

Attachment 1: Body-Worn Camera and In-Car Camera Policy – Updated

Toronto Transit Commission

POLICY

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Body-Worn Camera and In-Car Camera Policy	Operations		15.1.1

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 The TTC recognizes the need to balance an Individual's right to privacy and the need to ensure the safety and security of Individuals and employees. This policy has been developed to minimize privacy intrusions, where possible, when using Body-Worn Camera (BWC) and Special Constable In-car Camera Systems (SCICCS).
- 1.3 (a) The use of BWC and SCICCS for Special Constables, POOs and PSGs is for the following purposes:
- Enhance public, Officer, and PSG safety
 - Capture an accurate record of Officer and PSG interactions with Individuals relating to law enforcement and investigations
 - Strengthen the TTC's commitment to bias-free service delivery
 - Provide improved evidence for investigations and other legal purposes
 - Improve evidence for internal and public oversight systems
 - Enable fair and timely resolution of complaints against Officers and PSGs to support public and staff confidence in the complaints process
 - Provide data to improve transit enforcement and support training
- (b) The use of BWC for Station Staff is for the following purposes:
- Enhance customer and employee safety
 - Promote consistent, high-quality customer service by reinforcing accountability
 - Provide additional evidence for investigations, oversight, and legal purposes
 - Provide data to improve transit system safety, security, and training

2.0 RESPONSIBILITY

- 2.1 The Chief Operating 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:

Term	Definition/Reference
Activation or Activate	Any process by which the BWC or SCICCS starts to record audio and video data.
Accidental Activation Procedure	The internal procedure used to review and handle accidental BWC footage.
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 sections 1.3(a) and 1.3(b)
BWC	Is a device worn by an Officer, PSG and Station Staff for the purpose of recording video and audio information known as a body-worn camera.
BWC Recording	Audio and video recording, including metadata, captured using BWC.
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.
Individual	All persons, including customers who are on, using, entering or exiting the Transit System.
Information Technology Services	Department of the TTC responsible for providing technology support, including network configurations, migration of data, and software security issues.
Incident Management	Process of identifying, assessing, and responding to unplanned events to restore normal operations as quickly and safely as possible.
MFIPPA	<i>Municipal Freedom of Information and Protection of Privacy Act</i> , R.S.O. 1990, c. M.56, as amended.
Officer	Any Special Constable, P.O.O., or Supervisor.
Personal Information	As defined in MFIPPA.
P.O.O.	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.
PSG	A security guard licensed under the Private Security and Investigative Services Act, 2005, S.O. 2005, c. 34 and employed by the TTC as a Protective Services Guard.

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.
Redaction	A process to obscure or remove parts of a record, such as Personal Information, prior to publication or release.
Routine Customer Service	Refers to the everyday assistance Station Staff provides to help customers navigate the Transit System, including answering questions, offering wayfinding support, and helping with basic fare and PRESTO inquiries.
Special Constable	A person employed by the TTC and appointed as a Special Constable in accordance with section 53 of the Police Service Act, R.S.O. 1990, c. P. 15, as amended.
SCICCS	In-Car Camera System is a recording system inside Special Constable vehicles for the purpose of recording external video, internal video, and audio information, known as Special Constable In-Car Camera System.
SCICCS Recording	Audio and video recording, including metadata, captured using SCICCS.
Station Staff	Group Station Managers, Duty Station Managers, Station Supervisors, and Customer Service Agents.
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, Revenue Protection and Stations Department that has the responsibility and/or accountability for the conduct, discipline, and performance of Special Constable, Provincial Offences Officer, Protective Services Guard, and Station Staff.
TECO	The Transit Enforcement Complaints Office, which receives, assesses, investigates, and resolves complaints from TTC employees and members of the public about the conduct of TTC employees who are designated as Provincial Offences Officers, Special Constables, and Protective Services Guard.

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: a) Station entrances and exits. b) Station mezzanine and platform areas. c) Fare paid areas. d) Transit hubs. e) TTC revenue vehicles, such as buses, Wheel-Trans vehicles, streetcars, subway vehicles, and light rail transit vehicles. f) Non-revenue vehicles, such as Special Constable vehicles.
TTC Contractors	Persons who perform work at a TTC workplace, including but not limited to, contractors, consultants, unpaid interns or co-op students, and an individual that is paid by a third party and uses TTC assets (e.g. computers) and performs work for the TTC.
Transit Control	A department of the TTC responsible for the management of daily transit operations.
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.

