



Racial Equity Impact Assessment of TTC Enforcement Activities

Date: April 14, 2021

To: TTC Board

From: Chief Diversity and Culture Officer

Summary

In December 2020, the TTC committed to a 10-Point Action Plan to build greater diversity and inclusion. Acknowledging a history of systemic racism and bias, the TTC continues to focus on implementing targeted initiatives to identify, address and prevent systemic racism and create an organization that is inclusive for customers and employees. This work is supported through the TTC's commitment to a system wide Anti-Racism Strategy.

As noted in the December 2020 report to the TTC Board, the Third-Party Review of Data in Several Key Areas, (Action Item 3) is critical for systemic change.

In 2019, the TTC retained Dr. Akwasi Owusu-Bempah and Dr. Scot Wortley, researchers with the University of Toronto, to conduct an independent review of the historical customer data derived from the TTC's Fare Inspector and Special Constable Service activities (the Racial Equity Impact Assessment). Their assessment and inquiry employs a variety of research and investigative techniques intended to:

- Identify racial disparities in key enforcement outcomes;
- Determine the causes of these disparities; and
- Identify appropriate measures for reform.

Having completed their Phase One review, the researchers found that between 2008 and 2018, both Black and Indigenous people were over-represented in TTC enforcement incidents, and in both TTC charges and cautions. Reference to enforcement activities includes cautions and charges related to fare inspection, and safety and security incidents.

The findings further support the critical need for the TTC's ongoing work to identify, prevent and address racism, anti-Black racism and anti-Indigenous racism, in the workplace and in the delivery of services, and to build trust with Black, Indigenous and racialized communities.

The TTC received the report late last year and has taken the information to heart. In addition to the TTC's commitment to a system wide Anti-Racism Strategy, in December, the TTC Board endorsed the TTC's 10-Point Action Plan for Diversity and Inclusion. The

Plan represents 10 things the TTC can do and is doing right now to improve the experience for both employees and customers.

The TTC has already begun to make changes based on the Phase One Report. These changes include:

- The Special Constable Service and Revenue Protection Departments now report to the Chief Customer & Strategy Officer, a critical component of reorienting their mandate, goals, and values.
- The TTC continues to work on culture change within the Revenue Protection Department and the Special Constable Department through our Culture Change Program which includes Structuring for Success, Rewriting Policies and Procedures, Implementing Supporting Technologies as well as Redesigning Training and Monitoring Systems.
- Upon commissioning the report, changes were made to the Fare Inspector and Special Constable training programs to include Ethical Decision Making and Recognizing Discretion, Recognizing Implicit and Explicit Bias.
- With respect to policy development, an initial review has been completed of the policies concerning the Use of Discretion and the Collection of Disaggregated Race-Based Data, including an initial review by Arleen Huggins. The TTC is currently in the process of a comprehensive stakeholder consultation process to move this recommendation forward. The TTC is also developing an Anti-Racism policy.

The comments section of this report:

1. Details the Phase One interim findings of the independent Racial Equity Impact Assessment (“REIA”) conducted by Dr. Akwasi Owusu-Bempah and Dr. Scot Wortley;
2. Outlines the Phase One REIA action plan by the Revenue Protection and Special Constable Departments at the TTC;
3. Details the planned next steps (REIA Phase Two) by Dr. Akwasi-Owusu-Bempah and Dr. Scot Wortley and;
4. Outlines TTC wide actions to further identify, prevent and address systemic racial discrimination.

Recommendations

It is recommended that the TTC Board:

1. Direct staff to report back on progress to implement the recommendations by Dr. Owusu-Bempah and Dr. Wortley through the regular reporting of the Revenue Protection and Special Constable Service Departments’ culture change reports.

Financial Summary

A total of \$2.4 million is included in the 2021 Operating Budget, approved by the TTC Board on December 21, 2020 and City Council on February 18, 2021 to support the anti-racism initiatives described in this report. This includes both previous base funding

and funds added as part of the 2021 Budget including three new positions for the TTC's Racial Equity Unit, dedicated to anti-racism initiatives, as follows:

- An Indigenous Consultant to support the roll out of anti-Indigenous racism training and assist with measures to remove barriers in employment and the delivery of services to our customers;
- A Racial Equity Education and Training Consultant to support the development and delivery of ongoing diversity, inclusion and anti-racism training initiatives at the TTC; and
- A Racial Equity Customer and Employee Engagement Consultant to advance employee and public consultations, including development of the TTC's Customer Racial Equity Advisory Committee and Employee Racial Equity Advisory Committee.

