Toronto Transit Commission
Transit Enforcement Unit

Transit Enforcement Officer / Special Constable Complaints Procedure

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Contents

Complaints Procedure for Transit Enforcement Officers 3

Schedule “A” – Transit Enforcement Officer Complaints Process 6

Schedule “B” - Complaints – Who and What 7

- Who a Complaint or Concern Can be About 7
- Who Can Submit a Complaint or Concern 8
- Individuals Who Can Make a Complaint are Limited to the Following: 8

Schedule “C” - Submit a Complaint or Concern 9

- Ways to Submit a Complaint or Concern 9
- What Should Be Included in a Complaint 10
- Signing the Form 10

Schedule “D” - Local Resolution 11

Schedule “E” – Screening Complaints 13

- Keeping Participants Informed 14

Schedule “F” - Investigating a Complaint 15

- Service Investigations 15
- UCC Investigations 15
- Investigation Timelines 15
- Investigative Reports 15

Schedule “G” - Informal Resolution 16

- Participation in Informal Resolution 16
- Examples of Informal Resolutions 17

Schedule “H” - Outcomes 18

- Making a Determination 18
- Reasonable Grounds 18
- Unsubstantiated Complaints 18
- Substantiated Complaints 18

Schedule “I” - Withdrawing a Complaint 19

Schedule “J” - Trend Analysis / Early Intervention – Officer Conduct 20

Appendix 21

- Code of Conduct 21

Complaints Procedure for Transit Enforcement Officers

This procedure shall apply to any Complaint or Concern received by the TTC with respect to:

(a) The conduct of a Transit Enforcement Officer,
(b) Policies of, or services provided by, the Transit Enforcement Officer Program.

The classification of all allegations of misconduct shall be made by Toronto Police Service (the "Service"). Complaints that are categorized as "major" will in most cases be investigated by the Service. The Service shall determine whether complaints that have been classified as "minor" will be investigated by the TTC or by the Service. For investigations undertaken by the Service, the policies and procedures of the Service shall apply. This procedure shall be subject to the requirements as set out in the Agreement between Toronto Police Services Board and the TTC, dated May 15, 2014.

This policy shall only apply to Complaints and Concerns received by the TTC.

1. The following definitions shall apply to this Complaints Procedure:

   (a) "*Agreement*" shall mean the agreement entered into between the Toronto Police Services Board and TTC, dated May 15, 2014, setting out the requirements relating to the appointment or persons employed by the TTC as special constables in accordance with section 53 of the *Police Services Act*.

   (b) "*Complaint*" means an allegation from an individual intended to be processed accordingly through this Complaints Procedures.

   (c) "*Complainant*" is the person who has made a Complaint or Concern.

   (d) "*Concern*" means, information received by the Unit Complaints Coordinator about an issue that has not yet been recorded and/or received as a Complaint and is of a less serious nature.

   (e) "*Respondent Officer*" means the individual member of the TEU who is alleged to have been involved in misconduct.

   (f) "*Schedules*" means the following Schedules to this Complaints Procedure

      i. Schedule "A" – Transit Enforcement Officer Complaints Process
      ii. Schedule "B" – Complaints – Who and What
      iii. Schedule "C" – Submit a Complaint or Concern
      iv. Schedule "D" – Local Resolution
      v. Schedule "E" – Screening Complaints
      vi. Schedule "F" – Investigating a Complaint
      vii. Schedule "G" – Informal Resolution
      viii. Schedule "H" – Outcomes
      ix. Schedule "I" – Withdrawing a Complaint
      x. Schedule "J" – Trend Analysis – Officer Conduct

   (g) "*Service*" shall mean the Toronto Police Service.

(h) "*Transit Enforcement Officer*" means a person employed by the TTC who is a "proper authority" within the meaning of TTC By-law No. 1 and who has been appointed by the Toronto Police Services Board, and approved by the Minister, as a special constable in accordance with section 53 of the *Police Services Act*. All Transit Enforcement Officers have Special Constable status as per the Agreement.

(i) "*TTC*" shall mean the Toronto Transit Commission.

(j) "*TTC Transit Enforcement Officer Program*" means the program established by the TTC to: (a) ensure compliance with the terms of the Agreement, (b) govern the appointment process of a Transit Enforcement Officer, and (c) monitor the on-going conduct of Transit Enforcement Officers.

(k) "*Unit Complaints Coordinator*" or "*UCC*" is a designated Complaint Coordinator employed by the Toronto Transit Commission, independent of the Transit Enforcement Unit ("TEU"), who has been trained by the Toronto Police Service's Professional Standards Unit.

(l) "*Transit Enforcement Unit*" or "*TEU*" is the branch of the TTC that employs both Transit Enforcement Officers and Transit Fare Inspectors and is responsible for the enforcement of TTC By-law No.1 and various federal and provincial statutes.

2. All Complaints and Concerns that are received by the TTC shall be managed by the UCC in accordance with this Complaints Procedure.

3. Every Complaint or Concern received by the UCC shall be processed according to the steps as outlined in Schedule A until the matter is resolved. This includes possible resolutions (as applicable) at various stages including Local and Informal Resolutions as outlined in Schedules D and G respectively.

