

**TORONTO TRANSIT COMMISSION**  
**RACIAL EQUITY IMPACT ASSESSMENT: INTERIM REPORT**

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**April 2021**

# Report Outline

- A. Introduction
- B. Analysis of TTC Enforcement Data
- C. Focus Groups with TTC Enforcement Staff
- D. Discretion and Law Enforcement
- E. A Review of Research on Body Cameras
- F. Race-based Data Collection
- G. Next Steps

# TTC Enforcement Data

- Collected between 2008 and 2018;
- 121,816 enforcement-related incidents;
- Formal cautions and charges issued by TTC fare inspectors and special constables;
- Racial data missing for 35,006 of the 121,816 incidents (28.7%);
- Final sample=86,810 incidents;

# Research Questions

- 1) To what extent do racial disparities exist with respect to TTC enforcement activities?
- 2) Do racial disparities vary with the use of different population benchmarking techniques?
- 3) Do racial disparities persist after controlling for contextual variables including gender, type of offence and location of offence?

**Total Enforcement Activity (Cautions and Charges),  
Toronto Transit Commission, by Civilian Racial Background, 2008 to 2018**

<b>Racial Group</b>	<b>Population Estimate</b>	<b>Percent of Population</b>	<b>Number of Enforcement Incidents</b>	<b>Percent of Enforcement Incidents</b>	<b>Odds Ratio</b>	<b>Enforcement Rate (per 100,000)</b>
<b>White</b>	1,322,656	48.4	47,337	54.5	1.13	3,578.9
<b>Black</b>	239,850	8.8	16,701	19.2	2.18	6,963.1
<b>Indigenous</b>	23,065	0.8	2,575	3.0	3.75	11,164.1
<b>Asian</b>	548,870	20.1	13,538	15.6	0.78	2,466.5
<b>South Asian</b>	338,965	12.4	4,416	5.1	0.41	1,302.8
<b>Hispanic/Latin</b>	77,160	2.8	1,174	1.4	0.50	1,521.5
<b>Arab/West Asian</b>	96,355	3.5	1,069	1.2	0.34	1,109.4
<b>Other</b>	84,650	3.2	-----	-----	-----	-----
<b>TOTAL</b>	2,731,571	100.0	86,810	100.0	1.00	3,177.8

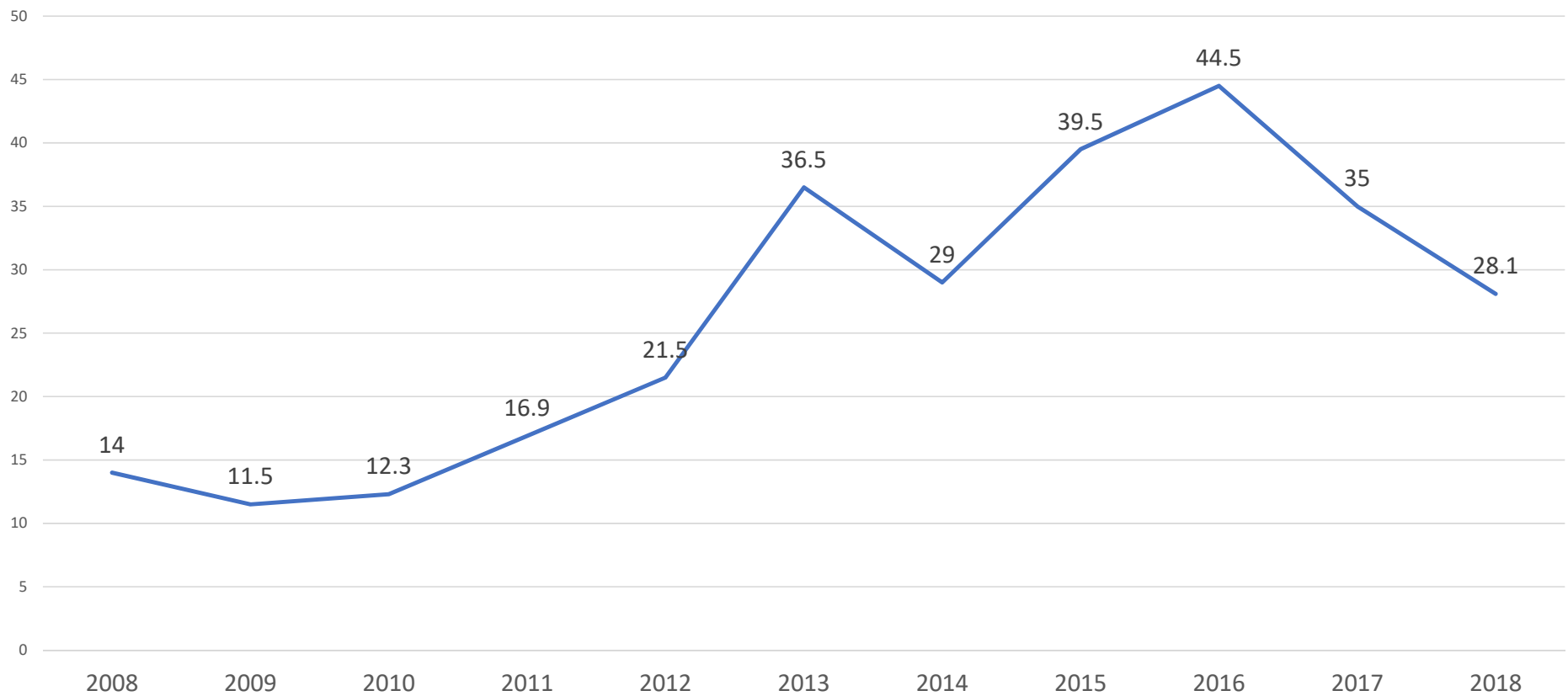
**Total Enforcement Activity (Cautions and Charges),  
Toronto Transit Commission, Unique Individuals, by Civilian Racial Background, 2008 to 2018**