4.0 PURPOSE

4.1 This policy is intended to:

- a) grant Officers, PSGs, and Station Staff with the authority to use BWCs for the purposes of their duties;
- b) grant Special Constable with the authority to use SCICCS for the purposes of their duties;
- c) establish the procedures surrounding the use of BWCs by Officers, PSGs and Station Staff during the course of their duties; and
- d) establish the procedures surrounding the use of SCICCS by Special Constables during the course of their duties.

5.0 POLICY REVIEW AND GOVERNANCE PROCESS

5.1 This policy applies to Officers, PSGs, and Station Staff 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 may be modified as necessary, including, but not limited to, to respond to modifications in relevant statutes and regulations, or any decisions.

- 5.4 As a part of the policy review process, representative(s) from the following groups will be consulted:
- TTC Advisory Committee on Accessible Transit
 - Applicable unions
 - 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
 - Information Privacy Commissioner
- 5.5 Any material changes to the use of BWCs 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.
 - 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 BY OFFICERS AND PSGs
- 6.1 Officers and PSGs 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) P.O.O. 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, the Trespass to Property Act, the Liquor Licence and the Control Act, Mental Health Act, or the Criminal Code of Canada.
 - d) When an Individual involved in an interaction with an Officer requests the Officer to record the interaction.
- 6.3 PSGs shall Activate BWC during:
- a) Any interaction or any investigation involving a violation or breach of the Private Security and Investigative Services Act; and
 - b) When an Individual involved in an interaction with a PSG requests the PSG to record the interaction.

- 6.4 Officers and PSGs may, at their option, Activate BWC in circumstances where they reasonably believe the BWC Recording may support them in the execution of their duties or an Individual's safety.
- 6.5 Except for the circumstances identified in sections 6.2 to 6.4, Officers and PSGs shall not activate BWC during their shift in the following circumstances:
- a) Interactions that are not investigative or enforcement in nature.
 - b) For the purposes of covert or personal-use recordings.
 - c) For the purposes of taking pictures of a crime scene.
 - d) Where recording is restricted (for example, a courthouse or a hospital) except in exigent circumstances or under legal authority.
- 6.6 When equipped with BWC, Officers and PSGs shall do the following:
- a) Only use the BWC assigned to them.
 - b) Ensure BWC is mounted visibly on the front of their uniform in the approved location.
 - c) Ensure BWC is functioning properly and immediately report any malfunction, damage, or theft of BWC to their Supervisor.
 - d) Strictly adhere to sections 6.0 and 9.0.
 - e) Ensure BWC Recording is uploaded to the Storage System at the end of their shift.

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, the Trespass To Property Act, the Liquor Licence and Control Act, the Mental Health Act, and the Criminal Code of Canada.
- 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 (for example, police station or court parking lots) except in exigent circumstances or under legal authority.
- 7.5 When assigned a vehicle equipped with SCICCS, Officers shall do the following:
- a) Ensure SCICCS is functioning properly, and immediately report any malfunctions, damage, or theft of equipment to their Supervisor.
 - b) Strictly adhere to sections 7.0 and 9.0.
 - c) Ensure all SCICCS Recording is uploaded to the Storage System at the end of their shift.

8.0 RECORDING USING BODY-WORN CAMERA – STATION STAFF

- 8.1 Station Staff who have completed training provided by the TTC shall be permitted to use a BWC.
- 8.2 Station Staff shall activate BWC in the following circumstances:
- (a) Interactions with Individuals that are beyond Routine Customer Service Assistance, including the following:
 - Safety-related circumstances, which includes the following:
 - Responding to medical emergencies
 - Interacting with persons in crisis
 - During major operational issues, which includes significant delays, turn backs, or service disruptions
 - When encountering aggressive or threatening customer behaviour
 - When directed by Transit Control, or when responding to an incident reported to Transit Control
 - While conducting Incident Management activities, including any situation requiring documentation or safety intervention
 - During station walkthroughs
 - While performing wellness checks
 - (b) When an Individual involved in an interaction with a Station Staff requests the Station Staff to record the interaction
- 8.3 Station Staff may, at their option, Activate BWC in circumstances where they reasonably believe the BWC Recording may support them in the execution of their duties or an Individual's safety.
- 8.4 Except for the circumstances identified in sections 8.2 and 8.3, Station Staff shall not activate BWC during their shift in the following circumstances:
- a) Discussions between TTC personnel not intended for disclosure to Individuals.
 - b) For the purposes of covert or personal-use recordings.
 - c) For the purposes of taking pictures of a crime scene.
 - d) Where recording is restricted (for example, washroom) except in exigent circumstances.
- 8.5 When equipped with BWC, Station Staff shall do the following:
- a) Only use the BWC assigned to them.
 - b) Ensure BWC is mounted visibly on the front of their uniform in the approved location.
 - c) Ensure BWC is functioning properly and immediately report any malfunction, damage, or theft of BWC to their Supervisor.
 - d) Strictly adhere to sections 8.0 and 9.0.
 - e) Ensure BWC Recording is uploaded to the Storage System at the end of their shift.

