01-02 Search of Persons

Status: Amended **Issued:** 2025.08.12 **Replaces**: 2025.06.18

Rationale

The right to search a person is of paramount importance to the safety of persons in custody, members, and all other persons employed within the criminal justice system. It is critical that officers make a proper evaluation of the potential risks, ensure that the appropriate type of search is conducted, and that they are diligent while searching persons in custody.

In December 2001, the Supreme Court of Canada made a ruling in the case of R. v. Golden, which directly impacted on the search of person incident to arrest.

The lawful authority for searching a person comes from statute or common law. Officers conducting searches must be able to articulate their authority and grounds for doing so. Information has been included in this Procedure that will assist officers in properly assessing the appropriate type of search to be conducted, and identify some of the risks that must be addressed (see Appendix B). In the absence of clear direction in the form of legislation, the courts have expressed some concerns with "routine police department policy applicable to all arrestees". As a result, although this Procedure outlines possible risk factors, and places an obligation on police officers to address them, the decision as to what type of search is appropriate must be assessed on a case–by–case basis.

The Toronto Police Service (Service) agrees with the courts that clear legislative prescription as to when and how strip searches should be conducted would be of assistance to the police and to the courts.

Supervision

- Officer in Charge notification mandatory
  - after conducting a search at the station
  - regarding grounds and circumstances (Strip search)
  - there are reasonable grounds to believe the person under arrest has secreted weapons or evidence in a body cavity

Procedure

Searches of persons shall be conducted keeping in mind that the safety of Service members, the person being searched, and the public are paramount. All searches of the person should be conducted thoroughly and in a methodical manner. Searches of the person shall not be conducted in an abusive fashion or be conducted to intimidate, ridicule or induce admissions. Regardless of what

type of search is undertaken, the dignity and the privacy of a person must always be given consideration.

All searches of the person shall be conducted by peace officers of the same gender unless circumstances make it impractical to do so, having regard to the immediate risk of injury, escape, or the destruction of evidence. Consideration shall be given when dealing with trans and gender diverse persons, wherever practicable (see Appendix C).

Self-Identified Trans or Gender Diverse Persons

Section 1 of the Ontario *Human Rights Code* states "Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability."

The Service acknowledges its obligation and responsibility, short of undue hardship, to accommodate self-identified trans or gender diverse persons. Members conducting searches of self-identified trans or gender diverse persons shall comply with Appendix C by

- referring to the person in their chosen name and gender pronoun(s)
- after discussion with the person in custody, lodge according to their self-identified gender or lodging preference in accordance with 01-03 Appendix E unless it can be proven that there are specific overriding health and safety concerns that cannot be resolved, rendering the accommodation impossible. When a person in custody cannot be accommodated in this regard, members shall clearly articulate the reasons in their memorandum book; and
- ensure that information regarding a trans person in custody's gender identity or gender history is shared on a need-to-know basis only with those persons directly involved with the case
- explain to the individual the following 3 options for a search
  - conducted by officers who are men only or
  - conducted by officers who are women only or
  - a split search
  - the Officer in Charge shall be guided by the preference of the individual to be searched in terms of the gender of the person conducting the search
- when required to remove a gender-affirming article or prosthetic device/item (including breast forms, chest binders, gaffs, packers, prosthetic penises and wigs) from a trans, gender diverse or cis-gendered person shall
  - advise the person of the reason for removing the device/item
  - provide the person with the opportunity to remove the device/item themselves when self-removal does not pose potential risk of safety/injury to the person or member
  - be cognizant that trans and gender diverse persons may have an emotional as well as physical attachment to their gender affirming items and shall treat the device/items with respect at all times
- in the case of prosthetic devices
  - whenever practicable allow for the removal of the device in a private area
  - when self-removal is not possible, ask the person how to properly remove the device
  - allow adequate space and range of motion for reattachment of the device
  - return the device/item to the person as soon as possible upon completion of the search

➔ *Assessments regarding the retention of gender-affirming personal articles including gender-affirming prosthetics shall be made on a case by case basis complying with 1.9.2 Standards of Conduct considering all risk factors, including those contained in Appendix B, Appendix C and 01-03 Appendix E. All available accommodation options shall be considered when making an assessment.*

➔ *When it is determined that a person cannot be accommodated, the reasons for the determination must be clearly articulated in the memorandum book including all accommodation options considered.*

- make appropriate entries in the memorandum book, including the Booking and Search Template option selected by the person, and the rationale for the course of action taken
- complete the appropriate sections of the Booking and Search Template.

