Service for investigation.

On December 10, 2015, a position paper on special constable status enhancements was submitted by the Transit Enforcement Unit to the Toronto Police Service-Special Constable liaison office for consideration. (Appendix C)

On April 26, 2016, the TTC Transit Enforcement Unit received a response from the Toronto Police Service in support of the development and implementation of an initiative, reviewable after one year, involving:

- Direction of traffic by a police officer, section 134. (1)
- Removal of vehicle, debris blocking traffic, section 134.1 (1)(2)(3)(4)
- Provincial Offences Officer under Part II of the Provincial Offences Act R.S.O.

On June 17, 2016, the Toronto Police Transformational Task Force Interim Report was released with a recommendation to disband the Transit Patrol Unit and redeploy members to priority areas in the city including frontline policing.

Currently, Toronto Transit Commission Route Supervisors may be designated as a Certified Officer (Parking Offences) pursuant to Chapter 150, Article IV of the Toronto Municipal Code as follows:

- A. Every certified officer (parking offences) who complies with the conditions in Subsection B is appointed a municipal law enforcement officer for the periods of time and the area of the City set out in the certification of the Chief and for the following purposes:
- (1) Issuing certificates of parking infraction and parking infraction notices under Part II of the Provincial Offences Act for the purposes of enforcing municipal by-laws respecting parking, stopping and standing on Toronto Transit Commission transit routes and on municipal property occupied or used by the Toronto Transit Commission;

- (2) If they comply with the conditions in Article VII, authorizing the removing, towing and impounding of vehicles parked, left, stopped or standing in contravention of those by-laws on municipal property occupied or used by the Toronto Transit Commission; and
- (3) If they comply with the conditions in Article VII, authorizing the removing, towing and impounding of vehicles parked, left, stopped or standing in contravention of those by-laws on Toronto Transit Commission transit routes, and the relocating of vehicles during snow removal.

So we are requesting an amendment to Toronto Municipal Code Chapter 150, Article IV to include members of the TTC Transit Enforcement Unit.

Comments

A Fare Enforcement Pilot Program study was conducted by CH2M Hill Canada (Appendix A) covering the first six months of 2016. The purpose of the program was to determine what effects different fare enforcement uniforms and mandates had on fare evasion. The TTC trained and deployed two groups of fare inspection personnel throughout the TTC streetcar system. Group 1 consisted of 15 traditionally trained and equipped Transit Fare Inspectors (TFIs), or roughly 30% of the participating TFIs, who were outfitted in public safety style (grey) uniforms and equipped with batons and handcuffs. Group 2 consisted of 35 newly hired and trained TFIs, or roughly 70% of the participating TFIs, who were outfitted in more “customer-friendly” public safety style (white) uniforms and not equipped with batons or handcuffs.

Assaults

The data gathered regarding the number of assaults against Fare Inspectors during the pilot project was relatively small based on the actual number of inspections. The number of inspections conducted was over 1.1 million. Fourteen assaults were recorded. Nine of these assaults were committed against the new white shirt fare inspectors during their first three months of operations versus one assault against an original grey shirt fare inspector in the same time frame. During this time, the new fare inspectors were learning their roles and becoming more aware of the expectations of management while our customers were being introduced to more frequent contact with fare inspectors as the program expanded. After the first three months, the incidents of assault dropped dramatically. None of the reported incidents resulted in a lost time injury to the fare inspectors involved.

Assaults and Threats		
	Original Grey Shirts	New White Shirts
Threats Made	0	3
Assaults by Month		
January	1	5
February	0	1
March	0	3
April	0	0
May	0	2
June	0	2
Total Assaults	1	13
Assault Rate by Inspection	0.0003%	0.0015%
Assault Frequency per Inspection	3 per million	15 per million

Use of Force

Use of force reports are submitted whenever a Transit Fare Inspector comes into physical contact with a person during the course of their duties for self defense, to facilitate an arrest, or to escort an individual off property. Transit Fare Inspectors submitted 22 reports over the course of the study. The original grey shirt TFI's were involved in five incidents where they had to deploy their handcuffs in order to subdue a combatant or provide aid to a TTC Special Constable during the course of an arrest. The new white shirt TFI's do not carry defensive tools, however they were involved in four incidents in which they had to assist in either escorting an unruly customer off property or assisting a Special Constable during the course of an arrest.

Use of Force		
Use of Force by Type		
Escorted Suspect Out	9	0
Assisted Other TFI or TEO	4	4
Handcuffs Applied	5	0

Public Complaints

Statistics show that during the course of the study, a total of just over a 1.1 million customers were inspected leading to only 44 total complaints. Out of all the complaints recorded only two were dealt with by way of the formal process. Both complaints results were unsubstantiated.

Complaints		
	Original Grey Shirts	New White Shirts
Formal Complaints	1	1
Informal Complaints	10	30
Total Complaints	11	31
Complaints per inspection	31 per million	34 per million

Projections for Authorized Strengths of 80 and 100 (Budget Considerations)

The below tables reflect the production of active TFIs in 2016 YTD, and projections for strengths of 80 and 100 TFIs as requested by the TTC Budget Committee.

Authorized Strength- 60 (Current)		
YTD Average Monthly Inspections per TFI	4,198	
YTD Inspection Rate	2.6%	
YTD Evasion Rate	3.1%	
Authorized Strength- 80 (20 In Training)		
	Change from Current Level	Total
Inspection Rate	+1.2%	3.8%
Projected Decrease in Evasion Rate	-0.6%	2.5%
Estimated Total POTs written per Month	719	2,222
Est. Farebox Revenue Increase	\$600,000.00	\$600,000.00
Authorized Strength- 100 (Projection)		
	Change from Current Level	Total
Projected Increase in Inspection Rate	+2.6%	5.1%
Projected Decrease in Evasion Rate	-1.3%	1.9%
Estimated Total POTs written per Month	1,503	3,006
Est. Farebox Revenue Increase	\$1,300,000.00	\$1,300,000.00

PRESTO Inspections

PRESTO usage is currently 2.6% of ridership, according to the August ridership report. The length of time required to check a PRESTO fare is approximately 3-5 times longer than the time required for other types of fare media although staff are working on a device with a faster inspection time. As a result, once PRESTO is fully implemented, we will likely observe a proportional decrease in inspection rate. Staff will report back to the Board when more meaningful data is available on PRESTO inspections.

Customer Perceptions: Environics Survey: 2015 vs. 2016

Key Findings:

- Identification has improved
- Perception has improved
- Interactions have improved

Outcome:

- Grey-Authority
- White-Friendliness and perception of safety

Third Party Oversight

At the Board's direction, the search for third party oversight for fare inspectors continued. Municipal and Provincial agencies including the Toronto Police Service, Provincial Special Investigations Unit and the Office of the Independent Police Review Director were all consulted, however a distinct lack of legislative authority exists for such oversight of a non-police agency.

One model of interest currently in place in Calgary was investigated. Pursuant to the Province of Alberta Peace Officer Act and in consultation with the Director of Law Enforcement for the Province of Alberta, the City of Calgary has created a Protective Services Citizen Oversight Committee. The mandate of the committee is to review use of force complaints and ensure investigations are conducted in a proper and professional manner, and satisfies all the requirements of the Police Act, the Special Constable Regulations, and Protective Services Policy and Mandate.

In March 2016, Ombudsman Toronto notified the TTC that it was commencing an Investigation into the TTC's oversight of the Transit Enforcement Unit, including oversight of its Transit Enforcement Officers and Transit Fare Inspectors. That Investigation is ongoing. The Ombudsman expects to share the results of the Investigation with the CEO and other TTC management early in 2017, before reporting on it publicly.

Mental Health Training for Fare Inspectors

Transit Fare Inspectors have significant public contact and perform both customer service and enforcement roles. A gap in the Mental Health Awareness Training was identified in 2015, and the TTC Board concurred. Community stakeholders including Toronto Paramedic Services, The Inner City Family Health Team, the 519 (Church Street

Community Centre), and most recently Progress Place, have been consulted in a collaborative effort to develop and deliver new training. This has led to all front line members of the Transit Enforcement Unit (including Transit Fare Inspectors) participating in a mandatory five day mental health awareness training program. This training program covers such topics as Understanding Mental Illness, Psychological First Aid, Crisis Intervention and De-Escalation, Self-Care: Maintaining Health and Well-Being and includes an interactive panel discussion with community members living with a mental illness. Transit Enforcement members participate in holistic simulation based training as part of the curriculum as well. As the program evolves, should equity issues be identified, they will be resolved through the same process using a collaborative approach with appropriate stakeholders consulted, best practices identified, and policy and procedural changes made as required.