9.0 REQUIREMENTS FOR RECORDING

- 9.1 BWC and SCICCS are intended to capture the entire duration of specific incidents and are not intended for general 24-hour recording.
- 9.2 The pre-recording function shall retain the first 30 seconds of video prior to BWC and SCICCS being activated.
- 9.3 When recording, Officers, PSGs, and Station Staff must do the following:
 - a) At the earliest opportunity of an interaction, inform the Individual that they are being recorded in both audio and video.
 - b) Upon their arrival, inform any Officers, Station Staff and first responders that they are being recorded in both audio and video.
 - c) Remain recording until the interaction has ended. Body-Worn Camera recording cannot be deactivated at the request of an Individual.
- 9.4 An Officer, PSG or Station Staff who accidentally Deactivates their BWC or SCICCS must do the following:
 - a. Record an audible statement noting accidental Deactivation and providing explanation for the accidental Deactivation in the memorandum book.
 - b. In a circumstance where an audible statement cannot be made, Officers, PSGs, and Station Staff must note the reason for Deactivation in the memorandum book.
- 9.5 Where an Officer, PSG, or Station Staff accidentally Activates their BWC, the following shall apply:
 - a) Upon becoming aware of the accidental activation, immediately notify management and provide the date and time of the recording.
 - b) Upon notification, contact Video Services in order for them to lock down the recording within Axon.

10.0 RECORDING EQUIPMENT/RECORDS

- 10.1 All BWC Recording and SCICCS Recording shall be retained in the Storage System.
- 10.2 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.

11.0 ACCESS TO RECORDINGS

- 11.1 Access to BWC Recording and SCICCS Recording shall be restricted to Authorized Users, including, law enforcement agencies, for the purposes outlined in sections 1.3(a) and 1.3(b) and shall be submitted to the Video Services Unit.

- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 In exigent circumstances, BWC Recording and SCICCS Recording may be disclosed to law enforcement agencies without a production order for incidents that are not directly related to the TTC. Law enforcement agencies will be required to complete a TTC Video Services Unit Exigent/Urgent Request form for these incidents.
- 11.6 All requests for video recorded images from external parties where disclosure may be inconsistent with the principal purposes of the collection shall be directed to the Freedom of Information Office and Privacy Office. All requests shall be assessed in accordance with MFIPPA, the TTC's Access to Information and Protection of Privacy Policy, and the TTC Privacy Code.
- 11.7 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.

12.0 RETENTION, SECURITY, AND DISPOSAL OF RECORDED DATA

- 12.1 BWC Recording and SCICCS Recording shall be retained in accordance with the TTC Record and Retention By-Law.
- 12.2 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.
- 12.3 All actions (for example, recording, accessing, viewing, redacting, downloading, sharing, and destruction) in the Storage System will be logged and are auditable.
- 12.4 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, PSGs, or Station Staff.

13.0 UNAUTHORIZED ACCESS AND DISCLOSURE (PRIVACY BREACH)

- 13.1 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 Freedom of Information Office.

14.0 AUDIT

- 14.1 Special Constable Service, Revenue Protection and Stations departments 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.
- 14.2 As part of this policy review, the TTC shall conduct an internal review annually for the first five years and subsequently review, as needed.
- 14.3 The TTC shall conduct an external audit once every three years to ensure adherence with this policy.

15.0 COMPLIANCE

- 15.1 Management will review and report potential breaches of this policy to:
- The Transit Enforcement Complaints Office (TECO) for Special Constables, PSG and P.O.O.s; or
 - The Human Rights and Investigations Department (HRID) for Stations Staff.
- 15.2 In accordance with the Code of Conduct Policy, any breach of this policy by Special Constables, P.O.O.s, Supervisors, PSGs, and Station Staff may result in disciplinary action, up to and including dismissal.

16.0 REFERENCE SOURCES

- *Accessibility for Ontarians with Disabilities Act, 2005, S.O. 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, R.S.O. 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 Anti-Racism Policy*
- *TTC By-Law No.1*
- *TTC Incident Management System for Emergencies*
- *TTC Information Management Policy*
- *TTC Privacy Breach Protocol*
- *TTC Records Retention Schedule*
- *TTC Video Recording in Public Areas*