➔ *Members shall document why particular actions were or were not taken.*

Items of Religious Significance

Section 2 of the *Canadian Charter of Rights and Freedoms* (Charter) gives everyone the fundamental "freedom of conscience and religion". Section 8 of the Charter states that "everyone has the right to be secure against unreasonable search or seizure".

Section 1 of the Ontario *Human Rights Code* states "Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability." From this section, creed is the issue that deals with religious beliefs.

The Service recognizes that special arrangements may have to be made when handling items, articles, apparel, or clothing a person identifies as having religious importance (item of religious significance). Members conducting searches of persons shall treat an item of religious significance with respect and handle the item appropriately.

Although there are a multitude of items of religious significance that differ between and amongst religions, any item of religious significance identified by a person shall be handled according to the process established in Appendix D, unless circumstances make it impractical to do so, having regard for the

- immediate risk of injury
- immediate risk of escape
- immediate risk of destruction of evidence
- safety of the member
- safety of the person
- safety of the public

The member must be able to articulate why particular actions were or were not taken.

Duty to Accommodate Persons with Disabilities

The Service has a duty to accommodate persons with disabilities under the Ontario *Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act.* When required, any infringement of a person's right to be accommodated must be minimal in nature, and no more than is necessary to achieve the desired objective.

Therefore, when it is deemed necessary to remove an assistive device from a person with a disability(ies) to conduct a search, the device should be returned to the person as soon as practicable upon completion of the search.

Assessments regarding the retention of assistive devices shall be made on a case-by-case basis taking into consideration all risk factors, including those contained in Appendix B. Members shall also consider all available accommodation options when making their assessment.

When it is determined that a person cannot be accommodated, members must clearly articulate the reasons for the determination in their memorandum book including all accommodation options considered.

Members shall be cognizant that persons requiring the aid of an assistive device may have an emotional as well as physical attachment to the device and shall treat the assistive device with respect at all times.

When considering the continued detention of an arrested person who is accompanied by a service dog due to blindness, visual impairment, hearing impairment, or other physical disability(ies), members shall make reasonable effort to have the service dog accommodated by friends or relatives or call the Toronto Police Operations Centre for further resources such as Canine Vision Canada or the Humane Society. Service dogs shall not be transported to court with a person in custody.

Grounds for Searching a Person

For a search to be lawful it must be reasonable and justified given all the circumstances and it must be conducted for a valid reason. The onus is on the officers conducting and authorizing a search to demonstrate that the search is justified in law, necessary and reasonable.

Warrantless searches are prima facie unreasonable and contrary to s. 8 of the Charter. However, searches incident to the arrest of a person are recognized as lawful at common law and do not require a warrant. Searches cannot be justified by citing standard procedures. However, for safety reasons, except in extenuating circumstances, all persons under arrest must be searched at the first available opportunity.

Stronger grounds are required as the level of intrusiveness of a search increases. A Protective search and Frisk search must be completed prior to any Strip search being conducted. The searching officer must obtain authorization from the Officer in Charge to determine if there is reasonable and probable grounds to authorize a Strip search. The more intrusive the search the more justification is required, and officers must be able to articulate the need for the more intrusive search (see Appendix B).

➔ *Strip searches shall not be conducted on persons brought into custody by Toronto Police officers based solely on the grounds that the person may come into contact with other persons in custody. Accordingly, persons in custody who have been Frisk searched are no longer restricted from being placed with those who have been Strip searched.*

Search Authorities

A police officer may search a person

- with a person's consent
- when authorized by statute
- after an arrest has been made (common law – incident to an arrest)

Consent Search

Consent search generally applies to persons who are not under arrest. A police officer must be able to

demonstrate that consent for a search was informed and freely given. A person giving consent for a search must understand the possible consequences of the search prior to giving consent. A Consent search, in most instances, should not be used where other lawful authority exists.