Attracting a Diverse Workforce

Previous to the Board motion of February 25, 2015, the Transit Enforcement Unit had an original grey shirt Transit Fare Inspector compliment of 18 comprised of the following demographic:

- 11% female
- 28% visible minority

Since the inception of the new white shirt model, the Transit Enforcement Unit has hired an additional 57 Transit Fare Inspector compliment comprised of the following demographic:

- 16% female
- 47% visible minority

Staff are developing a strategic recruitment plan with a view to enhancing the engagement of our diverse communities for future opportunities with the department.

CONCLUSION

It is recommended that the TTC approve the modified customer friendly uniform for fare inspectors with no batons or handcuffs.

It is recommended that the TTC pursue an amendment to Chapter 150, Article IV of the Toronto Municipal Code to include members of the Transit Enforcement Unit responsible for safety and security on the transit system and municipal property of the TTC.

Training will be performed in accordance with standards as provided by the Toronto Police Service and/or the Toronto Police Services Board.

Transit Enforcement Officers will continue to be supervised to ensure they exercise their additional authorities as granted by the Board both professionally and responsibly in

instances when immediate action is favourable to public safety, the public interest, the interests of the Police Service and the TTC's corporate interests.

The TTC is committed to a full range of accountability to the Toronto Police Services Board. Additional Powers and authorities conferred upon Transit Enforcement Officers by the Toronto Police Services Board will be exercised to meet the needs and expectations of the TTC and Toronto's transit community having full regard to the agreement between the TTC and the Toronto Police Services Board and in compliance with the policies, procedures and core values of the Toronto Police Service.

The dedicated uniform presence the TTC's Transit Enforcement Special Constables provide in partnership with the Toronto Police Service serves to enhance public confidence in the safety, security and efficiency of the transit system.

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Attachments

Appendix A - CH2M Hill Report
Appendix B - Transit Fare Inspection and Enforcement Model Update
Appendix C - 2016 Position Paper on Special Constable Status Enhancements

Fare Enforcement Pilot Program Phase 2 Interim Report

Prepared for

Toronto Transit Commission

September 13, 2016



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Executive Summary

The Transit Enforcement Unit (TEU) of the Toronto Transit Commission (TTC) includes a division of Transit Fare Inspectors (TFIs) responsible for actively conducting proof-of-payment (POP) fare inspection on TTC's streetcar system. The existing complement of Transit Fare Inspectors were outfitted in a public safety style 'grey' uniform, and allowed to carry a baton and handcuffs. In preparation for an expansion of the POP system on all TTC streetcar routes, additional Fare Inspectors have been hired and trained. These Fare Inspectors were trained, but not to the same level as the TFIs in 'grey' uniforms, and they were outfitted in a modified, more "customer friendly" 'white' uniform and are not allowed to carry a baton or handcuffs. Deployment occurred in the beginning of January 2016, for a one-year pilot program.

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Acronyms and Abbreviations

ALRV	Articulated Light Rail Vehicle
CLRV	Canadian Light Rail Vehicle
KPI	Key Performance Indicator
POP	Proof-of-Payment
POT	Provincial Offences Ticket
TEU	Transit Enforcement Unit
TFI	Transit Fare Inspector
TTC	Toronto Transit Commission

Introduction

The following is a brief interim analysis of the TTC's Fare Enforcement Pilot Program covering the first six months of 2016. The purpose of the program was to determine what effects different Fare Enforcement Uniforms and Mandates had on fare evasion. The TTC trained and deployed two groups of Fare Enforcement personnel throughout the TTC streetcar system. Group 1 contained 17 traditionally trained and equipped Transit Fare Inspectors (TFIs), or roughly 30% of the participating TFIs, who were outfitted in public safety style (grey) uniforms and allowed to carry batons and handcuffs. Group 2 contained 35 newly hired and trained TFIs, or roughly 70% of the participating TFIs, who were outfitted in more "customer-friendly" public safety style (white) uniforms and not allowed to carry batons or handcuffs.

For the six months of the study, ridership was approximately 41,800,000 passengers. The TFIs inspected 1,133,864 passengers, or roughly 3% of the total ridership. Of that inspected population approximately 30,800 (~2.7%) violations were identified, which are described in the following table:

Table 1-1. Breakdown of Violations

Written	Verbal	Provincial Offence Ticket (POT)	Total
1,648	25,272	3,915	30,835
5.3%	82.0%	12.7%	

Additionally, there were 13,253 incidents of inspection avoidance out of the 1,133,864 inspections that had occurred (~1.7%).

In order to evaluate the enforcement effectiveness of the two uniform groups, the analysis compared the fare evasion rate for the two groups. The evasion rate showed the percentage of inspections, which resulted in a verbal warning, written warning, Provincial Offences Ticket (POT). The analysis first compared the overall enforcement effectiveness of each uniform group. Uniform effectiveness was also evaluated by each streetcar line and by each month of the pilot program.

Uniform Comparison Analysis

2.1 Overall Comparison

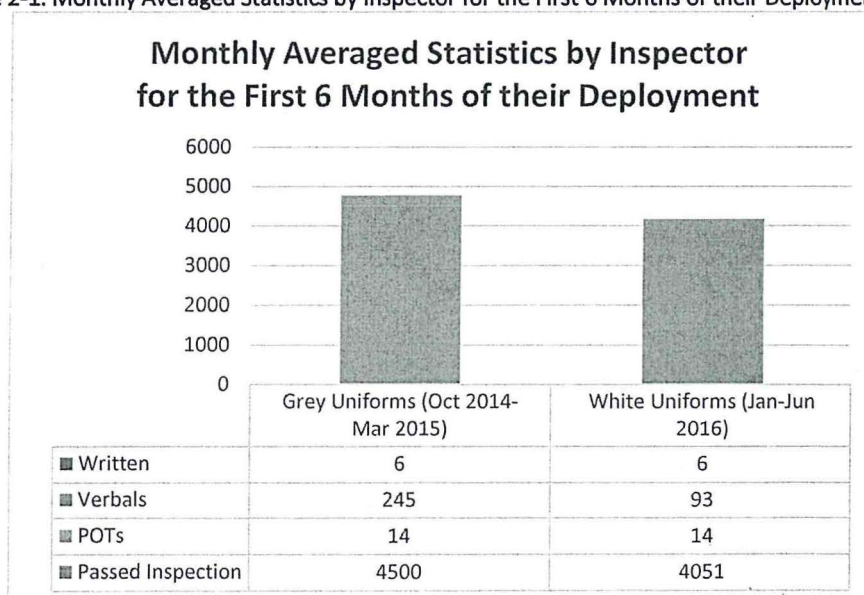
The results of the six month pilot program showed that the evasion rate was not noticeably higher for the “customer friendly” white uniform group compared to the grey uniformed group. The slightly higher evasion rate for the grey uniform group was driven by the higher POTs rate and verbal warnings rate of this group. Less than one percent of the grey uniform group resulted in a customer POT (0.40%) with the white uniform group POT rate slightly lower (0.32%). The rate of verbal violations for the grey uniformed group (2.34%) was again slightly higher than the white shirt group (2.18%).

With the understanding that the Grey uniform group has been active longer than the White uniform group, Figure 2-1 below compares the monthly averaged statistics by inspector for the Grey and White uniformed TFIs for each group’s first 6 months of deployment. This analysis allows for a more fair comparison, as a direct comparison between the White and Grey TFIs today could be skewed since the Grey TFIs have been deployed for longer and their experience may give them an advantage with respect to their effectiveness. However, Figure 2-1 shows no statistically significant difference between the uniforms with the exception of a higher number of verbal warnings from the Grey TFIs than from the White TFIs. Although, it is reasonable to attribute the higher number of verbal warnings to the fact that the Grey TFIs were deployed upon conception of the TFI program and that the ridership had to adapt to the POP program, as ridership unfamiliarity with the POP would result in a higher number of verbal warnings in the effort to educate public of the change.