4. All Complaints involving the conduct of a Transit Enforcement Officer shall be forwarded to the UCC.

5. All Complaints and Concerns received by the UCC will be categorized into alleged breaches of the TEU Code of Conduct as outlined in Schedule B.

6. An individual may file a Complaint or Concern to the TTC by utilizing the methods as outlined in Schedule C.

7. Every Complaint received will be screened (if applicable) according to the procedures as outlined in Schedule E.

8. Every Complaint that is assigned to the UCC for investigation shall be managed as outlined in Schedule F.

9. When it becomes known that a Transit Enforcement Officer is the subject of a Complaint, he or she, shall be notified, forthwith, of the fact that he/she is the subject of a Complaint, unless such notification would jeopardize an investigation.

10. Complaint investigations must be conducted in a thorough, fair and impartial manner and

be expeditiously resolved. Complaints shall be investigated on the merit and substance of the evidence and shall not involve inquiry into the background of the Complainant for the sole purpose of undermining the credibility of the Complainant.

11. At any time, whether before, during or after completion of the UCC's investigation of a Complaint, or before the making of any findings on the Complaint investigation, the Toronto Police Services Board may, in its sole discretion, request the Service to undertake an investigation of the Complaint. If the Toronto Police Services Board requests an investigation by the Service, the Complainant shall be immediately notified.

12. In addition to any findings of misconduct following a Complaint investigation, the TTC shall immediately forward to the Service, for the Service's review and action, any information the TTC receives or has in its possession concerning misconduct or alleged misconduct, including a breach of any provision of the Agreement whether allegedly committed before or after the date of his or her appointment as a Transit Enforcement Officer, occurring up to one year prior to the date of his or appointment as a Transit Enforcement Officer pursuant to the Agreement and from the date of execution of the Agreement forward, which has not resulted in a Complaints investigation by either the Service or the TTC.

13. Findings for Complaint investigations will be made as outlined in Schedule H.

14. The Complainant shall be kept advised of the outcome of the investigation of the Complaint as outlined in Schedule H.

15. In cases in which the TTC investigated a Complaint, or was to investigate a Complaint, a Complainant may after the TTC has completed its investigation, or should have completed its investigation based on the timelines set out in this policy, request a review of whether the TTC properly followed this Complaints Procedure. Any such request for a review shall be made to Ombudsman Toronto (www.ombudstoronto.ca).

16. If at any point in time a Complainant wishes to withdraw their Complaint after it has been submitted, the procedures to be followed are outlined in Schedule I.

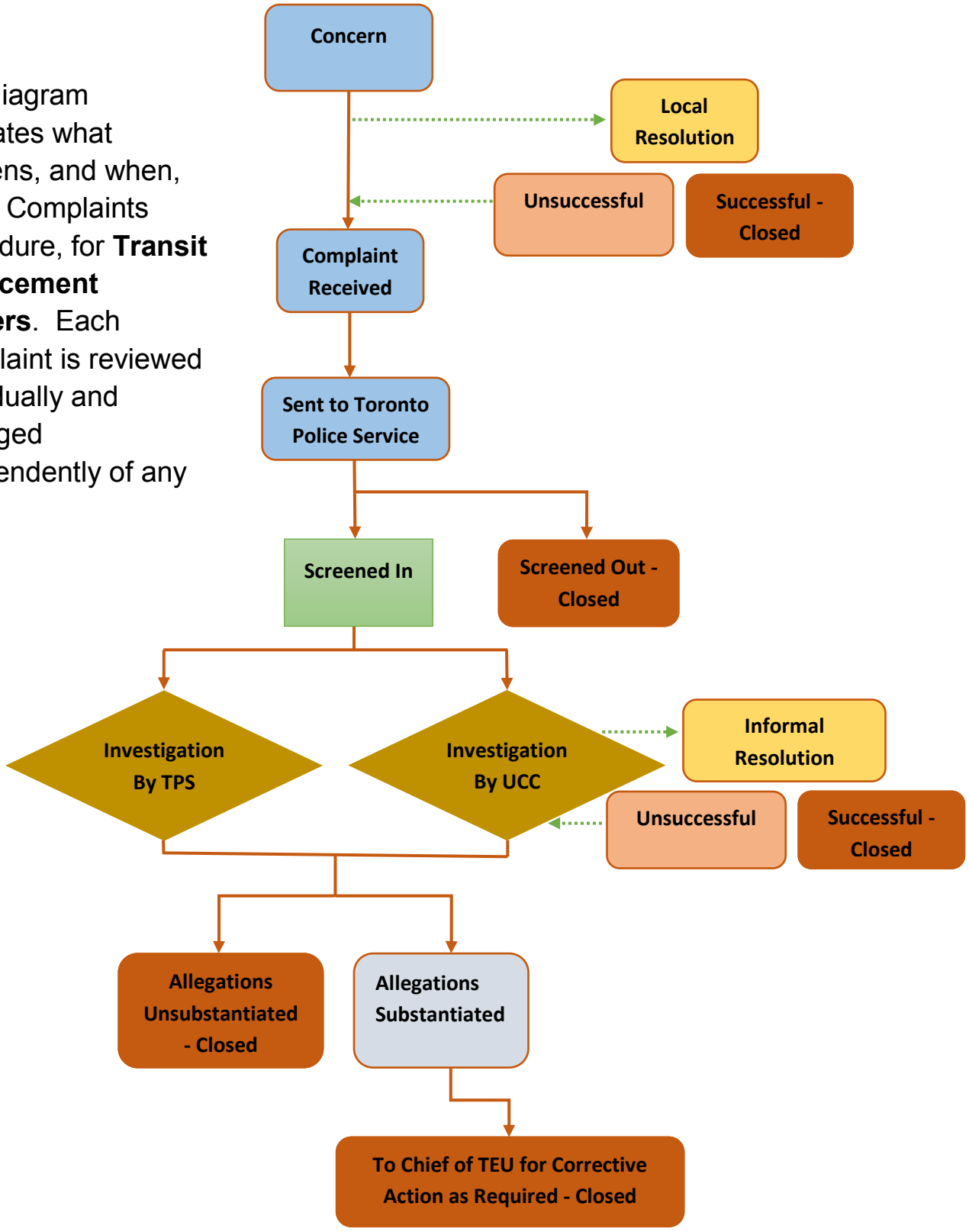
17. The UCC shall conduct regular reviews of Complaints and Concerns to identify possible trends and for the purposes of early intervention as outlined in Schedule J.