<b>Racial Group</b>	<b>Population Estimate</b>	<b>Percent of Population</b>	<b>Number of Unique Individuals involved in TTC Enforcement Actions</b>	<b>Percent of Unique Individuals involved in TTC Enforcement Actions</b>	<b>Odds Ratio</b>	<b>Unique Individual Enforcement Rate (per 100,000)</b>
<b>White</b>	1,322,656	48.4	33,442	52.5	1.08	2,528.4
<b>Black</b>	239,850	8.8	11,742	18.4	2.09	4,895.6
<b>Indigenous</b>	23,065	0.8	793	1.2	1.50	3,438.1
<b>Asian</b>	548,870	20.1	12,349	19.4	0.96	2,249.9
<b>South Asian</b>	338,965	12.4	3,791	6.0	0.48	1,118.4
<b>Hispanic/Latin</b>	77,160	2.8	930	1.5	0.53	1,205.3
<b>Arab/West Asian</b>	96,355	3.5	662	1.0	0.29	687.0
<b>Other</b>	84,650	3.2	-----	-----	-----	-----
<b>TOTAL</b>	2,731,571	100.0	63,709	100.0	1.00	2,332.3

**Total Enforcement Activity (Cautions and Charges),  
Toronto Transit Commission, Toronto Residents Only,  
by Sex and Civilian Racial Background, 2008 to 2018**