Table 2-1. Overall Comparison

Shirt	Inspections	Written	Verbal	POTs	Evasion Rate
Grey	335,024	549	7,840	1,345	2.90%
White	798,840	1,099	17,432	2,570	2.64%

Figure 2-1. Monthly Averaged Statistics by Inspector for the First 6 Months of their Deployment



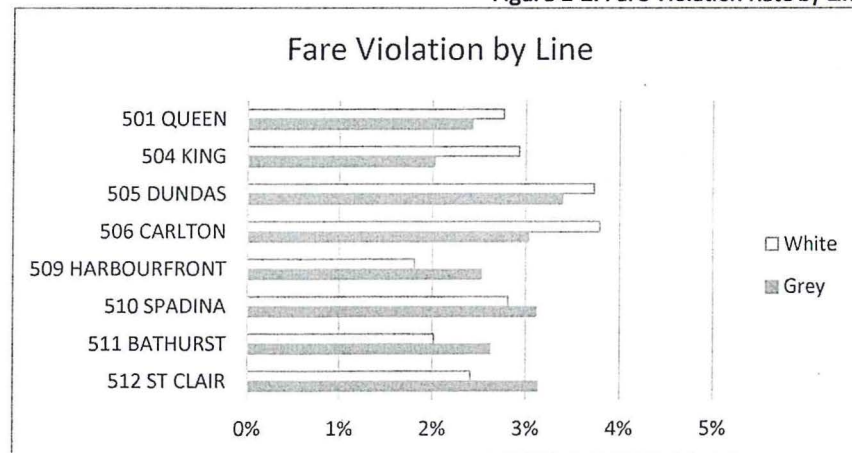
2.2 Comparison by Line – Fare Violation

The data was broken down by street car line. The data indicates that there is only a small difference between the uniform groups. The largest difference between the uniform groups being in the data returned for the King line which shows 0.91% of a variance based on the inspections carried out.

Table 2-2. Comparison by Line – Fare Violation

Line	Shirt	Inspections	Written	Verbal	POTs	Evasion Rate
501 Queen	Grey	30,001	39	572	116	2.47%
501 Queen	White	87,667	120	2,095	205	2.76%
504 King	Grey	29,013	50	451	84	2.02%
504 King	White	87,022	79	2,228	239	2.93%
505 Dundas	Grey	12,692	15	365	50	3.39%
505 Dundas	White	40,111	57	1,286	152	3.73%
506 Carlton	Grey	9,868	13	246	40	3.03%
506 Carlton	White	39,409	68	1,286	139	3.79%
509 Harbourfront	Grey	22,112	36	446	76	2.52%
509 Harbourfront	White	131,557	152	1,865	353	2.80%
510 Spadina	Grey	193,702	352	4,821	849	3.11%
510 Spadina	White	279,407	444	6,143	1,255	2.81%
511 Bathurst	Grey	16,977	13	361	70	2.62%
511 Bathurst	White	71,573	96	1,210	135	2.01%
512 St Clair	Grey	13,442	15	369	36	3.12%
512 St Clair	White	62,094	83	1,319	92	2.41%

Figure 1-2. Fare Violation Rate by Line



2.3 Comparison by Month – Fare Violation

Breaking out the data by individual month showed that the evasion rate was similar for the white uniformed group and the grey uniformed group other than April. During April the data shows a different between the groups at 1.3%. It should be noted that the evasion rates were higher in the final three months of the period for both uniform groups.

Table 2-3. Comparison by Month – Fare Violation

Month	Shirt	Inspections	Written	Verbal	POTs	Evasion Rate
Jan	Grey	73,878	153	1,183	330	2.30%
Jan	White	120,297	276	2,220	137	2.19%
Feb	Grey	64,258	81	1,142	175	2.18%
Feb	White	182,801	187	3,620	178	2.18%
Mar	Grey	65,987	82	1,474	254	2.74%
Mar	White	144,673	170	3,189	297	2.53%
Apr	Grey	45,587	89	1,476	230	3.94%
Apr	White	179,212	244	3,609	884	2.64%
May	Grey	56,348	92	1,708	236	3.61%
May	White	133,433	162	3,655	808	3.47%
Jun	Grey	21,749	36	648	96	3.59%
Jun	White	38,424	60	1,139	266	3.81%

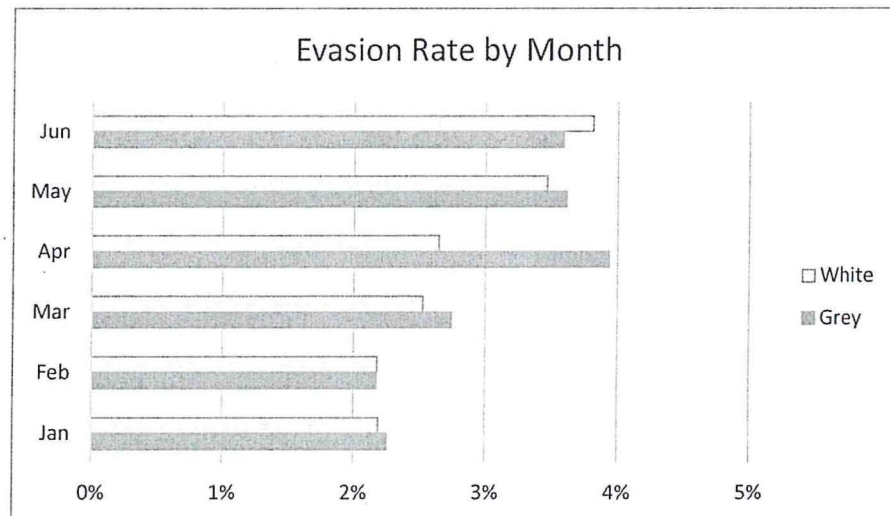


Figure 2-3. Evasion Rate by Month

2.4 Comparison by Grey and White uniformed group – Charges and Cautions

Similarly, the inspection of customer's POP may result in either a charge or a caution being given to the customer. In the table below the data demonstrates that the range of 'charges and cautions' issued by Inspectors is not markedly different between the uniform types. At the top of the grey uniformed group range the number issued by an Inspector is 201 whereas the number issued by a white uniformed inspector was 198. Similarly, the bottom of the range for the grey uniformed group is 66 and the white uniformed group less than 64 occasions. Given these ranges the average rate for issuing charges and/or cautions is 127 for the white uniformed group and 137 for the grey uniformed group.

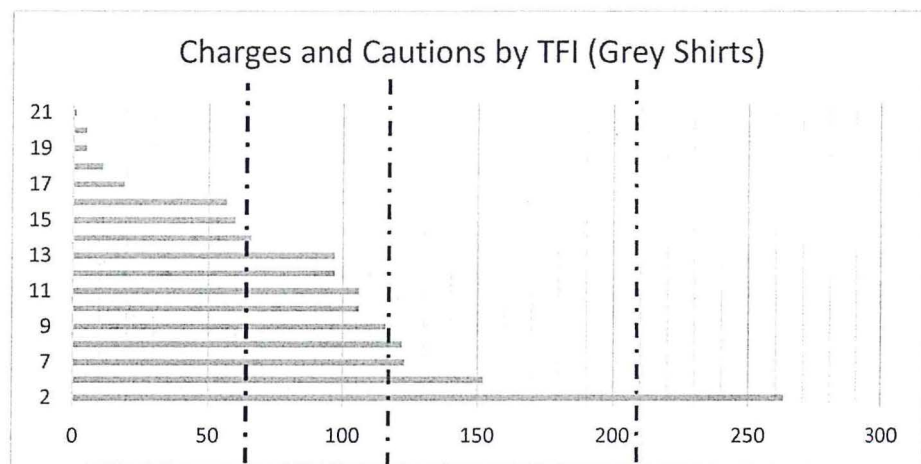


Figure 2-4. Charges and Cautions by TFI (Grey Shirts)