18. Appropriate penalties and/or discipline shall be the responsibility of the Chief of the TEU.

19. A document prepared in the course of the UCC's duties under this Complaints Procedure, including any document prepared by a member of a police service, or an investigator performing duties at the direction of the UCC is considered confidential and shall not be used for any other purpose without written consent of the UCC.

Schedule "A" – Transit Enforcement Officer Complaints Process

This diagram illustrates what happens, and when, in this Complaints Procedure, for **Transit Enforcement Officers**. Each Complaint is reviewed individually and managed independently of any other.



Schedule "B" - Complaints – Who and What

The UCC accepts complaints about:

- Conduct of a Transit Enforcement Officer
- Conduct of a Transit Fare Inspector
- Policies of, or services provided by, the Transit Enforcement Officer Program

This Complaints Procedure deals specifically deals with Complaints and Information about a Complaint related to:

(a) The conduct of a Transit Enforcement Officer,
(b) Policies of, or services provided by, the Transit Enforcement Officer Program.

The TEU has a Code of Conduct that all members must follow that includes, but is not limited to the following:

- To lead through a positive attitude
- Be professional by demonstrating respect and fairness
- Be honourable, trustworthy and strive to do what is right
- Work together with all members of the community to achieve goals
- Accept responsibility and be accountable for actions taken
- Be conscientious, responsible and dependable in his or her dealings with those served

The Code of Conduct identifies the following 10 acts as potential matters for investigation and possible corrective action/discipline:

- Discreditable conduct
- Insubordination
- Neglect of duty
- Deceit
- Breach of confidence
- Corrupt practice
- Unlawful or unnecessary exercise of authority
- Damage to clothing or equipment
- Consumption of drugs or alcohol in a manner prejudicial to duty
- Misrepresentation

Click this link to see the full TEU Code of Conduct.

Who a Complaint or Concern Can be About

The UCC can only deal with Complaints or Concerns about the conduct of a Transit Enforcement Officer, conduct of a Transit Fare Inspector and policies of, or services provided by, the Transit Enforcement Officer Program. **This Complaints Procedure deals specifically with Complaints and Concerns related to the conduct of a Transit Enforcement Officer and policies of, or services provided by, the Transit Enforcement Officer program.**

Who Can Submit a Complaint or Concern

Any member of the public or internal member of the TTC (excluding TEU members), including the UCC themselves are able to file a Complaint or Concern.

In order to ensure a fair process for both parties, anonymous Complaints or Concerns are not accepted.

In the absence of a Complainant, if evidence of Transit Enforcement Officer misconduct is received from an anonymous source, the UCC has the discretion and ability to file his/her own Complaint.

Individuals Who Can Make a Complaint are Limited to the Following:

- A person at whom the conduct was directed
- A person who was present and witnessed the conduct
- A person in a personal relationship with a person at whom the conduct was directed AND suffered loss, damage, distress, danger or inconvenience
- A person who has knowledge, possession or control of anything that is compelling evidence

The following people cannot file a complaint with the UCC:

- A member of the TEU cannot complain about their own department, including policies, procedures or another member of the TEU. The Chief of the TEU is the only exception and may be a Complainant in relation to a misconduct issue related to a member of the TEU.

Schedule “C” - Submit a Complaint or Concern

Ways to Submit a Complaint or Concern

There are several ways to file a Complaint or Concern.

Complaints or Concerns can be filed with the UCC, any member of the TEU or through the TTC Customer Service Department. Any TTC employee who receives a Complaint shall forward it to the UCC as soon as practicable.

Any member of the TEU who receives a Concern has the ability to solve, explain, clear up or settle a matter considered to be "less serious" directly with the Complainant. The only matters eligible for this option are the same as those outlined as eligible for local resolutions in Schedule “D”.

When a Complaint or Concern is received by the UCC the Complainant will be provided with an acknowledgement. All Complaints and Concerns are tracked by the UCC and include an assigned number and the name of the Complainant.