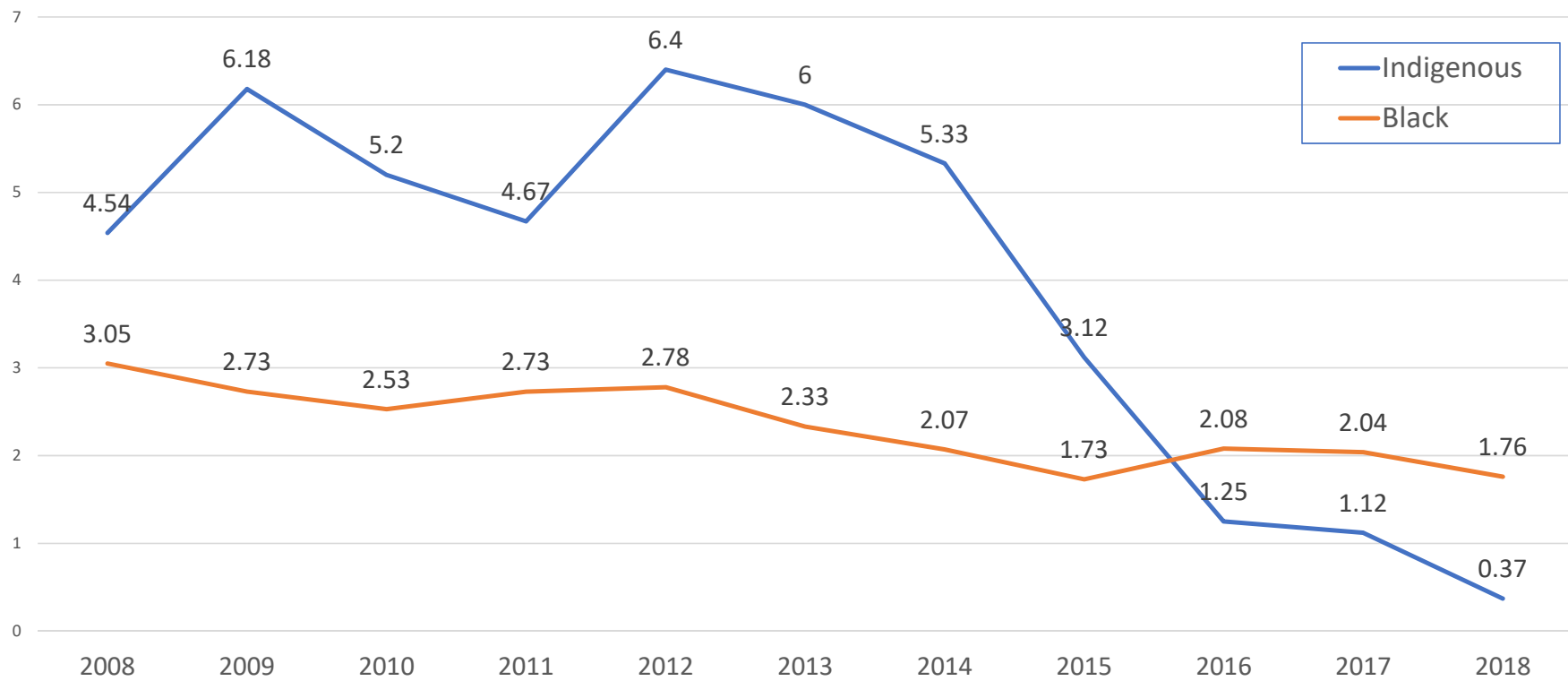
<b>Racial Group</b>	<b>Population Estimate</b>	<b>Percent of Population</b>	<b>Number of Enforcement Actions</b>	<b>Percent of Enforcement Actions</b>	<b>Odds Ratio</b>	<b>Enforcement Rate (per 100,000)</b>
<b>White Male</b>	645,960	23.6	25,696	38.2	1.62	3,977.9
<b>White Female</b>	676,690	24.8	10,520	15.7	0.63	1,554.6
<b>Black Male</b>	109,870	4.0	9,825	14.6	3.65	8,942.4
<b>Black Female</b>	129,980	4.8	3,377	5.0	1.04	2,598.1
<b>Indigenous Male</b>	10,835	0.4	1,245	1.9	4.75	11,490.5
<b>Indigenous Female</b>	12,230	0.5	214	0.3	0.6	1,749.8
<b>Other Minority Male</b>	546,925	20.0	9,508	14.2	0.71	1,738.5
<b>Other Minority Female</b>	599,080	21.9	6,801	10.1	0.46	1,135.2
<b>TOTAL</b>	2,731,570	100.0	67,186	100.0	1.00	2,459.6

## Percent of Recorded TTC Enforcement Activities with Missing Racial Data, by Year





**Black and Indigenous Over-Representation in TTC Enforcement Data (Odds Ratios), by Year (Toronto Residents Only)**



**Degree of Representation (Odds Ratios), by Offence Type and Race,  
Toronto Transit Commission, Toronto Residents Only, 2008 to 2018**

