



**COUNCIL OF ELIZABETH  
FRY SOCIETIES OF  
ONTARIO**

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## **Regulatory Amendments on Strip Searching Miss the Mark: SolGen Continues to Perpetuate Violence on those Who Are Incarcerated**

July 21, 2023

In October of 2022, the Council of Elizabeth Fry Societies of Ontario (CEFSO) was asked to consult on proposed amendments to the legislation regarding Strip Searching in Ontario's Adult Correctional Institutions.

For decades, the practice of strip searching – described by the Supreme Court of Canada as 'inherently humiliating and degrading' – has been widely criticized. Strip searches are not only unnecessary and ineffective, but put incarcerated peoples' and visitors' rights under the Canadian Charter of Rights and Freedoms, as well as rights protected under international law, at risk. "Strip searches are trauma inducing, and further enforce the inherently violent environment of incarceration" says Meaghan Chambers, Vice President of CEFSO and Executive Director of Elizabeth Fry Society Simcoe Muskoka.

In July 2023, the Ministry of Correctional Services Act (MCSA) For Strip Searches was amended. Like other recent amendments, "these amendments lack accountability and clarity" notes Lindsay Martin, President of CEFSO and Executive Director of Elizabeth Fry Society of North Western Ontario. "The legislation allows for far too much discretionary decision making relating to strip searches". All measures of accountability built into the legislation are removed through the ability to not follow the protective measures due to "operational feasibility" or under the guise of security risks.

CEFSO submitted written recommendations and continues to advocate for policy reforms relating to strip searching and contraband as outlined below:

**Strip searches are both ineffective and harmful, and effective alternative tools are available. CEFSO recommends an end to the practice.** CEFSO is calling attention to how the power structures inherent to the institutions make those held inside, as well as those visiting the institution, incredibly vulnerable to sexual coercion and violence. The Office of the Correctional Investigator's 2020 investigation, "A Culture of Silence: National Investigation into Sexual Coercion and Violence in Federal Corrections", found that the most marginalized people are often most frequently targeted for sexual violence behind bars, particularly: women; individuals who identify as, or are perceived to be, lesbian, gay, bisexual, or, transgender; and people with histories of trauma and mental illness.<sup>1</sup>

**CEFSO recommends that the Ministry of the Solicitor General addresses the root causes of illicit substance use (i.e. contraband) by ensuring access to external mental health, harm reduction, addictions, and trauma supports.**

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<sup>1</sup> [2] Office of the Correctional Investigator, Annual Report 2019-2020, pp 22-49, available online: <https://www.ocibec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20192020-eng.pdf>

An overwhelming number of women and gender-diverse people who are incarcerated have experienced abuse prior to their incarceration - including sexual violence - and carry with them extensive histories of trauma.

79% of those incarcerated in Ontario Correctional facilities are on remand and not convicted of a crime. The remand population is highly overrepresented by marginalized groups, including those who experience homelessness, poverty, and those who have been criminalized for their mental health or substance use.

**Implement measures to reduce toxic drug supply in prisons:** There are currently no policies or practices designed to address contraband that is introduced by staff of the institutions. Implementing even basic search measures for staff of the institutions will create a significant impact. “The lack of political will to require staff to submit to any form of security measures when entering institutions, while at the same time subjecting incarcerated persons to extremely harmful strip searches speaks to the extreme power imbalance and toxic culture within our correctional environment” -Cory Roslyn, Elizabeth Fry Society of Northeastern Ontario.

**Remove policy “loopholes” that allow for permitted breaches of a policy’s intention in the name of operational requirements or Superintendent’s discretion:** Previous and amended policy describes the requirements for gendered approaches to strip searching with specific caveats for how, and who shall conduct searches, but then introduces opportunities to skirt the policy due to unavailability of staff of the same gender in urgent situations.

Operational Policy relating to searches must be clear and free of discretion to prevent abuses of power or intentional/negligent harm towards those who are incarcerated.

## Summary

CEFSO has witnessed that SolGen demonstrates a general lack of care for the wellbeing of women and gender diverse people incarcerated in institutions across Ontario through the continued use of strip searches as a tool for pseudo security – most times in circumstances that do not warrant dependence on such a drastic, violent and degrading practice, with little attention or concern for the long-term adverse mental health outcomes strip searching creates.

Correctional intuitions designated for adults across the province are equipped with less invasive tools, strategies, search methods and technology all of which address safety and security and remove the need to preform strip searches entirely. As such, CEFSO restates its recommendations to:

1. Define strip searching as a search requiring the removal of any article of clothing.
2. End the practice of strip searches altogether, given their limited efficacy and the abundance of alternative, more effective security tools.
3. Strengthen the policy framework regulating provincial prisons to remove loopholes and introduce accountability and security measures to address staff introduced contraband.
4. Address the root causes of using illicit substances in all Ontario’s adult correctional institutions.

## For further information or questions please contact:

The Council of Elizabeth Fry Societies of Ontario

T: 807-631-9065 @: lindsaymartin@efsnwo.com