Strip searches are ineffective, unnecessary and target racialized Canadians
17 June 2022, by Monika Lemke

In its landmark case on strip searches, *R. v. Golden (2001)*, the Supreme Court of Canada defined strip searches as a distinct type of "personal search," contrasted against general, pat-down or frisk and cavity searches. The court defined the strip search as involving "the removal or rearrangement of some or all of the clothing of a person so as to permit a visual inspection of a person's private areas, namely genitals, buttocks, breasts ... or undergarments."

In the Golden case, the court also acknowledged the basic intrusiveness of strip searches. They "represent a significant invasion of privacy" and are often a "humiliating, degrading and traumatic experience." Racialized people, as well as women, can experience being strip searched as akin to a sexual assault. Incarcerated women also view their strip searches as sexual assault.

The Supreme Court also recognized that Black and Indigenous people suffer disproportionate harm due to the racial trauma associated with being strip searched. In the absence of statistics, the majority of the Supreme Court justices in the Golden case inferred that Black and Indigenous people are "likely to represent a disproportionate number of those who are arrested by police and subjected to personal searches, including strip searches."

According to law professor David Tanovich, the court's endorsement of this fact established an anti-racism principle in interpreting the Charter of Rights and Freedoms.

**Strip searches and systemic racism**

The Toronto Police Services' race-based data collection's focus on strip searches is due to the efforts of provincial watchdog agencies and lawmakers in bringing the police in Ontario into compliance with the law.

In its 2019 Report, "Breaking the Golden Rule: A
In May 2014, the Toronto police chief at the time reported to the Police Services Board that only in two percent of strip and cavity searches did police find any items, and only a fraction of those found objects posed a risk.

Unfortunately, the Toronto Police Service does not offer descriptions of these items in the current race-based strip search dataset, its open data portal or its annual reports to the Toronto Police Service Board.

Given that police rarely discover dangerous items, is it really worth subjectsing countless people to searches that are degrading, infringe constitutional rights and traumatizing to the Black and Indigenous people who are disproportionately searched? It's time to end the practice.

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