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## OIPRD Releases Report on Police Strip Searches in Ontario

March 21, 2019

TORONTO – Police in Ontario conduct too many unjustified strip searches that intrude on the privacy rights of those affected and negatively impact criminal court cases, according to the latest systemic review report released today by the Office of the Independent Police Review Director (OIPRD).

The report finds police procedures regarding strip searches are inconsistent across the province and often inadequate as to what constitutes a strip search and when and how strip searches should be conducted, authorized or supervised. The report also finds significant deficiencies in strip search data collection, documentation and officer training.

In 2001, in *R. v. Golden*, a landmark decision on the constitutionality of strip search practices, the Supreme Court of Canada defined what amounts to a strip search and when and how they can lawfully be done.

[\*Breaking the Golden Rule: A Review of Police Strip Searches in Ontario\*](#), provides a template for strip search procedures and a sample strip search form, and makes 50 detailed recommendations on how Ontario police services should conduct, document and receive training on strip searches, including:

- The Ministry of Community Safety and Correctional Services should update the Policing Standards Manual, and most particularly the Search of Persons Guideline to reflect existing jurisprudence, including but not limited to, the decision of the Supreme Court of Canada in *R. v. Golden*.
- The Search of Persons Guideline should provide much greater assistance in enabling police service boards and police services to develop compatible policies, procedures and practices respecting searches across the province. This assistance should include a clear definition of a strip search (drawn from the *Golden* decision), clear demarcation between strip searches and frisk, pat-down or field searches, on the lower end of the spectrum of searches, and body cavity searches at the higher end of the spectrum. It should also include greater specificity around whether and how strip searches are conducted, authorized or supervised. Its content should be informed by the recommendations in this report.

- All police services in Ontario should ensure that they keep accurate statistics of the number of persons they arrest or detain, the number of persons strip searched (based on a uniform interpretation of what a strip search entails (as set out in this report’s procedures template, and in accordance with binding jurisprudence) and the justifications provided for such strip searches.
- Every police service in Ontario should incorporate training on strip searches into their annual or biennial training. The training should include a review of all aspects of *R. v. Golden* and other relevant jurisprudence.

The report also recommends that police services keep race-related statistics on strip searches to enable an evidence-based evaluation of the role that race plays in decisions to conduct strip searches.

“Police in Ontario conduct well over 22,000 strip searches a year. It is extremely concerning that almost two decades after the *Golden* decision, police continue to conduct strip searches in violation of the law. This comes at a high cost to those directly affected by humiliating and intrusive searches and to the justice system, especially where unlawful searches result in the exclusion of evidence or the staying of charges. Consistent, comprehensive policies and procedures, proper documentation, adequate statistics, and effective training are all required to ensure strip searches are only done when needed, and that they are done in accordance with the law.”

— Gerry McNeilly, Independent Police Review Director

The OIPRD also released a report supplement, [Summary of Ontario Jurisprudence Involving Strip Searches Post R. v. Golden](#), containing summaries of 89 cases involving strip searches in which courts found violations of the Canadian Charter of Rights and Freedoms.

## OIPRD FACTS

- The OIPRD is an independent arm’s length agency of the Ontario Ministry of the Attorney General.
- The OIPRD receives, manages and oversees public complaints about Ontario’s municipal, regional and provincial police.
- The Police Services Act gives the Independent Police Review Director the power to conduct systemic reviews to identify and address issues of systemic importance and make recommendations to improve policing.

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