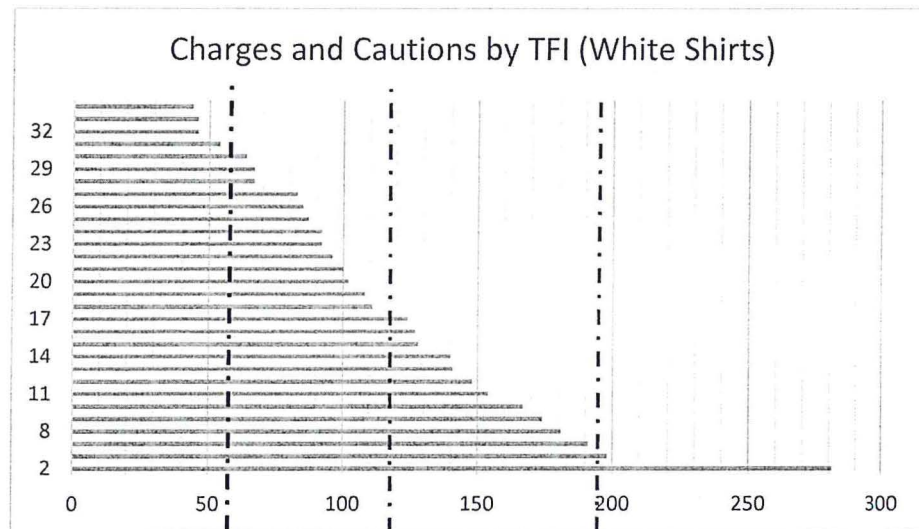


Figure 2-5. Charges and Cautions by TFI (White Shirts)

2.5 Assault Occurrence Comparison

The data indicated that assaults and/or threats towards TFIs did occur. For the period being reviewed, there were 17 recorded incidences, this represents 0.0015% of the total passengers inspected. The data shows that the TFIs were exposed to a very small percentage risk of threats/assaults and the difference between the uniform types is negligible given the number of inspections performed.

Conclusion

After analysis, it appears that the fare evasion rates were consistently similar between the white uniformed groups of TFIs compared to the traditional grey uniformed group. The same pattern holds when the data is broken out by route and by month. The TFIs in grey uniforms and the TFIs in white uniforms both had very low rates of assaults and/or threats over the period the data was collected. Based on this data collection, there is no information that indicates a significant difference between the groups which would show a more effective model for promoting fare compliance.

This conclusion only evaluates the perception of the TFI uniforms based on their effectiveness at promoting fare compliance and does not compare the possibly differing customer service experiences perceived from the two uniforms. However, the perception of customer service is not simply the appearance of the TFI, as it is also the behavior and level of professionalism that is being conveyed by the TFIs which creates the full customer service experience and this should be consistent regardless of the uniform. Therefore, the TTC may consider surveying the public about their opinion of both uniforms, which could provide a general sentiment of how they are initially perceived; however, public perception can be greatly affected if the TFIs are trained to engage the public with good customer service and maintain a positive and helpful demeanor.



TRANSIT FARE INSPECTION AND ENFORCEMENT MODEL UPDATE

Information Sessions





- **January 2015-TEU Overview (info only and deferred to February 2015)**
- **February 2015-TTC Board 6 Motions**
- **September 2015-Plan announced**
- **December 2016-Updates, Endorsements, and Approval on Highway Traffic Act**



6 MOTIONS



- I. Approve a modified customer friendly uniform.**
- II. Support the mental health training.**
- III. Continue to search for third party oversight.**
- IV. Approve in principle a Transit Fare Inspector Pilot Project.**
- V. Recruit a diverse workforce.**
- VI. Report on powers for Transit Enforcement Officers.**



I. MODIFIED UNIFORM



Original Grey



New White



II. MENTAL HEALTH TRAINING



- **Collaborative effort**
- **Identify Mental Illness vs interacting with customers suffering from Mental Illness**
- **Went from zero hours to 5 days which include:**
 - 3 days of traditional Mental Health clinical training
 - 1 day of Mental Health Survivor training
 - 1 day of holistic simulation training incorporating mental health scenarios





- **Current process**
- **Provincial outreach**
 - Toronto Police Service
 - Provincial Special Investigations Unit
 - Provincial Office of the Independent Police Review Director
- **Model of interest-Calgary, Alberta**
 - Peace Officer Act
 - Director of Law Enforcement of Alberta
 - City created Protective Services Oversight Committee



IV. PILOT PROJECT PROGRAM RESULTS



- **Fare Inspection Pilot Program Jan-Jun 2016.**
- **Differences and similarities.**
- **Two groups.**

Group 1



Head count: 17
Percentage: 30%
Equipment: Batons and Handcuffs

Group 2



Head count: 35
Percentage: 70%
Equipment: None



PILOT PROJECT PROGRAM RESULTS



- **Six month analysis**
 - 41,800,000 passengers.
 - TFIs inspected 1,133,864 passengers, or roughly 3%.
 - 30,800 (~ 2.7%) violations were identified.
- **Industry Standard**
 - Inspection Rate 4-5%
 - Evasion Rate 2%

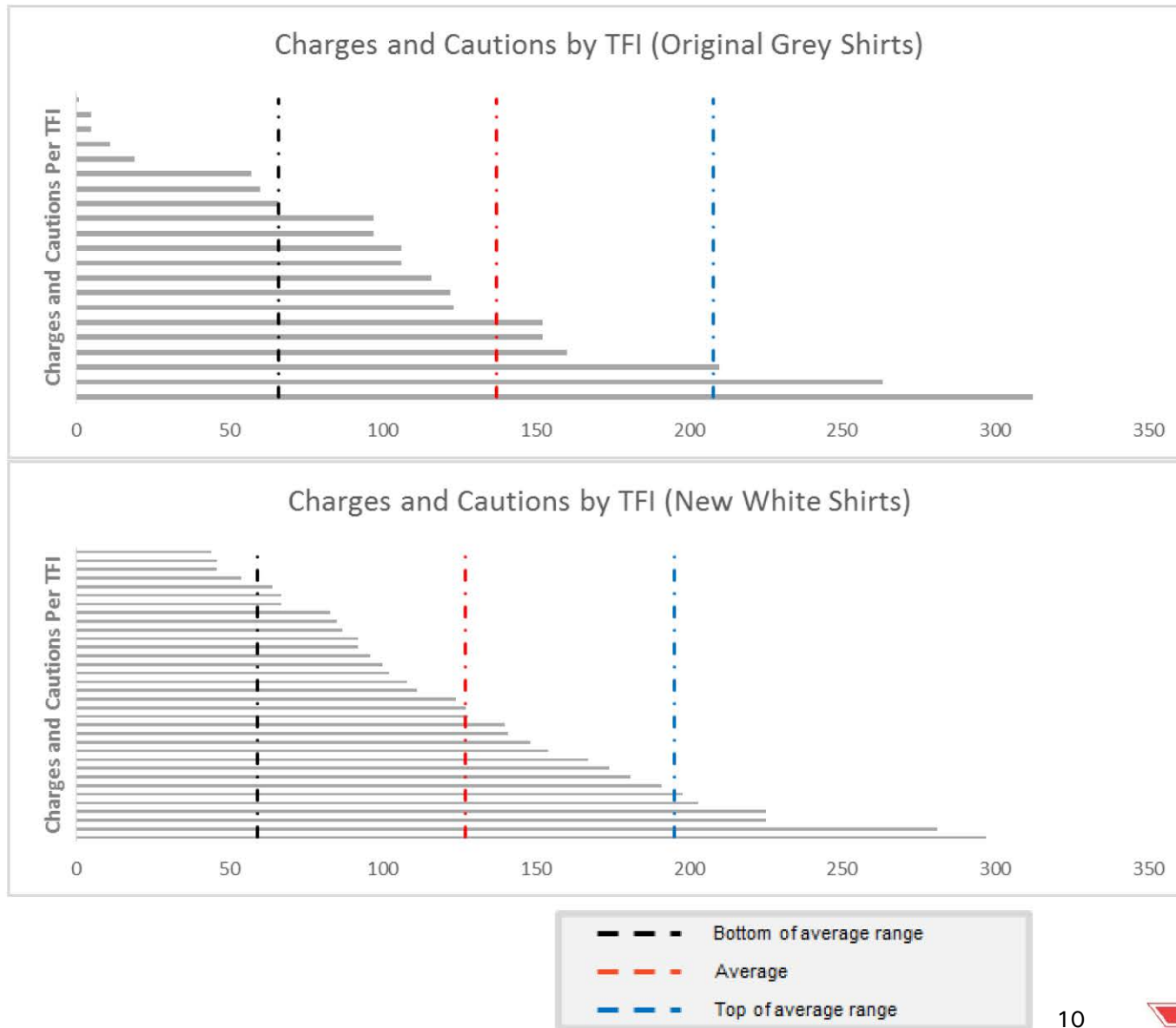


Overall Evasion Rate Comparison-Pilot Project

Shirt	Inspections	Written Cautions	Verbal Cautions	Provincial Offence Tickets	Evasion Rate
Original Grey Shirts	335,024	549	7,840	1,345	2.90%
New White Shirts	798,840	1,099	17,432	2,570	2.64%