Submission of Complaints, Concerns and Compliments can be made directly with the UCC, through the following:

- By phone at 416-393-3111
- By fax at 416-338-0547
- By email at unitcomplaintscoordinator@ttc.ca
- By mail or in person at:
  Toronto Transit Commission
  TEU Unit Complaints Coordinator
  Investigative Services – People Group
  1900 Yonge Street, 6th Floor
  Toronto, ON M4S 1Z2

Complaints submitted in writing that are not on the prescribed form will be considered a Complaint if that is the intention of the Complainant – provided that all required information is included. A written Complaint is required before the Complaint process can begin as it provides clear allegations that can be examined.

If one has a disability that prevents them from submitting a written Complaint or they would like assistance when completing the Complaint form the UCC shall make every effort possible to assist them.

- It is recommended the Complainant contact the UCC to request assistance in preparing a written Complaint (if required) as the UCC has access to interpreters and/or the ability to meet with a Complainant to obtain a verbatim statement.

The UCC has the discretion and ability to file his/her own Complaint if a Complainant refuses to provide a written Complaint, refuses to sign their Complaint or if the Complaint is anonymous.

One does not need a lawyer to file a Complaint, but a lawyer or legal clinic may provide advice and assistance in preparing a Complaint submission.

What Should Be Included in a Complaint

All of the questions that are contained within the Complaint form should be answered including the Complainant's full name, date of birth, address and contact particulars (email and phone). The following information should also be included:

Who? Which TEU member(s), service or policy is your Complaint about?

Where? Where did the incident(s) occur?

When? What date(s) and time(s) did the incident(s) take place?

What? Please describe in detail what happened.

Signing the Form

A signature ensures the Complainant acknowledges the information provided is true and correct. In order for the UCC to process a Complaint it is strongly recommended the Complainant sign the Complaint form (wet signature or digitally).

Schedule “D” - Local Resolution

A Local Resolution occurs when a Complainant and member of the TEU or UCC mutually come to an agreement about the steps that will be used to resolve the Concern. This resolution does not require a formal investigation of the allegations to be completed.

A Local Resolution allows the UCC or member of the TEU to solve, explain, clear up or settle the Concern directly with the Complainant. One must agree to participate in a Local Resolution to resolve their Concern in lieu of submitting a Complaint with the UCC.

The only matters eligible for local resolution are matters dealing with:

- Personal property, other than money or a weapon
- Failure to treat or protect a person equally
- The use of profane language
- Acting in a disorderly or discreditable manner
- Neglect of duty
- Failure to work in accordance with orders
- Failure to report a matter
- Omitting to make any necessary entry in a record
- Improper dress or appearance
- Conspiring and abetting the misconduct listed above

There are many different ways of dealing with Concerns using a Local Resolution. Some examples include:

- Obtaining the Complainant’s version of events and sharing them with the Respondent Officer’s Supervisor and/or the Chief of the TEU. The Supervisor or the UCC would then meet with the Respondent Officer to advise him/her of how his/her actions made the Complainant feel. The Respondent Officer would then provide his/her version of events. The idea being that if a Respondent Officer was unaware of the impact his/her behavior had on an individual, they could adjust his/her behavior for future interactions and potentially minimize any undesired outcomes. A letter from the UCC to the Complainant would follow at the conclusion of the Local Resolution, explaining the agreed upon action.
- Providing information face-to-face, over the phone or in a written manner.
- Individual communication between the Complainant and the Respondent Officer through the person dealing with the Local Resolution.
- Creating an opportunity for a face-to-face meeting that would include the Respondent Officer, the Complainant and the person facilitating the resolution process. The Respondent Officer(s) and the Complainant, both would need to agree to a face-to-face meeting before this would take place.

A Complainant should be prepared to:

- Provide his/her full name and contact information
- Tell the UCC exactly what happened
- Explain what they feel would be an appropriate resolution

- Agree to the Local Resolution, acknowledging that the Concern will be considered resolved if the agreed upon steps are taken

The UCC is required to:

- Listen to the Complainant
- Explain what actions may be taken
- Explain what cannot be done during this process, ensuring the Complainant understands the limitations of the Local Resolution process
- Confirm the process with the Complainant, including who will deal with the Concern and what the resolution will be
- Update and complete the UCC case tracking as required

The Complainant will be notified by the UCC once the Local Resolution process is complete. When the agreed upon Local Resolution has been completed, the Concern is considered resolved and closed. The Complainant shall not submit a further or new Complaint or Concern about the same set of facts.

The issue must be resolved within 45 days of the date that the Local Resolution is agreed upon. If the Local Resolution is not completed within 45 days, the UCC must advise the Complainant an extension will be required and the reason behind the request for extension. If the Local Resolution remains incomplete after the time extension, the Complainant will have the option to opt-out of the Local Resolution process and submit a Complaint to the UCC.

Note: Any Complaint received by the UCC will be recorded for statistical purposes as a Concern if the matter is resolved using a Local Resolution.

Schedule "E" – Screening Complaints

When a Complaint is received, the UCC shall conduct a preliminary review of the Complaint to ensure the form is complete and contains all the necessary information. In cases where additional information is required the UCC will contact the Complainant to gather additional information. If the UCC is not able to obtain the information required in order to conduct a proper investigation, as determined by the UCC and the Service, the Complaint may not proceed further.