Search Authorized by Statute

Specific statutes contain search provisions that can be used when circumstances warrant. The related statute should be referred to prior to conducting such searches; for example: the *Criminal Code*, the *Controlled Drugs and Substances Act*, and the *Liquor Licence and Control Act*.

Search Incident to Arrest

The right to search as an incident to a lawful arrest is found in common law, and has been upheld by the Supreme Court, as long as the search is conducted for a valid objective and is not conducted in an abusive fashion (Cloutier v. Langlois, 1990).

As an incident to arrest a police officer may search for

- weapons
- anything that could cause injury (including drugs and alcohol)
- anything that could assist in a person's escape
- evidence

Recording Searches

Wherever practicable, all Protective and Frisk searches including the removal of excess clothing must be captured on audio and video.

Full details of **all** searches shall be recorded in the memorandum book including the grounds for the type of search conducted. Appropriate entries shall be recorded in the applicable eReport for all Strip and Body Cavity searches and must be completed in its entirety.

Race and Identity-Based Data Collection

As outlined in Procedure 16–07, the Toronto Police Service Board Policy entitled "Race-Based Data Collection, Analysis and Public Reporting" requires the Toronto Police Service (Service) to collect, analyze and publicly report on data related to the race of those individuals with whom Service members interact.

Special Constables

Special Constables may search persons in accordance with this Procedure in conjunction with unit-specific policies.

Member

1. When conducting a search shall

- record all Protective and Frisk searches on audio and video, and if not able to do so, record reasons in the memorandum book
- not use any more force than is necessary and reasonable under the circumstances to conduct a search
- make every effort to provide persons who do not speak English or who by reason of disability have difficulty communicating
  - with the services of an interpreter in compliance with Procedure 04–09, or
  - other person who can assist the person in understanding the process
- advise the person of the reason that they are being searched
- search the person
  - every effort should be made, where appropriate, to have the searching officers be of the same gender as the person being searched and comply with Appendix C when searching a trans person
- search the area within the person's immediate surroundings, if applicable
- remove weapons, anything that could cause injury (including drugs and alcohol), anything that could assist in the person's escape, or evidence of an offence, as applicable
- seize all evidence obtained
- ask the person if they have an item of religious significance on their person or in their possession, and comply with Appendix D, when applicable
- when required to remove an item of religious significance make reasonable effort to ensure the removal and search occurs in a private setting
- when practicable, facilitate the replacement of an item as soon as possible when an item of religious significance (apparel or clothing only) is removed and held for any purpose and is not being immediately returned to that person
- when required to remove an assistive device from a person with a disability(ies) or a gender-affirming prosthetic from a trans or gender diverse person (see Appendix C)
  - advise the person of the reason for removing the device/item
  - provide the person with the opportunity to remove the device/item themselves when self-removal does not pose potential risk of safety/injury to the person or member
  - treat the assistive device/item with respect at all times
  - in the case of prosthetic devices
    - whenever practicable allow for the removal of the device in a private area
    - when self-removal is not possible, ask the person how to properly remove the device
    - allow adequate space and range of motion for reattachment of the device

      ➔ *Prosthetic devices are attached to the body; therefore, improper removal can injure the person and/or damage the device.*

    - return the device/item to the person as soon as possible upon completion of the search

      ➔ *Assessments regarding the retention of assistive devices shall be made on a case-by-case basis taking into consideration all risk factors, including those contained in Appendix B. All available accommodation options shall also be considered when making an assessment.*

      ➔ *Assessments regarding the retention of gender-affirming personal articles including gender-affirming prosthetics shall be made on a case by case basis complying with 1.9.2 Standards of Conduct considering all risk factors, including those contained in Appendix B, Appendix C and 01-03 Appendix E. All available accommodation options shall be considered when making an assessment.*

      ➔ *When it is determined that a person cannot be accommodated, the reasons for the determination must be clearly articulated in the memorandum book including all accommodation options considered.*

- record all relevant details in the memorandum book

2. When a search of person has occurred in the field and the person has not been booked into a police facility shall
   - complete the Search in the Field Only Template

3. When conducting a Consent search of a person shall
   - ask for the consent of the person and explain the nature of the search
   - inform the person that they have a right to refuse consent
   - inform the person of potential consequences of the search, including the possibility that anything seized may be used as evidence
   - immediately stop searching the person if consent is withdrawn, unless evidence has been disclosed that would permit continuation pursuant to lawful authorities