The funding also includes support for external services to provide anti-racism and confronting anti-Black racism training, data collection and analysis, the REIA, and public and employee consultations.

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

Equity/Accessibility Matters

The TTC is committed to promoting and supporting diversity and inclusion in all policies, procedures, processes, programs, and services, to reflect and respond to the needs of our employees and customers.

The REIA of TTC enforcement activities conducted by Dr. Owusu-Bempah and Dr. Wortley has substantiated concerns of racial profiling and racial inequities impacting Black and Indigenous transit users.

To ensure that the voices of Black, Indigenous and racialized communities are included in advancing the TTC's understanding of this impact, Dr. Owusu-Bempah and Dr. Wortley will be conducting a series of focus groups with communities. These focus groups will commence in spring 2021 and will allow the researchers to learn more about the experiences of Black, Indigenous and racialized persons when using the TTC, their concerns about racial profiling and data collection in TTC transit enforcement activities, and their ideas about how to address and prevent racism on and within the TTC.

This information will inform the Phase Two report and recommendations to the TTC by Dr. Owusu-Bempah and Dr. Wortley, the results of which will be provided in a future update to the Board.

Decision History

At its April 11, 2019, meeting, the TTC Board adopted a Member motion requesting a report on policies and procedures currently in place to govern enforcement, training, collection, retention, access, sharing and destruction of personal information collected in respect of the TTC's Fare Inspection Program.

Notice of Motion – Request for Report on Policies Regarding the Collection of Personal Information (Fare Inspection Program):

[http://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2019/April 11/Reports/Decisions/22 Request for Report on Policies Personal Information Fare .pdf](http://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2019/April%2011/Reports/Decisions/22%20Request%20for%20Report%20on%20Policies%20Personal%20Information%20Fare%20.pdf)

At its meeting on July 16, 17 and 18, 2019, City Council had before it the Ombudsman Toronto Enquiry Report: Review of the Toronto Transit Commission’s Investigation of a February 18, 2018 Incident Involving Transit Fare Inspectors

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019>.

CC9.2 City Council adopted the recommendations contained within the Ombudsman Toronto report, and further directed the TTC to adopt the Toronto Action Plan to Confront Anti-Black Racism, work with the Confronting Anti-Black Racism Unit to address anti-Black racism through ongoing learning and development initiatives for all staff, and to review Transit Enforcement’s policies and practices with the anti-Black racism analysis tool. In addition, City Council requested that the TTC Board direct the TTC Chief Executive Officer to report to the Executive Committee in Q1 2020 on the TTC’s adoption of Toronto Action Plan to Confront Anti-Black Racism and status of implementation of the Ombudsman Toronto’s recommendations.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC9.2>

On December 15, 2020, the TTC presented the report, Embrace Diversity: The TTC’s 10-Point Action Plan and Five Year Diversity and Human Rights Plan. The report outlined the TTC’s commitment to advance its objectives around diversity and inclusion and the development of 10 items for immediate action through the 10-Point Action Plan.

[http://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2020/December 15/Reports/7 Embrace Diversity 10 Point Action Plan.pdf](http://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2020/December%2015/Reports/7%20Embrace%20Diversity%2010%20Point%20Action%20Plan.pdf)

Issue Background

In April 2019 the TTC Board directed the CEO to report back on the policies and procedures currently in place that govern enforcement, training, collection, retention, access, sharing and destruction of all personal information collected as part of the Fare Inspection Program and that the report includes a breakdown of the demographic information of those individuals who have had their information collected over the past two years. That report was to include an Equity Impact Evaluation.

In March and July 2019, the Toronto Star published articles that raised concerns about the TTC Transit Enforcement Unit’s (TEU) practice of collecting and documenting customer data, including race-related data, following by-law infractions, and that racialized customers were disproportionately being targeted by the TTC. Additional concerns of racial bias and racial profiling were further raised by the Ombudsman Toronto in July 2019.

In response to the TTC Board’s directive and community and media allegations of racial bias, the TTC engaged independent experts Dr. Scot Wortley and Dr. Akwasi Owusu-Bempah to analyze this data and conduct a racial equity impact assessment of the activities performed by the former TTC Transit Enforcement Unit (now TTC Special

Constable Service and Revenue Protection Departments) and a review of its policy and training materials, with a focus on decision making and exercise of discretion. This assessment includes enforcement activities for the period of 2008 to 2018.

The independent review by Dr. Owusu-Bempah and Dr. Wortley supports TTC work to identify and monitor for racial disparities in enforcement activities.

Comments

1. REIA Phase One Interim Report

An executive summary of the Phase One interim report from Dr. Owusu-Bempah and Dr. Wortley, can be found in Attachment A of this report. The full report can be found at as Attachment C.