Complaints submitted in writing that are not on the prescribed form will be considered a Complaint if that is the intention of the Complainant – provided that all required information is included. A written Complaint is required before the Complaint process can begin as it provides clear allegations that can be examined.

If one has a disability that prevents them from submitting a written Complaint or they would like assistance when completing the Complaint form the UCC shall make every effort possible to assist them.

- It is recommended the Complainant contact the UCC to request assistance in preparing a written Complaint (if required) as the UCC has access to interpreters and/or the ability to meet with a Complainant to obtain a verbatim statement.

The UCC has the discretion and ability to file his/her own Complaint if a Complainant refuses to provide a written Complaint, refuses to sign their Complaint or if the Complaint is anonymous.

The UCC shall read the Complaint to make certain that it falls under his/her area of responsibility. If the Complaint meets the requirements, the UCC assesses it to determine its type - policy, service or conduct Complaint.

Unless a Local Resolution is an option yet to be explored, the UCC shall immediately forward the Complaint to the Service's Special Constable Liaison Office on the prescribed form for classification and referral. The Service shall classify the Complaint as "major" or "minor" and determine if the Complaint will be investigated by the Service or assigned to the TTC to investigate. In most cases, Complaints that are classified as "major" will be investigated by the Service. The TTC shall not investigate any Complaints against a Transit Enforcement Officer without approval from the Service's Professional Standards Unit. Upon receiving a Complaint concerning the TTC Transit Enforcement Officer Program, the Service shall investigate the Complaint.

Further to the above, during the review process, a Complaint made by a member of the public alleging misconduct on the part of Transit Enforcement Officer may not be investigated if it is the opinion of the Service, one or more of the following applies:

- Complaint could be more appropriately dealt with, in whole or in part, under any other Act and/or policy
- Complaint is frivolous, vexatious, made in bad faith or lacks an air of reality
- having regard to all the circumstances, dealing with the Complaint is not in the public interest
- Complaint was made over six months after the incident and:
    - the Complainant is not a minor or a person with a disability within the

meaning of the Accessibility for Ontarians with Disabilities Act, 2005
- The Complainant is not or was not the subject of criminal proceedings with respect to the events underlying the Complaint
- It is not in the public interest for the Complaint to be dealt with

If the Complaint is screened out by the Service, the UCC shall notify the Complainant in writing of the Service's decision, with the appropriate reasons.

Keeping Participants Informed

The UCC shall forward a redacted version of any Complaint received to the Respondent Officer, Supervisor of the Respondent Officer and Chief of the TEU. The Complainant's identity and/or personal particulars are only included if they are relevant to the Complaint.

The UCC will track every Complaint whether they are investigating the matter or if investigated by a police service. The Complainant has the right to request periodic updates from the UCC. The Complainant will be advised on the process of dealing with a Complaint, what action may be taken and how decisions will be made. The UCC will provide the Complainant with updates by mail, email, telephone or other means available to communicate with the Complainant.

The UCC office hours are Monday to Friday 6:00 am to 4:00 pm (excluding holidays). Information received will only be reviewed and responded to during these hours. If a Complaint or Concern is received after office hours, every effort will be made to process the information on the next business day or as soon as practicable.

Schedule “F” - Investigating a Complaint

Service Investigations

When the Service investigates a Complaint, the UCC will assist the Service in any way required.

UCC Investigations

Every Complaint returned to the TTC for investigation shall be investigated and reported on, in writing to the Service’s Professional Standards Unit within 60 days from the date the Complaint was assigned to the TTC.

The UCC does not conduct criminal investigations.

Investigation Timelines

Investigations by the UCC are to be completed within 60 days from the date the Service assigns the TTC the investigation. Complex investigations may take longer and as a result, time extensions may be required.

If the Complaint investigation is not able to be completed within 60 days, the TTC shall notify the Service, in writing, before the 60 day investigation period has expired and set out the additional time required to complete the investigation. The Complainant shall be advised of any extension requirements.

The UCC has clear guidelines and expectations about the process for investigations which have been established by the Service. These standards have been developed to ensure that there is a consistent approach to every Complaint investigation.

The UCC will advise the Complainant:

- How the Complaint will be investigated
- What cooperation is required from the Complainant
- How a decision will be reached
- What action will be taken at the end of the investigation

Investigative Reports

Investigative reports are standardized. Investigative reports include:

- A summary of the Complaint
- A summary of statements from those involved, including the Complainant, Respondent Officer and Civilian and Officer Witnesses
- References to any information referred to or relied upon
- A description of the actual investigation
- Reference to the alleged specific Code of Conduct violation(s) as determined through investigation
- An analysis and conclusion as to whether there are reasonable grounds to substantiate misconduct under the TEU Code of Conduct

Click this link to see the full TEU Code of Conduct.

Schedule “G” - Informal Resolution

Prior to an investigation commencing or during an investigation, the UCC may recommend or advise the Complainant that Informal Resolution is an available option to explore. An Informal Resolution may be attempted at any time after a Complaint been assigned for investigation to the UCC by the Service however; the Complainant, Respondent Officer and Chief of the TEU must agree to participate in the process.