<b>TYPE OF OFFENCE</b>	<b>White</b>	<b>Black</b>	<b>Indigenous</b>	<b>Other Racial Minority</b>
<b>Public Order Offences</b>	1.22	2.81	5.50	0.28
<b>Fare Violations</b>	0.88	2.25	1.37	0.87
<b>Illegal Solicitation</b>	1.39	2.34	5.75	0.17
<b>Alcohol-related</b>	1.50	1.54	8.37	0.17
<b>Illegal Entry/Exit</b>	1.20	2.44	4.50	0.40
<b>Violation of Posted Regulations</b>	1.06	2.06	1.13	0.70
<b>Loitering</b>	1.19	3.11	5.75	0.24
<b>Smoking-related</b>	1.41	1.90	2.75	0.31
<b>Trespassing</b>	1.30	2.36	4.63	0.30

## Number of TTC Enforcement Incidents Recorded for Specific Stations, 2008-2018

Station	Count	Percent
On Vehicles	11,497	17.1
Bathurst	2,460	3.7
Bloor/Yonge	3,373	5.0
Broadview	2,834	4.2
College	2,391	3.6
Dundas	2,330	3.5
Dundas West	1,935	2.9
Eglinton	925	1.4
Finch	1,551	2.3
Islington	1,427	2.1
Main	1,490	2.2
Ossington	718	1.1
Queen	1,117	1.8
Scarborough Centre	723	1.1
Sheppard	752	1.1
Spadina	12,155	18.1
St. Clair	1,828	2.7
St. George	734	1.1
Union	5,857	8.7
Victoria Park	1,127	1.7
Wellesley	2,169	3.2
Other	7,733	11.5

## Degree of Representation (Odds Ratios) in TTC Enforcement Incidents, by Station and Race

Station	White	Black	Indigenous	Other Racial Minority
On Vehicles	1.14	1.98	1.63	0.62
Bathurst	1.05	2.34	2.00	0.65
Bloor/Yonge	1.10	3.18	4.87	0.36
Broadview	0.98	2.63	2.75	0.65
College	1.60	1.76	3.00	0.11
Dundas	1.01	3.69	9.75	0.26
Dundas West	1.30	2.13	3.25	0.38
Eglinton	1.31	2.14	1.75	0.39
Finch	0.97	1.83	0.75	0.86
Islington	1.24	2.70	1.50	0.36
Main	1.24	2.40	4.13	0.37
Ossington	1.44	2.02	2.13	0.26
Queen	1.23	1.70	2.13	0.56
Scarborough Centre	0.65	5.42	0.87	0.48
Sheppard	1.14	1.84	1.37	0.66
Spadina	0.93	1.93	1.37	0.88
St. Clair	1.14	1.64	0.37	0.72
St. George	1.31	1.81	3.63	0.42
Union	0.93	1.72	1.13	0.93
Victoria Park	1.27	2.65	4.37	0.28
Wellesley	1.32	2.57	8.50	0.15
Other	1.27	2.45	4.00	0.33

# Data Summary

- Black and Indigenous people are grossly over-represented in TTC enforcement incidents that took place between 2008 and 2018;
- Black and Indigenous people are over-represented in both TTC charges and cautions;
- The over-representation of Black and Indigenous males is particularly pronounced;
- Racial disparities remain significant regardless of the benchmarking techniques employed. Disparities remain strong if we use general population or commuting benchmarks;
- Racial disparities cannot be explained by individuals who have been involved in multiple enforcement incidents, nor the presence individuals who reside outside of the City of Toronto;
- Racial disparities exist across all major offence categories;
- Black and Indigenous people are over-represented in enforcement incidents across a wide range of TTC routes, locations and stations;
- Racial disparities appear to have declined somewhat over the eleven-year study period. However, this decline has been accompanied by an increase in missing racial data;

# TRANSIT ENFORCEMENT UNIT FOCUS GROUPS

## Focus group dates and participant overview

- November 26, 2019 – Transit Enforcement Special Constables (7 participants)
- November 26, 2019 – Transit Fare Inspectors (14 participants)
- November 27, 2019 – Transit Enforcement Unit Supervisors (5 participants)
- November 27, 2019 – Transit Fare Inspectors (12 Participants)
- December 6, 2019 – Data Managers and Specialists (6 participants)
- December 23, 2019 – Transit Enforcement Special Constables (4 participants)

# TRANSIT ENFORCEMENT UNIT FOCUS GROUPS

## Data Collection and Use

- Check Evasion History and Inform Decision-Making
- Confirm Identity and Conduct Background Check
- Documenting Information for Court Proceedings
- Administrative Uses
- Use of 208 Cards