Dr. Owusu-Bempah and Dr. Wortley's Phase One report includes the following:

- Part B provides an analysis of TTC enforcement data, highlights possible explanations for the observed racial disparities, and provides suggestions for additional analysis to be conducted during the next phase of their work;
- Part C of the report documents the findings of focus group sessions with members of the Special Constable Service and Revenue Protection Departments (previously the Transit Enforcement Unit);
- Part D of the report presents an analysis of decision making and the exercise of discretion within the Transit Enforcement Unit. This part also provides a series of recommendations to guide further TTC policy development and inform practice; TTC Action Item & 2017 Ombudsman recommendation: develop a "Use of Discretion Policy (update to be provided in Q2 2021 to the TTC Board).
- Part E of the report provides a literature review on the use and effectiveness of body-worn cameras; and
- Part F presents a set of preliminary recommendations for the collection, analysis and reporting of race-based data; TTC Action Item: Develop a Disaggregated Race-Based Data Collection policy (update will be provided in Q2 2021 to the TTC Board).

Recommendations provided by Dr. Owusu-Bempah and Dr. Wortley for policies pertaining to the use of discretion and for the collection, analysis and reporting of race-based data can be found in Attachment B of this report.

As noted above, the TTC has identified two action items based on the Phase One review. Further details regarding TTC work to advance these items are noted in the management response (Phase One Action Plan) below.

2. REIA– Phase One Action Plan

The TTC is committed to ensuring that all customers are treated in a fair and equitable manner which prohibits racial discrimination in the provision of services. In response to racial bias allegations in enforcement activities (includes fare inspection, and safety and

security activities), the TTC stopped the collection of race-based data in early 2019. In order to identify potential problems or trends, proper collection of race-based data is required. The TTC will commence the collection of race-based data after new policies, procedures and training have been approved and implemented and after a public consultation process.

The Revenue Protection and Special Constable Service Departments are now acting on the preliminary recommendations contained in this report. Both departments continue to work closely with Dr. Owusu-Bempah and Dr. Wortley by participating in and learning from experts, community stakeholders and our customers. Departmental team members will continue to be engaged as we address the recommendations.

The recommendations in the Phase One REIA can be summarized in two key items:

1. The TTC should identify and reaffirm the mandate, goals and values of the Special Constable Service and Revenue Protection Departments and align these with the mandate, goals and values of the TTC; and
2. The TTC should develop policies, guidance, standards and training on the use of discretion and the collection and reporting of race-based data.

REIA Preliminary Action Plan

To address the recommendations contained within the Phase One Interim REIA, the following action plan has been developed:



Item # 1 – Identify and reaffirm the mandate, goals and values of the Special Constable Service and Revenue Protection Departments

The REIA includes recommendations regarding identifying and reaffirming the mandate, goals and values of the Revenue Protection and Special Constable Service departments. The progress to date is as follows:

- A reorganization of the Transit Enforcement Unit was initiated in early 2020 to split the department into two departments – Revenue Protection and Special Constable Service. This re-organization addressed the most urgent and important issue facing the Unit - changing the culture of the departments while enhancing their focus on the key priorities of transit safety, security and maximizing revenue protection.

- In July 2020, the Revenue Protection and Special Constable Service Departments moved from the Operations Group to the Strategy and Customer Experience Group. This signals the TTC's commitment to putting the customer at the centre while we modernize our service to better serve our customers and the residents of Toronto.
- TTC staff are in the process of reviewing the uniforms, training, customer service practices, mandates, job roles and the supporting organizational structures for the Revenue Protection and Special Constables Service Departments. This review will be conducted with the advice of the TTC's External Advisor on Diversity and Inclusion, Arleen Huggins.

Item #2 – Develop policies, guidance, standards and training on the use of discretion and the collection and reporting of race-based data

The development of policies and guidelines/procedures, especially public-facing policies, are complex and take time. The policies are grouped into several batches, starting with the Use of Discretion and Raced-Based Data Collection. An initial review has been completed of the policies concerning the Use of Discretion and the Collection of Disaggregated Race-Based Data, including an initial review by Arleen Huggins. Throughout the development process the TTC will engage in comprehensive consultations that include expert stakeholders, community stakeholders, City Councillors and members of the public.

New policies, procedures and training will guide the use of discretion and the collection, analysis, reporting and use of race-based data. These policies, guidelines and procedures will ensure greater transparency and accountability in order to provide transit services free from racial discrimination and intersecting forms of discrimination which are prohibited under the Ontario Human Rights Code.