PILOT PROJECT PROGRAM RESULTS



PILOT PROJECT PROGRAM RESULTS



Stats Comparison

Assaults and Threats		
	Original Grey Shirts	New White Shirts
Threats Made	0	3
Assaults by Month		
January	1	5
February	0	1
March	0	3
April	0	0
May	0	2
June	0	2
Total Assaults	1	13
Assault Rate by Inspection	0.0003%	0.0015%
Assault Frequency per Inspection	3 per million	15 per million

Complaints		
	Original Grey Shirts	New White Shirts
Formal Complaints	1	1
Informal Complaints	10	30
Total Complaints	11	31
Complaints per inspection	31 per million	34 per million



PILOT PROJECT PROGRAM RESULTS



Projections for Authorized Strengths of 80 and 100

The below tables reflect the production of active TFIs in 2016 YTD, and projections for strengths of 80 and 100 TFIs.

Authorized Strength- 60 (Current)		
YTD Average Monthly Inspections per TFI	4,198	
YTD Inspection Rate	2.6%	
YTD Evasion Rate	3.1%	
Authorized Strength- 80 (20 In Training)		
	Change from Current Level	Total
Inspection Rate	+1.2%	3.8%
Projected Decrease in Evasion Rate	-0.6%	2.5%
Estimated Total POTs written per Month	719	2,222
Est. Farebox Revenue Increase	\$600,000.00	\$600,000.00
Authorized Strength- 100 (Projection)		
	Change from Current Level	Total
Projected Increase in Inspection Rate	+2.6%	5.1%
Projected Decrease in Evasion Rate	-1.3%	1.9%
Estimated Total POTs written per Month	1,503	3,006
Est. Farebox Revenue Increase	\$1,300,000.00	\$1,300,000.00

- Projected Evasion Rates were calculated using the currently observed effect of fare inspectors on the evasion rate of 4% observed in 2014 during the TFIs first month of deployment.
- POT projections were calculated using August 2016 data as it most closely resembles the current enforcement level





- **Environics Survey (2015 vs 2016)**
 - Identification has improved (41%-79%)
 - Perception has improved (71% are satisfied)
 - Interaction has improved (91% quick and easy)
- **Takeaway**
 - Grey-Authority
 - White-Friendliness and perception of safety





- **Original grey shirt recruitment**
 - Hired 18
 - 11% Female
 - 28% Visible Minority
- **New white shirt recruitment**
 - Hired 57
 - 16% Female
 - 47% Visible Minority





- **HTA**

- Toronto Police Service-approved
- Toronto Police Services Board-January 2017
- Ministry of Corrections and Community Safety-Q1 2017
- Direct traffic for streetcars, closures, system interruptions

- **Parking**

- TTC Board approval to amend the Toronto Municipal Code
- Tag and tow along right-of-way





- **Multifunctional Special Constables**
 - Uniformed enforcement presence where needed
 - Undercover fare inspection
 - Efficient movement of traffic
 - Tag/tow to improve service



RECOMMENDATIONS



- I. Approve the modified customer friendly uniform**
- II. Endorse the enhanced Mental Health training**
- III. Continue to search for third party oversight**
- IV. Adopt the pilot project fare inspection model**
- V. Continue to attract a diverse workforce**
- VI. Support Highway Traffic Act powers and authorities and support an amendment to the Toronto Municipal Code to allow parking enforcement**





QUESTIONS?



2016 Position Paper On Special Constable Status Enhancements

Proposed Additional Police Officer Authorities
for Transit Enforcement Officers



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Preface

The purpose of this document is to provide the TTC Board, the Toronto Police Services Board and the Chief of Police with sufficient information and justification to confer additional limited police powers under selected provincial legislation to employees within the Transit Enforcement Department of the TTC. With the approval of the Ministry of Community Safety and Correctional Services, TTC Transit Enforcement Officers are appointed as Special Constables under section 53 of the *Police Services Act*, R.S.O.

Each legislated authority discussed has been divided into three parts: a purpose, a rationale and an application and identifies the specific sections being requested. The Purpose serves to provide a brief background of relevance to the safety, security and most efficient operation of the transit system. The Rationale provides a basis for requesting the authority outlining the benefits for the Toronto Police Service, the TTC and the City of Toronto. Lastly, the Application describes how a Transit Enforcement Special Constable will professionally and responsibly apply the authority while executing their duties for the TTC while adhering to TTC policy and procedure, Code of Conduct, and the terms of the agreement with the Toronto Police Services Board.

Combined, all three components: Purpose, Rationale and Application, form the framework of justification for each authority requested from the Toronto Police Services Board.

Guided by a new and ambitious Corporate Plan, the Toronto Transit Commission (TTC), North America's 3rd largest transit system, has embarked on a 5-year journey to transform into a transit system that makes Toronto proud.

The TTC has the third largest ridership in North America, after Mexico City and New York City. In 2015, the TTC set an all-time record of 538 million rides, surpassing its previous all-time total of 535 million set in 2014. TTC ridership has increased each year for the last 12 years. Total ridership in 2003 was 405.4 million. The TTC is projecting a new annual record ridership of 553 million in 2016. Ridership broke the half-billion plateau for the first time in 2011. In 2015, there were 22 days in which the TTC carried more than 1.8 million rides in a single day.

Planned or unplanned subway service disruptions have the potential to create severe traffic and transit gridlock as the TTC has to resort to shuttle buses to replace the affected portion of the subway. Customers resort to driving their automobiles and other modes of transportation and often, overcrowding conditions create a serious public safety risk.

It is in the best interests of the TTC and the City to respond to and mitigate transit disruptions as quickly and efficiently as possible. There has never been a greater need for safe and efficient transit service in the City of Toronto. In support of Mayor Tory's priority to relieve traffic and transit gridlock, our challenge is to keep Toronto moving as we transform public transit and modernize the TTC.

"Encouraging people to use modes other than their private vehicles-such as walking, cycling or public transit-is an important traffic management strategy as it reduces the number of vehicle trips. The City of Toronto is already actively promoting all modes of transportation through its Official Plan and other initiatives such as the Bikeway Trails Implementation Plan.

Projects and activities under this strategy support those efforts and help manage traffic congestion by:

- *Improving the effectiveness and coordination of traffic management activities involving public transit vehicles and alternative transportation modes.*

(City of Toronto Congestion Management Plan, 2014-2018)

Background

The Toronto Police Services Board is responsible for the provision of adequate and effective police services in the City of Toronto pursuant to the provisions of Part III of the Police Services Act, R.S.O. 1990 Chap. P-15.

The TTC is a local passenger transportation commission operating within the Greater Toronto Area. The TTC is a branch of the City of Toronto and operates a transit system pursuant to the provisions of the City of Toronto Act, 2006, S.O. 2006, c. 11, Schedule A, as amended.

The TTC has authority to enact by-laws regulating the use of its transit system and has enacted By-Law No. 1 – a by-law regulating the use of the Toronto Transit Commission local passenger transportation system.

The TTC has established a Transit Enforcement Department in order to protect the integrity of the transit system, to perform security and law enforcement functions with respect to TTC properties and assets, and to ensure that the transit system remains a safe, reliable and efficient form of transportation.

Since July of 1987, the TTC has employed staff with Provincial Offences Officer status. These officers provide a visible presence and deterrence, enforce TTC by-laws, respond to calls for service in order to help preserve the peace, protect the safety of TTC customers and employees, and protect TTC assets.