The Service must be made aware of and agree to the use of any proposed Informal Resolutions as a resolution option.

The decision to recommend Informal Resolution depends on the circumstances of each case. Some examples of conduct that may be suitable (depending on specifics of the allegations) for Informal Resolution include:

- Discreditable conduct that does not involve a breach of trust
- Incivility, including allegations of unfair or biased treatment or rude or profane language
- Damage to clothing or property
- Unlawful or unnecessary exercise of authority
- Excessive use of force that does not result in serious injury

Some examples of conduct that may not be suitable for Informal Resolution include:

- Deceit
- Corruption
- Breach of confidence
- Unlawful or unnecessary exercise of authority that results in serious injury
- Incidents involving weapons in a manner that is inconsistent with TEU training
- Conduct that would support a criminal charge
- A history of similar investigated Complaints involving the same Respondent Officer

The Service must be made aware of and agree to the use of any proposed Informal Resolutions as a resolution option.

Participation in Informal Resolution

The UCC shall facilitate any Informal Resolution.

If a Complainant, Respondent Officer or the Chief of the TEU agree to participate in an Informal Resolution but then wish to withdraw from the process, they may do so at any time, provided that there has been no agreed upon resolution.

Once a Complainant, Respondent Officer and the Chief of the TEU have agreed to a proposed Informal Resolution, they have 12 days to withdraw from the process. The party wishing to opt out of the Informal Resolution process must notify the UCC (preferably in writing) within the 12 days.

When an Informal Resolution is signed and accepted by all parties, the file is considered closed for case management purposes. For an Informal Resolution to be

considered complete, the agreed upon resolution must have been carried out. For example, if training is part of the resolution, the training must have been completed for the Informal Resolution to be satisfied. The UCC requires the Respondent Officer and the Chief of the TEU to commit to a timeline and immediately report any noncompliance to the UCC. The UCC shall monitor Informal Resolutions to ensure all resolutions are properly carried out.

It is expected that an Informal Resolution will be completed, if possible and unless otherwise stated, within 45 days of the agreed upon resolution. If the resolution is expected to take longer than 45 days to implement, this will be made clear to all parties at the onset.

If the Informal Resolution is not completed within the allocated time frame, the UCC must advise the Complainant that an extension is required and the reason behind the extension. If the Informal Resolution remains incomplete after the time extension, the Complainant has the option to demand the Informal Resolution be dismissed and a full investigation be completed. This option does not apply if the failure to complete the resolution is a result of Complainant's own actions or inactions.

The Complainant will be notified by the UCC once the Informal Resolution is complete. When the Informal Resolution has been completed, the Complaint is considered resolved and closed. The Complainant shall not submit a further or new Complaint or Concern about the same set of facts.

Examples of Informal Resolutions

Informal Resolutions may include any set of conditions which are agreed upon by all involved parties (i.e. the Service, Complainant, Respondent Officer and the Chief of the TEU) that if completed would satisfy all involved parties that the matter has been addressed. With an Informal Resolution, depending on the timing of the resolution, there may be no investigation and/or the investigation will cease at the time the resolution is signed and accepted by all parties.

Examples of Informal Resolutions include:

- Review and modification to an existing policy
- Apology from one party to the other
- Additional training for the Respondent Officer
- Bringing the Complainant and the Respondent Officer together to hear each other's concerns

Schedule “H” - Outcomes

Making a Determination

For Complaint investigations the UCC shall use reasonable grounds as the burden of proof to determine whether a Complaint is found to be substantiated or unsubstantiated.

Reasonable Grounds

The Service or UCC Investigator must have reasonable grounds to believe that misconduct occurred in order for a Complaint to be substantiated. Reasonable grounds is defined as a set of facts or circumstances that would satisfy an ordinary, cautious and prudent person that there is reason to believe (that misconduct occurred), which goes beyond mere suspicion. This belief must be more than an opinion of misconduct and must be objectively based on factual evidence.

Unsubstantiated Complaints

Complaints may be found to be unsubstantiated if there are no reasonable grounds to conclude a violation of the TEU Code of Conduct occurred. The Complaint is then considered closed. If the Complainant wishes, a request for a review to ensure the UCC properly followed this Complaints Procedure, a request to review can be made to Ombudsman Toronto (www.ombudstoronto.ca).

Substantiated Complaints

Complaints may be found to be substantiated if there are reasonable grounds to conclude a violation of the TEU Code of Conduct occurred. The Chief of the TEU is responsible for the administration of any discipline or corrective action that may be warranted as a result of the investigative findings.

Whether a Complaint is found to be substantiated or unsubstantiated a copy of the investigative report shall be sent to the Complainant and the Chief of the TEU. The Chief of the TEU is responsible for providing a copy of the report to the Respondent Officer.

Schedule “I” - Withdrawing a Complaint

A Complaint may be withdrawn by the Complainant at any time during the process.

To withdraw a Complaint a Complainant shall provide written notice to the UCC (accommodation will be made in cases where the Complainant is unable to provide written notice). When the UCC receives the notification to withdraw, the UCC will accept the withdrawal and notify the Service, the Respondent Officer and the Chief of the TEU.