4. Prior to transporting an arrested person shall
   - search the police vehicle prior to placing the arrested person in the vehicle
   - for reasons of safety, ensure the arrested person has been searched except where the search would interfere with the administration of emergency medical assistance
     - every effort should be made, where appropriate, to have the searching officers be of the same gender as the person being searched and comply with Appendix C when searching a trans person

5. After arrival at the station with an arrested person shall
   - search the police vehicle
   - advise the Officer in Charge what type of search has been conducted and what has been found thus far
   - if a Frisk search has not been fully completed then ensure the Frisk search is completed in its entirety in front of the Officer in Charge and is audio and video recorded
   - ensure the manner of Booking and Search Notice - Frisk Search is read to the person prior to the search
   - when it is believed that reasonable grounds exist for a Strip search, articulate to the Officer in Charge and advise them of the grounds and circumstances involved

6. When reasonable and probable grounds have been satisfied and a Strip search is deemed necessary by the Officer in Charge, the searching officers shall
   - read the arrested party their rights to counsel prior to the Strip search being conducted and ensure they are provided a reasonable opportunity to speak to counsel before the search commences
   - advise the Officer in Charge if the person identifies that they have an item of religious significance on their person or in their possession
   - search the person in a private area and ensure the search is audiotaped (if applicable), but not videotaped
   - be of the same gender as the person being searched, except in exigent circumstances
   - comply with Appendix C when searching trans persons
   - ensure the number of police officers involved in the search are no more than is reasonably necessary in the circumstances
   - where appropriate,
     - ask the person to remove clothing one article at a time,
     - document whether the arrested person removed items of clothing themselves, and
     - record all relevant details in the memorandum book and the Booking and Search Template
   - not remove of any more articles of clothing than necessary
   - not seize bras, underwire bras and string bikini tops unless there is reasonable grounds to believe it is necessary to do so

➔ *This action can amount to an unlawful Strip search.*

- not perform any more visual inspection of the person's body than is necessary to achieve the objectives of the search
- inspect each article of clothing in a methodical manner
- permit the person to replace articles of clothing after inspection, where appropriate
- provide replacement clothing for articles seized as evidence as soon as possible
- not leave the person in a completely naked state after the search

➔ ***Members shall not conduct Strip searches in any location other than a private area of a secure police facility,*** *unless there is an immediate safety risk where no other option is available. Members shall advise a supervisor prior to commencing the search, if unsafe, then at the earliest opportunity. Members shall provide the person the highest degree of privacy possible given the circumstances. Upon completion, members will report to the Officer in Charge the circumstances. The Officer in Charge shall complete a "Strip Search – Not in a Police Facility" occurrence and notify the Unit Commander.*

7. When a Strip search has been completed shall
   - ensure the Officer in Charge will complete the Booking and Search Template
   - if applicable, the Officer in Charge will complete the Trans Person Specific Details section of the Booking and Search Template

Police Officer

8. Where there are reasonable grounds to believe that a person under arrest has secreted weapons or evidence in a body cavity shall
   - consult with the Officer in Charge
   - escort the person to the hospital
   - comply with Procedure 03–06
   - request that the person remove the item in a controlled area of the hospital and with a medical professional present, if possible
   - if the person is unable or unwilling to remove the item and consents to a search
     - ensure that the search is conducted by a qualified medical practitioner
     - remain with the person while the search is taking place (same gender officers only, or if the person has self-identified as trans or gender diverse, in compliance with Appendix C)
     - advise the Officer in Charge of the results
   - where the person refuses a Body Cavity search by a medical practitioner, and the item has not been removed
     - advise the Officer in Charge
     - restrain the person and hold in isolation pending a Show Cause hearing
     - continuously monitor the person to ensure their safety and the safety of Service members until recovery of the item or substance is made

9. When a Body Cavity search has been completed shall complete a Body Cavity Search Template in compliance with item 7.

Officer in Charge

10. An Officer in Charge of a unit where persons are detained shall ensure
    - the decision to search a person has been evaluated based on reasonable and probable grounds and all risk factors, including those found in Appendix B