In June 1997, at the request of the TTC and with the approval of the then Provincial Solicitor General, the Toronto Police Services Board designated certain employees of the TTC responsible for providing safety and security services to the transit system, as Special Constables. These Transit Special Constables were conferred with limited law enforcement powers and authorities in accordance with Section 53 of the Police Services Act. This designation was governed by a contractual agreement between the Toronto Police Services Board and the TTC. Since that time, the TTC and the Toronto Police Service have relied on a partnership to deliver policing and security services to the TTC's employees and customers.

In 2009, the Service created a Transit Patrol Unit (TPU) to take a more proactive role in policing the subway system. The TPU became operational in May of that year. From the unit's inception, the TPU provided direction and assistance to the TTC Special Constables.

In February 2011, the aforementioned agreement relating to Special Constables between the Toronto Police Services Board and the TTC was terminated.

Since February 2011, the TTC has undergone many changes with respect to its transit enforcement function in order to address previous concerns raised by the Toronto Police Services Board and the Toronto Police Service. In September 2011, the TTC reorganized the Transit Enforcement Department (previously known as Special Constable Services) to streamline the reporting structure, better align business functions and ensure greater accountability.

On May 15, 2014, a new Special Constable Agreement was executed between the TTC and the Toronto Police Services Board.

Transit Enforcement Special Constables have the powers of a Peace Officer to enforce the Criminal Code of Canada, and limited police powers to enforce the Trespass to Property Act, the Liquor License Act, and section 16 and 17 of the Mental Health Act anywhere in the City of Toronto, where an offence is committed on any Commission property or vehicle. The conditions of these appointments are set out in the new agreement between the TTC and the Toronto Police Services Board.

The new agreement between the TTC and the Toronto Police Services Board recognizes the need for adequate and effective powers and authorities for Transit Enforcement Special Constables to ensure they have the ability and tools to perform their functions while also ensuring accountability.

In support of Toronto Police operations, the proposed additional authorities will allow Transit Enforcement Special Constables to deal effectively and efficiently with any issue that arises as a result of their duties and respond to TTC Emergencies with an objective to minimize service disruptions which could potentially result in significant public safety issues, and transit and traffic gridlock.

On December 10, 2015, this position paper was submitted by the Transit Enforcement Department to the Toronto Police Service-Special Constable Liaison office for consideration.

On April 26, 2016, the TTC Transit Enforcement Department received a response from the Toronto Police Service in support of the development and implementation of an initiative, reviewable after one year, involving:

- *Direction of traffic by a police officer, section 134. (1)*
- *Removal of vehicle, debris blocking traffic, section 134.1 (1)(2)(3)(4)*
- *Provincial Offences Officer under Part II of the Provincial Offences Act R.S.O.*

On June 17, 2016, the Toronto Police Transformational Task Force Interim Report was released with a recommendation to disband the Transit Patrol Unit and redeploy members to priority areas in the City including frontline policing.

Governance

The business of Transit Enforcement Department is governed by the TTC's agreement with the Toronto Police Services Board in areas of appointment, identification, equipment, training, powers, and responsibilities.

Pursuant to Article 6 of the Agreement entitled, "Accountability and Risk Management", the TTC is accountable to the Toronto Police Services Board for all actions taken in relation to the exercise of the powers and authorities granted by the Agreement to Transit Enforcement Officers who have been appointed as Special Constables.

Transit Enforcement Special Constables must comply with all Toronto Police Service policies and procedures applicable to the duties and responsibilities of Special Constables including any directives or policies of the Toronto Police Services Board.

In addition, pursuant to the agreement with the Toronto Police Services Board, the Transit Enforcement Department has established a complaint investigation procedure for the intake and investigation of complaints concerning the conduct of a Special Constable.

The TTC must ensure compliance by Transit Enforcement Special Constables with the applicable sections of the Police Services Act relating to the appointment of any TTC employee as a Special Constable, the applicable regulations thereunder, all internal policies and procedures of the TTC, and all Service policies, standards, and procedures applicable to the duties, powers, and responsibilities of Transit Enforcement Special Constables as provided to the TTC in accordance with the Special Constable Agreement.

A Transit Enforcement Special Constable must comply with the applicable sections of the Police Services Act relating to his or her appointment as a special constable, the applicable regulations thereunder, all internal policies and procedures of the TTC, and all Service policies, standards, and procedures applicable to the duties, powers, and responsibilities of Transit Enforcement Special Constables as provided to the TTC in accordance with the Agreement, including any directives or policies of the Toronto Police Services Board for any Special Constable appointed by the Toronto Police Services Board.

At all times during the Term, the TTC must maintain adequate and effective supervision of any employee who has been appointed as a Special Constable by the Toronto Police Services Board pursuant to the Agreement.

The TTC shall, at a minimum, establish and maintain:

- (a) written policies and procedures with respect to the duties, powers and responsibilities of Transit Enforcement Officers;
- (b) a Code of Conduct for Transit Enforcement Officers, as described in the Agreement;
- (c) a written procedure for supervising and evaluating Transit Enforcement Officers' powers; and

(d) a written disciplinary process regarding all matters relating to any allegation of improper exercise of any power or duty of a Transit Enforcement Officer as granted pursuant to the Agreement.

The TTC and Transit Enforcement Special Constables must cooperate with the Toronto Police Service in any matter where a Special Constable has been involved in an investigation.

The Transit Enforcement Department maintains written policies, procedures and rules with respect to the duties, authorities and responsibilities of all members. TTC Transit Enforcement Department members are expected to comply with the departmental Code of Ethics and Core Values. In addition, a TTC Corporate Discipline Policy is in place to manage the conduct of all Transit Enforcement Special Constables.

Rationale for Additional Limited Police Powers and Provincial Offences Officer Status-Part II

The presence of both Toronto Police Officers and Transit Enforcement Special Constables provides enhanced safety and security for the TTC's employees and customers.

The role of a Transit Enforcement Special Constable is in many cases, the appropriate 'mode of response' to deal with issues that result out of their core function which is supporting a safe, reliable and efficient transit system and to relieve police officers for matters of a more urgent nature.

The proposed additional limited police powers are designed to facilitate the safe, efficient and orderly movement of TTC customers and vehicles during a TTC emergency which has resulted in a significant disruption to transit service, when otherwise benign situations unexpectedly escalate, as well as to deal with situations that are of an immediate risk to public or employee safety or in the public's interest when it is neither reasonable nor practical to await the arrival of the police, or to support police operations at a TTC related incident.

The proposed additional Provincial Offences Officer status is designed to deal with situations involving parking infractions on TTC property or a highway resulting in the potential for a disruption to TTC surface transit operations.

A structured system for reporting Transit Enforcement Special Constable activity in relation to the powers and authorities conferred by the Toronto Police Services Board is in place to ensure compliance with the terms and conditions of the agreement and to ensure Transit Enforcement Special Constables use their powers and authorities responsibly and lawfully.

A report of all significant Transit Enforcement Department activity is submitted to the Service daily for review. The TTC reports annually to the Toronto Police Services Board in a largely statistical report that amongst other things identifies the training received by Transit Enforcement Special Constables to ensure this training is current thereby minimizing risk to both the TTC and the Toronto Police Services Board. Training standards are prescribed by the Toronto Police Services Board and the Service. In addition, a new Code of Conduct for each member has been developed to ensure that the roles and responsibilities of a Transit Enforcement Special Constable are understood.

Geographic Jurisdiction

The geographic jurisdiction of a Transit Enforcement Special Constable is currently limited to:

- a) any TTC property which includes: all lands, facilities, structures, stations and vehicles owned, leased, occupied or maintained by the TTC;
- b) any place in Toronto provided the TEO is in “fresh pursuit” of a suspect who is fleeing from TTC property;
- c) the City of Toronto for the purpose of transporting persons detained in custody to a police facility or medical facility or as otherwise directed by an Officer-in-Charge of the Service.