The Service, Toronto Police Services Board, UCC or the Chief of the TEU have the option to continue with an internal investigation. In these cases the Complainant would no longer be entitled to receive any information regarding the status or outcome of the investigation. If the investigation continues the relevant party who requested the continuation will be recorded as the new Complainant.

Schedule “J” - Trend Analysis / Early Intervention – Officer Conduct

For the purposes of identifying trends and taking proactive steps to address any known possible Transit Enforcement Officer issues that could lead to further Complaints or Concerns, the UCC shall conduct quarterly reviews (every three months) of the number of conduct Complaints and Concerns received in relation to individual Transit Enforcement Officers. This information may be used by TEU management to assist the officer in avoiding future Complaints. This information sharing is not for disciplinary purposes.

All data entered into the UCC case tracking program will be subject to review for trend analysis/early intervention purposes. Should a Transit Enforcement Officer be involved in three or more incidents that have a similar trend/theme within the previous 12 month period then an early intervention notice shall be prepared by the UCC and shared with the Chief of the TEU and the respective Supervisor.

Any notice prepared by the UCC may include, but is not limited to: information about the three Complaints or Concerns that caused the UCC to identify a trend, a timeline of alleged misconduct, comparison to co-workers, average number of complaints per officer, comparison to work hours and quantity of output.

The purpose of this information sharing is to assist the TEU in managing their employees effectively and curbing the number of Complaints or Concerns a particular officer may receive. Any action taken to address any concerns shall be at the discretion of TEU management. Some methods in how the TEU may use this information include, but are not limited to: no action, heightened monitoring, reassignment, offer EFAP, work schedule adjustment, additional training, etc....

Appendix

Toronto Transit Commission

Transit Enforcement Unit

Code of Conduct

Established May 23, 2014

TTC TRANSIT ENFORCEMENT UNIT MISSION STATEMENT:

The Transit Enforcement Unit is committed to working in partnership with TTC employees and the community to support the TTC's vision of a transit system that makes Toronto proud. The Transit Enforcement Unit is responsible to assist the TTC in protecting the integrity of the transit system and performing security functions with respect to TTC properties and assets in order to ensure that the TTC properties and assets are protected and the transit systems remain as safe and reliable form of transportation.

Six core values have been established as follows which form the basis of the TTC Enforcement Unit's Code of Conduct:

A. **Leadership** – A Transit Enforcement Member shall lead through a positive attitude to motivate, inspire and influence others towards a common goal;

B. **Professionalism** – A Transit Enforcement Member shall be professional by demonstrating fairness and respect toward all members of the community;

C. **Integrity** – A Transit Enforcement Member shall at all times be honourable, trustworthy and strive to do what is right;

D. **Teamwork** – A Transit Enforcement Member shall work together within his or her department, the TTC, TTC employees and with the members of various communities to achieve departmental goals;

E. **Accountability** – A Transit Enforcement Member shall accept responsibility for his or her actions and be accountable for those actions within the TTC and the communities he or she serves; and

F. **Reliability** – A Transit Enforcement Member shall be conscientious, responsible and dependable in his or her dealings with other TTC employee and the communities he or she serves.

1. In this code of conduct,

"*record*" means any record of information, however recorded, whether in printed form, on film, by electronic means or otherwise, and includes correspondence, a memorandum, a book, a

plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy of the record.

"*Transit Enforcement Unit*" means the TTC Transit Enforcement Unit or any successor department or unit.

"*on duty*" means the time period commencing from when a Transit Enforcement Member reports to work up until the time the employee leaves work, and shall include lunch and break times. On duty also includes the time period in which an employee is required to be at work, or is in attendance in a working session at a conference or seminar as a representative of the TTC and further includes anytime that the Transit Enforcement Member is in a TTC issued uniform.

"*Transit Enforcement Officer*" means a person employed by the TTC who is a "proper authority" within the meaning of TTC By-law No. 1 and who has been appointed by a Police Services Board, and approved by the Minister, as a special constable in accordance with s. 53 of the *Police Services Act*, with powers and duties as set out in the appointment.

"*Transit Enforcement Unit Member*" means any member/employee of the Transit Enforcement Unit, including but not limited to a Transit Enforcement Officer.

2. (1) A Head of the Transit Enforcement Unit or a Transit Enforcement Unit Member commits misconduct if he or she engages in,

(a) Discreditable Conduct, in that he or she,

(i) fails to treat or protect persons equally without discrimination with respect to services provided by the Transit Enforcement Unit based on any of the prohibited grounds as set out in section 1 of the *Ontario Human Rights Code*.