# TRANSIT ENFORCEMENT UNIT FOCUS GROUPS

On the Overrepresentation of Black people in TTC Enforcement Outcomes

- A Note on Racial Classifications, Ethnicity and Country of Origin
- Denying Discrimination
- Equal Enforcement – Unequal Offending
- Labelled Racists Accused of Racism
- De-Policing and Rider Complaints
- Personal Consequences



# **TRANSIT ENFORCEMENT UNIT FOCUS GROUPS**

## Recommendations for Improvement

- Technology
- Training

# DECISION-MAKING AND DISCRETION

## Problematic Aspects of Discretion

- Reduced deterrence?
- Potential for differential enforcement
- Consequences of under enforcement – reduced revenue

# DECISION-MAKING AND DISCRETION

## Key Decision-Making Points For **Transit Special Constables**

### Proof of Payment Related

- Initiating request for Proof of Payment (POP).
  - Deciding how to proceed if rider cannot provide POP (e.g. verbal warning, formal caution, ticketing).
  - Removing or ejecting rider from TTC property if they cannot provide POP.

### Other Enforcement Actions

- Stopping and questioning riders in relation to criminal activity and bylaw infractions.
- Initiating investigations for criminal/POA/TPA offences and Bylaw infractions.
  - Deciding how to proceed if evidence that offence has taken place (e.g. verbal warning, formal caution, arrest).
- Conducting physical search of person.
- Use of physical force.

# DECISION-MAKING AND DISCRETION

## Key Decision-Making Points For Transit Fare Inspectors

### Proof of Payment Related

- Initiating request for Proof of Payment.
  - Deciding how to proceed if rider cannot provide POP (e.g. verbal warning, formal caution, ticketing).
  - Removing or ejecting rider from TTC property if they cannot provide POP.

### Other Enforcement Actions

- Calling on TSC's to request assistance.
- Enforcement under POA/TPA
  - Deciding how to proceed if evidence that offence has taken place (e.g. verbal warning, formal caution, ticket/arrest)
- Use of physical force.

# DECISION-MAKING AND DISCRETION

## Recommendations

- The TTC and TEU should identify and reaffirm the mandate, goals and values of the TEU and align these with the mandate, goals and values of the TTC
- The TTC should develop a brief policy statement that allows for the exercise of discretion (except where explicitly prohibited by superseding law or policy).
- Key aspects of the proposed discretion policy should be incorporated into other relevant policy documents and training materials.

# DECISION-MAKING AND DISCRETION

## Recommendations continued

- Fare inspection – Further guidance and standards are needed with respect to the initiation of fare inspection and the disposal of cases in order to ensure fair and equitable treatment
- The TTC should strongly consider removing the “verbal warning” from the range of options open to TEU staff in relation to fare inspection (and other reasonable enforcement action - e.g. under Criminal Code, POA/TPA/LCA).

# Research on Body-Cameras: *Potential Benefits*

- Civilizing effect on both officers and civilians;
- Fewer complaints;
- Decreased use of force;
- Improved evidence collection;
- Court-related cost savings;
- Improved transparency;
- Greater accountability;
- Positive impact on public opinion;

# Research on Body-Cameras: *Limitations*

- Research findings inconsistent;
- High cost (purchase, maintenance and data storage);
- Officer ability to turn off cameras (discretion);
- Missing footage and blind spots;
- Officer and civilian privacy;
- Civilian access to video footage;
- Problems with technology could undermine public confidence;



# RACE-BASED DATA COLLECTION

Race-based data collection is necessary in order to foster equitable treatment of customers.

The Toronto Police Service Board RBDC Policy

Should serve as a guide for the TTC

- TESC are granted their powers through an agreement with the TPSB
- TPSB policy is comprehensive and developed based on extensive expert and community consultation
- Weaknesses of TPSB policy can be addressed by the TTC

# NEXT STEPS

- Review of how other transit agencies have approached issues related to race and racism;
- Further analysis of TTC enforcement data – including possible observational benchmarking;
- An analysis of data related to criminal-incidents involving TTC enforcement staff;
- 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;
- Focus groups/townhall discussions designed to hear the concerns of TTC consumers;
- A survey of TTC special constables and fare inspectors;
- A survey of TTC consumers;
- Final report and recommendations;