
OIPRD to Review Police Practices for Strip Searches

July 26, 2016

TORONTO – The Office of the Independent Police Review Director (OIPRD) is conducting a systemic review of Ontario police services' policies and practices for conducting strip searches of people arrested or otherwise detained.

In *R. v. Golden*, [2001] 3 S.C.R. 679, the Supreme Court of Canada recognized that strip searches are inherently humiliating and degrading for detainees and for that reason, cannot be carried out simply as a matter of routine policy or automatically when an arrest is made. The Court articulated important limitations on the practice of strip searching derived from constitutional principles. Following the *Golden* decision, a number of police services introduced policies to govern how and when strip searches (sometimes referred to as Level 3 searches) are to be conducted.

“Over 15 years after the *Golden* decision was released, the OIPRD continues to receive public complaints about police conducting strip searches as a matter of routine or in apparent violation of police policies. As well, in too many Ontario criminal cases, judges have found that the police conducted improper strip searches, sometimes in apparent disregard or ignorance of policies that require a case-by-case risk assessment. Indeed, in a very recent decision, a judge of the Ontario Court of Justice held that “despite the clear direction from the Supreme Court, numerous lower court rulings and the TPS’s own policy, officers at 32 Division still do not seem to understand the limits on their authority to conduct strip searches.” The OIPRD will continue to investigate complaints regarding allegations of improper strip searches; however, I have concluded that a systemic review would enable me to effectively examine this issue, and make meaningful recommendations for police services across Ontario.”

– Gerry McNeilly, Independent Police Review Director

TERMS OF REFERENCE

The systemic review will examine the following:

- The prevalence of strip searches incidental to police arrest or detention
- Existing policies of police services across Ontario, as they relate to when and how strip searches are to be conducted
- The extent to which front-line officers are aware of existing policies, and how, if at all, compliance with existing policies is monitored and supported
- The extent to which strip search decisions are documented
- The extent to which judicial findings of improper strip searches are identified by the relevant police services, and addressed
- Ontario Police College and police services training provided to supervisors and front-line officers regarding strip searches

A final report summarizing the findings of the review and outlining recommendations and advice for the overall improvement of police practices will be released publically.

OIPRD FACTS

- The OIPRD receives, manages and oversees all public complaints about Ontario's municipal, regional and provincial police.
- The OIPRD is an independent, neutral arm's length agency of the Ontario Ministry of the Attorney General.
- The Police Services Act gives the Independent Police Review Director the power to examine and review issues of a systemic nature that may give rise to public complaints. The purpose of a systemic review is to determine whether systemic failings have occurred and to identify issues to be addressed in order to make recommendations to enhance public confidence in policing.

Rosemary Parker 416-314-4517

www.oiprd.on.ca
Disponible en français