- all arrested parties are advised, on camera, of the level of search to be performed and the manner and location in which it will be carried out
- a Frisk search must be completed prior to any Strip search being conducted
- when applicable, all Frisk searches must be audio and video recorded. If not, the reason shall be documented accordingly
- searches are conducted appropriately and the required Booking and Search Template has been completed for all booked persons in custody
- every effort is made to provide persons who do not speak English or, who by reason of disability have difficulty communicating
  - with the services of an interpreter in compliance with Procedure 04–09, or
  - other person who can assist the person in understanding the process
- persons in custody's property is handled in compliance Procedures 01–03 and 09–06, as applicable
- when an item of religious significance is removed from a person that the item is treated with respect and handled appropriately in compliance with Appendix D
- assessments regarding the retention of assistive devices are made on a case-by-case basis taking into consideration all risk factors, including those contained in Appendix B, and all available accommodation options
- when it is determined that a person with a disability(ies) requiring the aid of an assistive device cannot be accommodated, the reasons for the determination are clearly articulated in the memorandum book, including all accommodation options considered

The Officer in Charge can authorize the use of an approved Handheld Metal Detector to assist in the search of any person in custody at any point of the booking and search process, or at any point while the person is lodged in the station. For a search to be lawful, using the Handheld Metal Detector, it must be reasonable and justified given all the circumstances and it must be conducted for a valid reason.

➔ *Handheld Metal Detectors are only for use inside a police facility*

➔ *Where a Handheld Metal Detector has been used the appropriate entries shall be made in the Booking and Search Template*

➔ *The Officer in Charge shall book persons in custody and authorize Strip searches. This responsibility shall not be delegated unless there are exceptional circumstances that are documented or if the Officer in Charge is assigned to a Central lock-up where a designate can be appointed*

11. Upon being consulted regarding a Strip search shall determine whether the search is appropriate, based on the information provided by the parading officer and the circumstances involved; and
    - where reasonable grounds to conduct a Strip search exist, shall
    - advise the arrested party of the authorization to conduct a Strip search
    - ensure the manner of Booking and Search Notice - Strip Search is read to the person prior to the search
    - ensure the arrested party is re-read their rights to counsel prior to the Strip search being conducted and ensure they are provided a reasonable opportunity to speak to counsel before the search commences
    - provide the arrested party the opportunity to speak to counsel prior to the Strip search commencing
    - read the Audio Privacy notice prior to the phone call to counsel
    - escort to use the phone, give audio privacy, but maintain visual for safety
    - in rare circumstances, where the Officer in Charge believes that there are safety concerns that would prohibit the officer from allowing the arrested party access to counsel prior to the Strip search, shall explain on video to the arrested party and note the reason in the memorandum book.

  - ensure the Deferred Call to Counsel Notice be read by the Officer in Charge and noted in the Booking and Search Template, if required
  - where reasonable grounds do not exist, ensure a Strip search is not conducted

12. Upon being consulted regarding a Body Cavity search shall
    - determine whether the search is appropriate, given the circumstances
    - ensure that transporting and relieving officers accompanying an accused for the purpose of a Body Cavity search are the same gender unless the person has self-identified as a trans person and requests otherwise Appendix C
    - ensure the search is conducted by a qualified medical practitioner at a medical facility
    - ensure a Body Cavity Search Template is completed

Appendices

Appendix B – Risk Assessment – Type of Search
Appendix C – Trans Persons
Appendix D – Handling Items of Religious Significance

Supplementary Information

Governing Authorities

Federal:
- Canadian Charter of Rights and Freedoms
- Constitution Act, Part I
- Controlled Drugs and Substances Act
- Criminal Code

Provincial:
- Accessibility for Ontarians with Disabilities Act
- Anti-Racism Act, 2017
- Community Safety & Policing Act (Ontario Regulation)
  - O. Reg. 392/23, Adequate and Effective Policing (General)
- Liquor Licence and Control Act
- Ministry of Correctional Services Act
- Ontario Human Rights Code
- Provincial Statutes

Other:
- Common Law (incident to arrest)