It is proposed that the geographic jurisdiction of a Transit Enforcement Special Constable be amended to include:

- d) the City of Toronto for the purposes of exercising powers and authorities pursuant to sections 134 and 134.1 and 144 (1)(a) and 144 (20) of the Highway Traffic Act R.S.O.
- e) the City of Toronto for the purposes of exercising powers and authorities as a Provincial Officer pursuant to Part II of the Provincial Offences Act for Parking Infractions.

Requested Additional Limited Police Authorities: Provincial Legislation

Highway Traffic Act

Purpose

A Transit Enforcement Special Constable who while performing their normal duties at the scene of a TTC emergency or while responding to the scene of a TTC emergency in a TTC Transit Enforcement vehicle, has the powers and obligations of a police officer under sections 134 and 134.1 of the *Highway Traffic Act*, R.S.O. regarding the direction of traffic, highway closing and removal of vehicles and debris blocking traffic and under section 144 (1)(a) and section 144 (20) of the Highway Traffic Act, R.S.O. regarding the operation of an emergency vehicle.

Direction of traffic by police officer

134. (1) Where a police officer considers it reasonably necessary,

- (a) to ensure orderly movement of traffic;*
- (b) to prevent injury or damage to persons or property; or*
- (c) to permit proper action in an emergency, he or she may direct traffic according to his or her discretion, despite the provisions of this Part, and every person shall obey his or her directions. R.S.O. 1990, c. H.8, s. 134 (1).*

Highway closing

(2) For the purposes of subsection (1), a police officer may close a highway or any part thereof to vehicles by posting or causing to be posted signs to that effect, or placing or causing to be placed traffic control devices as prescribed in the regulations. R.S.O. 1990, c. H.8, s. 134 (2).

Driving on closed highway prohibited

(3) Where signs or traffic control devices have been posted or placed under subsection (2), no person shall drive or operate a vehicle on the closed highway or part thereof in intentional disobedience of the signs or traffic control devices. R.S.O. 1990, c. H.8, s. 134 (3).

Exception to subs. (3)

(4) Subsection (3) does not apply to,

- (a) the driver of a road service vehicle, an ambulance, a fire department vehicle, a public utility emergency vehicle or a police department vehicle; or*

(b) a firefighter, as defined in subsection 1 (1) of the Fire Protection and Prevention Act, 1997, driving a motor vehicle other than one listed in clause (a) while performing his or her duties. 2009, c. 5, s. 42.

No Crown or road authority liability

(5) Every person using a highway closed to traffic in accordance with this section does so at the person's own risk and the Crown or road authority having jurisdiction and control of the highway is not liable for any damage sustained by a person using the highway so closed to traffic. R.S.O. 1990, c. H.8, s. 134 (5).

Regulations

(6) The Minister may make regulations providing for the posting of signs and the placing of traffic control devices on any highway or any type or class thereof for the purposes of this section, and prescribing the types of signs and traffic control devices. R.S.O. 1990, c. H.8, s. 134 (6).

Removal of vehicle, debris blocking traffic

134.1 (1) Where a police officer considers it reasonably necessary,

*(a) to ensure orderly movement of traffic; or
(b) to prevent injury or damage to persons or property, he or she may remove and store or order the removal and storage of a vehicle, cargo or debris that are directly or indirectly impeding or blocking the normal and reasonable movement of traffic on a highway and shall notify the owner of the vehicle of the location to which the vehicle was removed. 2005, c. 26, Sched. A, s. 20.*

Costs of removal

(2) The costs and charges for the removal and storage of the vehicle, cargo or debris removed are a debt due by the owner, operator and driver of the vehicle, for which they are jointly and severally liable, and the debt may be recovered in any court of competent jurisdiction and are a lien upon the vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act. 2005, c. 26, Sched. A, s. 20.

Conflict with other Acts

(3) In the event of a conflict with this section, the following prevail:
1. Part X of the Environmental Protection Act and the regulations made under it, with respect to a pollutant on a highway.
2. The Dangerous Goods Transportation Act and the regulations made under it. 2005, c. 26, Sched. A, s. 20.

Protection from liability

(4) No action or other proceeding for damages shall be brought against a police officer, a police force, a police services board, any member of a police services board, the Crown, an employee of the Crown or an agent of the Crown for any act done in good faith in the performance or

intended performance of a duty under this section, or in the exercise or intended exercise of a power under this section, or any neglect or default in the performance or exercise in good faith of such duty or power. 2005, c. 26, Sched. A, s. 20.

Traffic control signals and pedestrian control signals

144. (1) *In this section,*

“driver” includes an operator of a street car; (“conducteur”)

“emergency vehicle” means,

- (a) a vehicle while used by a person in the lawful performance of his or her duties as a police officer, on which a siren is continuously sounding and from which intermittent flashes of red light or red and blue light are visible in all directions, or*

Exception – emergency vehicle

(20) Despite subsection (18), a driver of an emergency vehicle, after stopping the vehicle, may proceed without a green indication being shown if it is safe to do so. R.S.O. 1990, c. H.8, s. 144 (20).

Rationale

The TTC is in the midst of a multi-year infrastructure upgrade project which necessitates both partial and total closures of the subway and Scarborough Rapid Transit (SRT) system. To mitigate the effects of these closures, the TTC initiates a Planned Closure Protocol which includes the use of a shuttle bus replacement system over the affected areas of the transit system.

In 2015, the TTC had 36 of these planned closures scheduled over a total of 64 days. In 2016, the TTC has 41 of these planned closures scheduled over a total of 77 days¹.

It is in the best interest of public safety and TTC operations to move these buses in and out of the affected subway stations as quickly and efficiently as possible. TTC buses regularly have difficulty moving in and out of the affected subway stations due to traffic congestion on the adjacent roadways.

Limited Police Officer authority under the aforementioned sections of the Highway Traffic Act R.S.O. will provide Transit Enforcement Special Constables with powers and authorities beyond those of a citizen to respond to TTC Emergencies where reasonable grounds exist to believe that a significant disruption to transit service is occurring or is imminent. The proposed additional limited police powers are designed to facilitate the safe, efficient and orderly movement of TTC customers and vehicles during a TTC emergency which has resulted in a significant disruption to transit service, when otherwise benign situations unexpectedly escalate, as well as to deal with situations that are of an immediate risk to public or employee safety or in the public's interest when it is neither reasonable nor practical to await the arrival of the police, or to support police operations at a TTC related incident.

These additional powers of a police officer will be limited as a Transit Enforcement Special Constable may not use any power conferred by his/her appointment as a Special Constable

¹ Manager-Closures and Diversions-Subway Transportation

in these circumstances for any other purpose. Transit Enforcement Special Constables will not use emergency lighting for the sole purpose of directing motorists to pull over and stop their vehicle for the purposes of any kind of enforcement action.

Based on an objective view of the circumstances, immediate action pursuant to Highway Traffic Act R.S.O. is necessary when a significant delay to transit service is occurring or is imminent, the delay is likely to be aggravated if action is not taken and it is neither reasonable nor practical given the circumstances, to await the arrival of a police officer and the response is:

- in the interest of the public or;
- in the interest of public safety or;
- in the interest of traffic safety or;
- likely to reduce congestion or gridlock or;
- in the interest of minimizing or resolving a transit delay;
- likely to restore or maintain order on the transit system;
- to ensure operational effectiveness;

Where not taking action may result in:

- transit operations being further compromised;
- public safety being compromised;
- employee safety being compromised;
- the immediate opportunity for police to attend being lost;
- the undue disruption of transit service, and;
- public order in the transit system being compromised.

Application

TTC Transit Enforcement Special Constables shall not direct traffic on a highway, close a highway, or remove a vehicle from a highway unless they have notified the Toronto Police Operations Centre or are under the supervision or direction of a Municipal or Provincial Police Officer.

No TTC Transit Enforcement Special Constable shall direct traffic or close a highway without prior approval and direction of the Duty Transit Enforcement Special Constable Sergeant or higher ranking officer. Where no police officer is in attendance, the Duty Transit Enforcement Special Constable Sergeant or higher ranking officer shall notify the Toronto Police Operations Centre and be guided by their direction before authorizing any Transit Enforcement Special Constable to exercise an authority under the HTA to direct traffic or close a roadway. No Transit Enforcement Special Constable shall direct

traffic on a highway or close a highway unless they have completed training in these responsibilities, are wearing the necessary Personal Protective Equipment and are in compliance with Regulation 599 of the HTA with respect to Highway Closings. All Highway Traffic Act Violations and/or motor vehicle collisions occurring while any Transit Enforcement Special Constable is directing traffic or otherwise exercising authorities granted under the Highway Traffic Act shall forthwith be reported to the Toronto Police Service for investigation.