(ii) engages in improper or oppressive conduct towards another employee, ,

(iii) uses profane, abusive or insulting language to any law enforcement officer or TTC employee,

(iv) uses profane, abusive or insulting language or is otherwise uncivil to a member of the public,

(v) wilfully or negligently makes any false complaint or statement,,

(vi) assaults any other person,

(vii) withholds or suppresses a complaint or report against a member of the Transit Enforcement Unit or about the policies of or services provided by the Transit Enforcement Unit of which the officer is a member,

(viii) fails to report that he or she has been charged with a criminal offence,

(ix) is guilty of a criminal offence that is an indictable offence or an offence punishable upon summary conviction,

(x) contravenes any provision of any agreement with a police service board, including but not limited to any agreement which provides for the appointment of Special Constable status, or

(xi) acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the TTC;

(b) Insubordination, in that he or she,

(i) is insubordinate by word, act or demeanour, or

(ii) without lawful excuse, disobeys, omits or neglects to carry out any lawful order;

(c) Neglect of Duty, in that he or she,

(i) without lawful excuse, neglects or omits promptly and diligently to perform a duty as, a member of the Transit Enforcement Unit,

(ii) fails to comply with any provision of an agreement with any police service board, including any agreement which provides for the appointment of Special Constable status, related to Conduct and Duties of a Transit Enforcement Officer,

(iii) fails to work in accordance with orders, or leaves an area, detachment, detail or other place of duty, without due permission or sufficient cause,

(iv) by carelessness or neglect permits a prisoner to escape,

(v) fails to report a matter that it is his or her duty to report,

(vi) fails to report anything that he or she knows concerning a criminal or other charge, or fails to disclose any evidence that he or she, or any person within his or her knowledge, can give for or against any prisoner or defendant,

(vii) omits to make any necessary entry in a record,

(viii)i is absent without leave from or late for work, without reasonable excuse, or

(ix) is improperly dressed, dirty or untidy in person, clothing or equipment while on duty;

(d) Deceit, in that he or she,

(i) knowingly makes or signs a false statement in a record,

(ii) knowingly submits a record that is misleading or false,

(iii) wilfully or negligently provides a false, misleading or inaccurate statement, or

(iv) without lawful excuse, destroys a record or alters or erases an entry in a record;

(e) Breach of Confidence, in that he or she,

(i) divulges any matter which it is his or her duty to keep secret or confidential,

(ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of the warrant or service of the summons,

(iii) without proper authority, communicates to the media or to any unauthorized person any matter connected with the TTC Transit Enforcement Unit, the TTC or any police service,

(iv) without proper authority, shows to any person not a TTC Transit Enforcement Member or to any unauthorized TTC Transit Enforcement Member any record that is the property of the TPS or the TTC, or

(v) without proper authority, shows to any person not a member of a police force or to any unauthorized member of any police force any record that is the property of that or another police force or the TTC;

(f) Corrupt Practice, in that he or she,

(i) offers or takes a bribe,

(ii) fails to account for or to make a prompt, true return of money or property received in an official capacity,

(iii) directly or indirectly solicits or receives a gratuity or present without the consent of the Head of the Transit Enforcement Unit, or

(iv) improperly uses his or her position as a Transit Enforcement Member for private advantage or for personal gain. Personal gain includes gain for himself/herself or any friend or family member;

(g) Unlawful or Unnecessary Exercise of Authority, in that he or she,

(i) without good and sufficient cause makes an unlawful or unnecessary arrest, or

(ii) uses any unnecessary force against a person contacted in the execution of his or her duty;

(h) Damage to Clothing or Equipment, in that he or she,

(i) wilfully or carelessly causes loss or damage to any article of clothing or equipment, or to any record or other property of,

(A) the Transit Enforcement Unit, or

(B) of any police force with which the Toronto Transit Commission has an agreement for Special Constable Status, or

(ii) fails to report loss or damage, however caused, as soon as practicable;

(i) Consuming Drugs or Alcohol in a Manner Prejudicial to Duty, in that he or she,

(i) violates the TTC Fitness For Duty Policy.

(j) Misrepresentation, in that he or she,

(i) identifies or represents themselves, in any way, to be a police officer,

(ii) wears a uniform that does not display “Special Constable, ” if applicable.

3. The TTC Head of the Transit Enforcement Unit or any Transit Enforcement Member commits misconduct if he or she conspires, abets or is knowingly an accessory to any misconduct described in this Code of Conduct.

4. The TTC Head of the Transit Enforcement Unit or any Transit Enforcement Member shall also comply with all other TTC Corporate Policies and Procedures and any Departmental Policies and Procedures, including but not limited to Conditions of Employment and Conflict of Interest. These Corporate Policies and Procedures and Departmental Policies and Procedures may be amended from time to time.

5. The TTC Head of the Transit Enforcement Unit or any Transit Enforcement Officer commits misconduct by violating the Code of Conduct and shall be subject to action by the Toronto Police Services Board up to and including suspension and/or termination of Special Constable status. The TTC shall immediately forward to the Board, for the Board's review and action, any information the TTC receives or has in its possession concerning misconduct or alleged misconduct, including a breach of any provision of any Agreement by the Head of the Transit Enforcement Unit or any other Transit Enforcement Officer whether allegedly committed before or after the date of his or her appointment as a Transit Enforcement Officer, occurring up to one year prior to the date of his or appointment as a Transit Enforcement Officer with Special Constable status pursuant to any Agreement and from the date of execution of any Agreement forward, which has not resulted in a

Complaints investigation by either the Service or the TTC in accordance with any Agreement.

6. In addition to any suspension and/or termination of Special Constable status in accordance with Section 5 of this Code of Conduct, the TTC Head of the Transit Enforcement Unit or any other Transit Enforcement Member who commits misconduct by violating this Code of Conduct may be subject to TTC disciplinary action up to and including dismissal from TTC employment.