Expert consultations were conducted in late March 2021 with key stakeholders, including:

- City of Toronto – Confronting Anti-Black Racism Unit
- City of Toronto – Indigenous Affairs Office
- Ombudsman Toronto
- Information and Privacy Commissioner of Ontario (IPC)
- Ontario Human Rights Commission

As result of these consultations, the Dr. Owusu-Bempah and Dr. Wortley along with TTC representatives, will engage with additional expert stakeholders. Community stakeholder consultations on the policies will be initiated in Q2 2021, with a primary focus on Black and Indigenous communities. These consultations will be facilitated by Dr. Akwasi Owusu-Bempah and Dr. Scot Wortley. Public and City councillor consultations will seek to validate the guiding principles of the policies.

A detailed implementation work plan to respond to all recommendations within this preliminary REIA will be presented to the Board at the June 2021 meeting. As we continue under the guidance of Dr. Owusu-Bempah and Dr. Wortley we continue to

revise the work plan in response to the expert, community and public consultations as we progress to the final recommendations in the Phase 2 REIA.

Culture Change Program in Revenue Protection (RP) and Special Constable Service (SCS)

The objective of the Culture Change Program is to have a revenue protection and safety and security service that is customer-focused and founded in respect and dignity for customers and fellow employees. In order to achieve this goal, improvements are required to the manner in which that work is done in these departments while considering recommendations from various third-party reports, expert and community consultations, the TTC's External Advisor on Diversity and Inclusion, Arleen Huggins and industry bench marking with our peers.

Key third-party reports that were used as inputs into the Culture Change Program include:

- 2017: Ombudsman Toronto Report: An Investigation into the Toronto Transit Commission's Oversight of its Transit Enforcement Unit;
- 2019: Ombudsman Toronto Enquiry Report: Review of the Toronto Transit Commission's Investigation of a February 18, 2018 Incident Involving Transit Fare Inspectors;
- 2019: Auditor General's (AG's) Report – Review of Toronto Transit Commission's Revenue Operations: Phase One – Fare Evasion and Fare Inspection;
- 2020: Confronting Anti-Black Racism (CABR) Unit internal report – An Initial Review of TTC Transit Enforcement Policies and Practices from an Anti-Black Racism Analysis; and
- 2020: Dr. Owusu-Bempah and Dr. Wortley – Toronto Transit Commission Racial Equity Impact Assessment: Interim Report.

In order to affect change internally and externally, we must take a holistic approach to change, and look at people, processes and technology in order to achieve the change objective. The RP & SCS Culture Change Program is founded upon four pillars:

- Structure for Success – standardize job titles in accordance with job titles across the TTC e.g. Sergeant becomes Supervisor. Also remove barriers in the recruitment, onboarding and performance evaluation processes to support diversity and inclusion;
- Rewrite policy and procedures – in alignment with third-party reports;
- Implement supporting technologies – Body Worn Camera (BWC), In car camera (ICCS), Mobile Bylaw Ticketing, SCSRP to enhance Revenue Protection and Special Constable Service Programs; and
- Redesign training and monitoring systems – to ensure Revenue Protection and Special Constable staff meet the multiple objectives of safety, security, revenue protection and TTC brand ambassadors (Culture Change).

In June 2021, a progress report on the Revenue Protection and Special Constable Service culture changes that are underway will be presented to the TTC Board for information.

The TTC will be providing updates on the Revenue Protection and Special Constable Service Culture Change programs progress multiples times this year, as our commitment to achieving a customer-focused mindset is founded in respect and dignity for customers and fellow employees.

The interim REIA report recommendations have informed the overall Revenue Protection (RP) and Special Constable Service (SCS) Culture Change program.

With the release of the Phase Two REIA, TTC staff will update the Culture Change program deliverables to address any additional recommendations. The Phase Two REIA report will also provide additional guidance on the development of new policies, guidelines and procedures. In order to operationalize the policies, related procedures and training will be developed in conjunction with the release of the Phase Two REIA.

Refer to *Attachment D – RP & SCS Culture Change Program: planned reports 2021* for scheduled updates to the TTC Board on the program.

3. REIA Phase Two

Having completed their Phase One work, the planned next steps for the REIA by Dr. Owusu-Bempah and Dr. Wortley include:

- A review of how other transit and enforcement agencies have approached issues related to race and racism;
- Further analysis of the TTC's data;
- An analysis of use of force incidents involving TTC enforcement staff;
- An analysis of race-based complaints against TTC enforcement staff;
- Consultations with leaders and stakeholders from Black, Indigenous and other racialized communities;
- Consultations with TTC executives;
- A series of focus group discussions designed to hear the concerns of TTC customers;
- A survey of TTC staff; and
- A survey of TTC customers.