Due to the broad range of their duties and functions, TTC Transit Enforcement Special Constables operate patrol vehicles of a standard police make and model. With the exception of the vehicle normally utilized by senior members of the department, all Transit Enforcement Special Constable patrol vehicles are clearly identified as such by a high visibility, highly reflective graphics package. All Transit Enforcement Special Constable Patrol vehicles are currently equipped with a low profile emergency lighting and siren package as to afford a high level of visibility and traffic safety when activated. All marked Transit Enforcement Special Constable Patrol vehicles shall be equipped with high profile, roof mounted emergency lighting equipment capable of producing intermittent flashes of red and white light in all directions. (360 degrees)



Unmarked patrol vehicles, although not decaled, will have a low profile emergency lighting package capable of producing intermittent flashes of red and white light in all directions (360 degrees) sufficient to provide a high level of traffic safety and visibility when activated.

The rationale for this change in vehicle specifications was two-fold. First, the addition of highly visible lighting provides an extra measure of safety whenever a patrol vehicle is stopped in traffic servicing a call to surface vehicles and particularly should the patrol vehicle be stopped in a hazardous position.

Second, installation of high profile roof lights will provide a measure of increased safety and awareness to the public and TTC employees and alert them to the presence of a Special Constable patrol vehicle.



The most suitable product was found to be the Pursuit Light bar manufactured by Code 3 or similar as displayed above.

Until such time that approval is granted by the Toronto Police Services Board to permit otherwise, Transit Enforcement Special Constables will be instructed to only use emergency lighting equipment capable of emitting intermittent flashes of red and white light when the vehicle is stationary on a public highway to alert motorists to a hazardous condition or when on TTC property exclusively.

Requested Provincial Offences Officer Status-Part II

Since July of 1987 the TTC has employed staff with Provincial Offences Officer status. These officers provide a visible presence and deterrence, enforce TTC by-laws, respond to calls for service in order to help preserve the peace, protect the safety of TTC customers and employees and protect TTC assets.

Purpose

A Transit Enforcement Special Constable who while performing their normal duties on TTC property or a highway as defined by the Highway Traffic Act R.S.O. on which TTC vehicles operate, has the powers and obligations of a Provincial Offences Officer under Part II of the Provincial Offences Act R.S.O. to commence proceedings for parking infractions in cases where transit service is being or is about to be obstructed.

Rationale

The TTC operates a street railway on a shared roadway. It is vital that these transit routes remain clear of illegally parked autos or other unlawful obstructions. Provincial Offences Officer status under Part II of the Provincial Offences Act will afford Transit Enforcement Special Constables the authority to commence proceedings for parking infractions and/or have vehicles towed from the roadway.

Based on an objective view of the circumstances, immediate action pursuant to Part II of the Provincial Offences Act is necessary when a significant delay to transit service is occurring or is imminent, the delay is likely to be aggravated if action is not taken and it is neither reasonable nor practical given the circumstances, to await the arrival of a police officer or Parking Enforcement Officer and the response is:

- in the interest of the public or;
- in the interest of public safety or;
- in the interest of traffic safety or;
- likely to reduce congestion or gridlock or;
- in the interest of minimizing or resolving a transit delay;
- likely to restore or maintain order on the transit system;
- to ensure operational effectiveness;

Where not taking action may result in:

- transit operations being further compromised;

- public safety being compromised;
- traffic safety being compromised;
- the immediate opportunity for police or Parking Enforcement to attend being lost and;
- the undue disruption of transit service.

Application

Transit Enforcement Special Constables are currently designated as Provincial Offences Officers for the purposes of the enforcement of the Toronto Transit Commission Bylaw #1, the Trespass To Property Act, and the Liquor License Act.

Currently, Toronto Transit Commission Route Supervisors may be designated as a Certified Officer (Parking Offences) pursuant to Chapter 150, Article IV of the Toronto Municipal Code as follows:

- A. *Every certified officer (parking offences) who complies with the conditions in Subsection B is appointed a municipal law enforcement officer for the periods of time and the area of the City set out in the certification of the Chief and for the following purposes:*
- (1) *Issuing certificates of parking infraction and parking infraction notices under Part II of the Provincial Offences Act for the purposes of enforcing municipal by-laws respecting parking, stopping and standing on Toronto Transit Commission transit routes and on municipal property occupied or used by the Toronto Transit Commission;*
 - (2) *If they comply with the conditions in Article VII, authorizing the removing, towing and impounding of vehicles parked, left, stopped or standing in contravention of those by-laws on municipal property occupied or used by the Toronto Transit Commission; and*
 - (3) *If they comply with the conditions in Article VII, authorizing the removing, towing and impounding of vehicles parked, left, stopped or standing in contravention of those by-laws on Toronto Transit Commission transit routes, and the relocating of vehicles during snow removal.*

It is recommended that the TTC pursue an amendment to Chapter 150, Article IV of the Toronto Municipal Code to include members of the Transit Enforcement Department responsible for safety and security on the transit system and municipal property of the TTC.

Transit Enforcement Department members would be trained to standards prescribed by the Toronto Police Service to perform these additional duties and report these activities annually to the Toronto Police Services Board.

Summary

Powers and authorities for the TTC's Transit Enforcement Special Constables in their proposed form are intended to contribute to an effective partnership with the Toronto Police Service to provide a safe, secure, efficient transit operations, and optimal traffic flow in the area of a TTC Emergency. Transit Enforcement Special Constables will be supervised to ensure they exercise their authorities granted by the Toronto Police Services Board both professionally and responsibly in instances when immediate action is favourable to public safety, the public interest, the interests of the Police Service and the TTC's corporate interests. Training will be performed in accordance with standards as provided by the Toronto Police Service and/or the Toronto Police Services Board.

The role of the Transit Enforcement Special Constable is clear and includes response to TTC emergencies, security related incidents and disruptions to transit service. The transit system is a very specialized environment with unique needs and circumstances that are not found in other elements of the community.

The goal with any modern rapid transit system is to provide effective and efficient transit services to the public. The focus for the Transit Enforcement Special Constable is community oriented by providing customer awareness and assistance to transit riders using the system, enhancing public awareness of crime prevention strategies and providing a security and law enforcement related function in matters of public safety, public interest and when the corporate business needs of the TTC require such action.

Many of the additional limited powers and authorities being requested by the TTC from the Toronto Police Services Board for Transit Enforcement Special Constables are consistent with those afforded to Special Constables employed by other large transit operators such as OC Transpo and GO Transit (Metrolinx). In British Columbia, the Vancouver Police Department Traffic Authority is staffed by sworn special municipal constables appointed under the British Columbia Police Act. Traffic Authority members have restricted peace officer status, but are not police officers. They perform specific authorized duties, primarily directing traffic at public, private, and community events.

The dedicated uniform presence the TTC's Transit Enforcement Special Constables provide in partnership with the Toronto Police Service serves to enhance public confidence in the safety and security of the transit system.

The TTC is committed to a full range of accountability to the Toronto Police Services Board. Powers and authorities conferred upon its Transit Enforcement Special Constables by the Toronto Police Services Board will be exercised to meet the needs and expectations of the TTC and Toronto's transit community having full regard to the agreement between the TTC and the Toronto Police Services Board and in compliance with the policies, procedures and core values of the Toronto Police Service.

On December 10, 2015, this position paper was submitted by the Transit Enforcement Department to the Toronto Police Service-Special Constable Liaison office for consideration.

On April 26, 2016, the TTC Transit Enforcement Department received a response from the Toronto Police Service in support of the development and implementation of an initiative, reviewable after one year, involving:

- *Direction of traffic by a police officer, section 134. (1)*
- *Removal of vehicle, debris blocking traffic, section 134.1 (1)(2)(3)(4)*
- *Provincial Offences Officer under Part II of the Provincial Offences Act R.S.O.*

If you have any questions with regards to this position paper please contact:

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