Relevant Case Law:
- Cloutier v. Langlois (Supreme Court of Canada) (1990)
- R. v. Flintoff (Ontario Court of Appeal) (1998)
- R. v. Coulter (Ontario Court of Justice) (2000)
- R. v. Golden (Supreme Court of Canada) (2001)
- R. v. Clarke, Heroux and Pilipa (Ontario Superior Court of Justice) (2003)

- R. v. MacDonald
- R. v. Mann (Supreme Court of Canada) (2004)
- R v. McGuffie (Ontario Court of Appeal) (2016)
- R. v. MacPherson (Ontario Native Council on Justice) (2018)
- R. v. Tonkin (Ontario Superior Court of Justice) (2020)

➔ *This is not an exhaustive list of all relevant cases.*

Associated Governance

Toronto Police Service Board:

- Adequacy Standards Compliance Policy
  - Part 5 XXXII LE-005 Arrests
  - Part 5 XXXIX LE-012 Search of Persons

- Board Policies
  - Accessibility Standards for Customer Service
  - Race-Based Data Collection, Analysis and Public Reporting
  - Search and Detention of Trans Persons
  - Search of Persons

Toronto Police Service Procedures:

- 01–01 Arrest
- 01–03 Persons in Custody
- 03–06 Guarding Persons in Hospital
- 04–09 American Sign Language and Language Interpreters
- 09–06 Property of Persons in Custody
- 12–01 Confidential Crown Envelope
- 13–17 Notes and Reports
- 16–07 Collection, Analysis and Reporting of Race and Identity-Based Data

Other:

- Standards of Conduct
  - 1.9.2 Respect for Gender Diversity and Trans-Inclusive Policing

- Office of the Independent Police Review Director, Breaking the Golden Rule: A Review of Police Strip Searches in Ontario

Forms:

- eReports;
- Booking and Search Template
- Body Cavity Search Template
- Search in the Field Only Template

Notices for Booking Hall:

- TPS 970 Booking and Search Notice – Manner of Search Notice – Frisk Search
- TPS 971 Booking and Search Notice – Manner of Search Notice – Strip Search
- TPS 972 Booking and Search Notice – Privacy Gown Notice
- TPS 973 Booking and Search Notice – Consular Access Notice
- TPS 974 Booking and Search Notice – Audio Privacy Notice
- TPS 975 Booking and Search Notice – Deferred Call to Lawyer Notice

Definitions

For the purposes of this Procedure, the following definitions will apply:

Handheld Metal Detector means a portable, handheld security device capable of detecting metal objects authorized for use by the Service.

Assistive/Prosthetic Device means a device used to replace, compensate for, or improve the functional abilities of people with disabilities or for trans or gender diverse persons to affirm gender identity. Assistive device includes a broad range of items such as mobility and visual/hearing aids, orthotics/prosthetics, speech devices, medical supplies, environmental controls and respiratory devices. Prosthetics used to express gender identity include: breast forms, chest binders, gaffs, packers, prosthetic penises and wigs.

Booking and Search Template means a document created to record the pertinent details of all Frisk & Strip searches and the authorization of a Body Cavity search. The template allows the Service to electronically capture the data required to properly report on all Frisk & Strip searches of persons (including self–identified transgender/transsexual persons) conducted by members. For prisoners that are booked into a police facility.

Body Cavity Search Template means a document created to record the pertinent details of all Body Cavity searches. The template allows the Service to electronically capture the data required to properly report on all Body Cavity searches of persons (including self-identified transgender/transsexual persons) conducted by members.

Search in the Field Only Template means a document created to record the pertinent details of all Protective and Frisk searches that occur in the field where a person has not been brought into a police facility. The template allows the Service to electronically capture the data required to properly report on all searches of persons (including self–identified transgender/transsexual persons) conducted by members that have occurred in the field where the person was not brought in to a police facility.

Disability(ies) means:

a. any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
b. a condition of mental impairment or a developmental disability;
c. a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
d. a mental disorder, or;
e. an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act; (“handicap”).

(Source: Ontario *Human Rights Code*, *Accessibility for Ontarians with Disabilities Act*)

Gender: the set of socially classified behaviours, attitudes and norms associated with and roles of men, women, trans people, non-binary people and more. Encompasses gender identity, a person’s internal sense of being a man, woman, both or neither.