Phase Two of the REIA will include a series of final recommendations addressing race-based data collection, strategies for eliminating bias from TTC enforcement activities and policies designed to improve public perceptions of the TTC, internal and external race-relations. The Phase Two report will be provided in a future update to the Board anticipated for Q1 2022.

4. TTC Wide Actions to Further Identify, Prevent and Address Systemic Racial Discrimination

The TTC is committed to the elimination of all forms of racism in the workplace and the delivery of services to TTC customers. The findings and recommendations set out in the REIA provided by Dr. Owusu-Bempah and Dr. Wortley require action to ensure racism is eliminated in the delivery of TTC services and within the TTC as a whole.

The TTC is actioning the following through our commitments under the 10-Point Action Plan and Anti-Racism Strategy:

1. Development of a Racial Equity Unit (10 Point Action Plan Item 1 – Structure for Success)

Diversity and culture are top priorities of the TTC. Reporting into the new Diversity Department, the TTC's Racial Equity Unit will support and advance the TTC's Anti-Racism Strategy and work to adopt the Toronto Action Plan to Confront Anti-Black Racism, ensuring involvement with Black, Indigenous and racialized community members and employees. The TTC has recruited two Anti-Racism Policy Consultants for the Racial Equity Unit and recruitment for the Manager of Racial Equity is currently under way. Recruitment for an Indigenous Consultant, Education Consultant and Employee and Customer Engagement Consultant will also occur in 2021.

2. Consultation and engagement

Consultation and engagement are critical to meaningful change. To support these measures, the TTC is retaining experts with experience and involvement in Black, Indigenous and racialized communities to conduct consultations on anti-racism initiatives. Further, as noted above, Drs. Owusu-Bempah and Wortley will be conducting a series of focus groups with members of these communities in spring 2021.

3. Launching a Community Racial Equity Advisory Committee (C-REAC) and Employee Racial Equity Advisory Committee (E-REAC)

The development of these committees in 2021 will ensure sustainable ongoing consultation and engagement on work to identify, address and prevent racism, including anti-Black racism and anti-Indigenous racism within the TTC.

4. Development of an Anti-Racism Policy

The TTC is advancing the development of an Anti-Racism Policy. This policy is currently in development.

5. Review of Policies

An initial review of Revenue Protection and Special Constable Service policies with and anti-Black racism lens has been completed in partnership with the CABR Unit. The TTC's Anti-Racism Policy Consultants are continuing work to review these policies as well as the TTC's employment policies, systems and processes.

6. Confronting Anti-Black Racism Training (10-Point Action Plan Item #7 – Organization wide Training)

Confronting Anti-Black Racism Training, provided by the CABR Unit is being rolled out across the TTC, and has been completed by a number of employee groups, including:

- All Revenue Protection and Special Constable Service employees;
- The TTC's Executive Team;
- Senior Management;
- Staff in the Employee Development Section;
- Lead trainers from the Operations Training Centre;
- Strategy and Service Planning staff; and
- All staff in the Diversity and Culture Group including Talent Management, Diversity and Human Rights and Investigations Departments.

All TTC leaders will be trained by July 2021. A full roll out of training to the TTC's 12000 plus unionized employees is anticipated to begin Q3 2021.

7. Anti-Indigenous Racism Training (10-Point Action Plan Item #7 – Organization wide Training)

The TTC will be launching anti-Indigenous racism training in 2021. Once developed, Revenue Protection and Special Constable Service staff will be prioritized to receive this training.

8. Anti-Racism Training (10-Point Action Plan Item #7 – Organization wide Training)

The TTC is also launching enhanced diversity, inclusion, anti-racism (including anti-Islamophobia and anti-Semitism), accessibility and human rights training in 2021. Once developed, Revenue Protection and Special Constable Service employees will also be prioritized to receive this training.

Progress on these items were reported in December 2020 and will be provided in our Anti-Racism Strategy update and Embrace Diversity Update anticipated for summer 2021.

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Signature



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Attachments

Attachment A – Racial Equity Impact Assessment Executive Summary by Dr. Scot Wortley and Dr. Akwasi Owusu-Bempah

Attachment B – Use of Discretion and Race Based Data Collection Recommendations

Attachment C – Racial Equity Impact Assessment by Dr. Akwasi Owusu-Bempah and Dr. Scot Wortley

Attachment D – Attachment D – RP & SCS Culture Change Program: planned reports 2021

RP & SCS Culture Change Program: planned reports