Gender Expression is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person’s chosen name and pronoun are also common and important ways of expressing gender.

Gender identity is each person's internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along or beyond the gender spectrum. A person's gender identity may be the same as or different from the typical pairing with their birth-assigned sex. Gender identity is fundamentally different from a person's sexual orientation.

Item of Religious Significance means any item, article, apparel, or clothing a person identifies as having religious importance.

Non-binary gender identities outside of the expected binary of men and women.

Member – Prisoner Care & Control for the purposes of prisoner transportation, care and control, includes a

- police officer, and
- special constable.

Protective Search (Formerly Level 1) – This is used generally during Investigative Detention and involves a limited search of a person who has been detained by police when there is reasonable belief the person poses a safety risk. The scope of the search is limited to exterior patting of clothing such as pockets, waistband or areas that may reasonably conceal such items as weapons or implements that may be used as weapons, usually with open hands to maximize the ability to detect weapons through clothing. This search may also be described as a "safety search", as that is the purpose and objective.

Frisk Search (Formerly Level 2) – This is used generally for Search Incident to Arrest and means a more-thorough search that may include emptying and searching pockets as well as removal of clothing, which does not expose a person's undergarments, or the areas of the body normally covered by undergarments. The removal of clothing such as belts, footwear, socks, shoes, sweaters, extra layers of clothing, or the shirt of a male would all be included in a Frisk search. A Frisk search may be commenced in the field and concluded at the station.

A Frisk search conducted incident to arrest includes the area within the immediate control of the arrested person.

Members shall make every effort to video and audio record all Frisk searches. Members are also required to articulate the justification for the manner and circumstances under which these searches are conducted. For the purposes of this definition, "Pat Down Search" means the same as, "Frisk Search".

Strip Search (Formerly Level 3) – *R. vs. Golden 2001 SCC 83* established that which constitutes a strip search and what types of circumstances may justify one. A Strip search includes all steps in Protective and Frisk searches as well as a thorough search of a person's clothing and non-physical search of the body. That will often require removal or rearrangement of some, or all, of the person's clothing to permit a visual inspection of a person's private areas: namely the genitals, buttocks, breasts or chest, body cavity, and/or undergarments; the mouth was excluded from this definition despite being a bodily cavity.

The Supreme Court noted that Strip searches "represent a significant invasion of privacy and are often humiliating, degrading and traumatic" and therefore require "a higher degree of justification in order to support the higher degree of interference with individual freedom and dignity."

When considering whether a Strip search is justified, the Supreme Court stated, "In addition to reasonable and probable grounds justifying the arrest, the police must establish reasonable and probable grounds justifying the strip search," and "the police must establish they have reasonable and

probable grounds for concluding that a strip search is necessary in the particular circumstances of the arrest."

- ➔ *The mere fact that portions of a person's body normally covered by undergarments are exposed because of the way the person was dressed when taken into custody does not constitute a strip search, if the removal of such clothing was not caused by the police (i.e. the arrest of a naked person does not in itself constitute a strip search).*

- ➔ *The rearrangement of clothing that permits a visual inspection of a person's private area constitutes a strip search.*

Body Cavity Search (Formerly Level 4) – means a search of the rectum or vagina

Service Members' Perception Data means information derived from a member making a determination with respect to the race of an individual by observation, solely on the basis of that member's own perception.

Sex: the classification of people as male, female or intersex based on a specific combination of reproductive organs, chromosomes and hormones and assigned at birth based on observation of a person's genitals.

Trans: is an umbrella term referring to people with diverse gender identities and expressions that differ from their assigned sex at birth. It includes but is not limited to people who identify as transgender, trans woman (someone assigned male at birth who knows themself to be a woman), trans man (someone assigned female at birth who knows themself to be a man), non-binary, gender non-conforming, gender variant or gender queer. Some people may consider two-spirit to be a trans identity. Trans persons may or may not make a social transition, have surgery, use prosthetic devices or take prescription medications (such as hormone therapies), to affirm their gender identity. They may or may not have identity documents that reflect their lived identity.

We are dedicated to delivering police services, in partnership with our communities, to keep Toronto the best and safest place to be.

Learn more about our Service **Core Values** and **Competencies** here

