

Recommendations from the Community Consultation on Policing and LGBTT Communities

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***For the Toronto Women's Bathhouse Committee
(Complaint Sub-Committee)***

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Brief History and Context

In the early hours of September 15, 2000, five male plainclothes police officers entered the Pussy Palace -- a city licensed and regulated women's bathhouse at 231 Mutual Street -- and spent one and a half hours walking among and interrogating the women in attendance.

Although the police knew that this was a women-only event and they knew that women would be in various stages of undress, they chose to send male rather than female officers to ensure that the organizers were complying with liquor license regulations. Many women at the event were deeply angered and traumatized by the police raid.

As a result of this raid and subsequent dismissal of all charges against the organizers of the Pussy Palace, a class action lawsuit and human rights complaint were launched, alleging that the rights and freedoms of women guaranteed under sections 7 and 8 of the Canadian Charter of Rights and Freedoms were violated when male police officers entered the event.

A settlement was reached with the Toronto Police Services Board and the male police officers, David Wilson, Adrian Greenaway, Myron Demkiw, Peter Christie and Richard Petrie. The defendants did not acknowledge any wrongdoing or liability on their part. The proposed settlement was a compromise of disputed claims. The court in Ontario certified the action as a class proceeding and approved the settlement, which was \$350,000 in total.

The \$350,000 payment was allocated to: the "Bill 7 Award", a fund established to provide financial support to lesbian, gay and transgendered students in post-secondary education in Ontario (administered by Supporting our Youth of Toronto); to Maggie's for their Toronto Prostitutes' Community Service Projects; and to the legal firms involved in the class action and human rights complaints.

The Minutes of Settlement from the Toronto Women's Bathhouse human rights complaint/class action specified a number of agreements, including:

1. A commitment to actively encourage recruitment of LGBT people to the Toronto Police Service.
2. Adoption of a policy respecting the search and detention of trans-gendered people.
3. Development of a gender-sensitive policy for police officers who are attending at events where women are partially or totally naked.
4. Preparation, delivery and evaluation of training that will address LGBT issues, and that will ensure that inspections of liquor licenses and special occasion permits at gay/lesbian venues and businesses, attendance at gay/lesbian bathhouses for the purpose of investigating suspected infractions of the Liquor License Act (LLA) or Regulations, and the search, arrest and detention of transgendered people; are conducted in accordance with the Human Rights Code. Two different training programs will be developed for delivery to current and future investigators who will supervise or carry out LLA investigations, and to current and future police officers of all ranks.

Lesbian/Gay/Bisexual/Transgender/Transsexual/Two-Spirited/Intersex/Queer (LGBTT) Community Consultation

The minutes of settlement also provided a small sum of money to the Toronto Women's Bathhouse Complaint Committee (the Committee) to conduct a consultation with the LGBTTT community in Toronto about the agreements arising from the settlement. The Committee engaged Anna Willats of the Toronto Police Accountability Coalition to conduct that consultation and to compose a report based on the results. In addition to soliciting feedback about the items specified in the settlement, the Committee sought feedback about how to improve the relationship between the LGBTTT community

and the Toronto Police Service in general. There was also some discussion of the LGBT Police Liaison Committee and the role it should take in the fostering and maintenance of that relationship.

The consultation was conducted in September and October 2005. A survey was developed for individuals to fill out and return (see Appendix A), separate meetings were held with identified groups, and a large community consultation meeting was held on September 28, 2005 at the 519 Church Street Community Centre. In total, between 60 and 70 individuals and organizations provided their feedback about the identified topics and issues. The separate meetings were held with bar owners and LGBTTT event promoters, the participants and staff of the 519 Church St. Community Centre MealTrans program, and the Coalition For Lesbian and Gay Rights of Ontario. Respondents were members of the Lesbian, Gay, Bisexual, Transgender, Transsexual, Two-Spirited, Intersex, Heterosexual and Queer communities.

Note takers were involved in all meetings to record participant's comments and feedback. The results have been compiled and organized into the following recommendations.

Recommendations

People who participated in the consultation meetings and who responded to the survey were provided with the following brief description of current police training in regard to LGBTTT issues:

Currently, all front-line and support officers and civilian staff with the Toronto Police Service (TPS) have or will receive training on diversity issues in either Advanced Patrol Training (APT) or Uniform Policing and Diversity Training. Every frontline uniform officer takes APT for four days each year until they complete a mandatory three-year curriculum that includes Use of Force, First Aid, Crisis Intervention, Policing and Diversity, as well as other topics. Diversity and other subjects are to be woven into discussion and exercises throughout this skills-based training.

The Gay & Lesbian Issues section of the Policing and Diversity course is delivered by two members of the LGBT community, and is 120 minutes in total. Issues covered include: a brief overview of Toronto gay and lesbian historical issues, a discussion of LGBT stereotypes (to deconstruct myths about gays and lesbians), provision of information/clarity about current LGBT community issues. There is also time for student questions and answers.

Participants were then asked to respond to the following questions:

- a. *What has your experience been with respect to the following issues?*
 - i) *inspection of liquor licenses and special occasion permits*
 - ii) *investigations conducted at gay/lesbian bathhouses*
 - iii) *police searches and detention of transgendered/transsexual people*
- b. *What recommendations do you have about the content of police policy in relation to these issues?*
 - i) *inspection of liquor licenses and special occasion permits*
 - ii) *investigations conducted at gay/lesbian bathhouses*
 - iii) *police searches and detention of transgendered/transsexual people*
- c. *What information about the LGBTTT community should police have covered in their training?*
- d. *What suggestions do you have about how the training should be done?*
- e. *What other suggestions do you have about how the TPS can improve services to the LGBTTT community?*

1. Recommendations re police searches, arrest, and detention of transgendered/transsexual people.

Respondents stressed the need for education for officers about how to interact respectfully with members of the transgender/transsexual and intersex communities, no matter what the situation – respondents shared information about discriminatory and painful experiences with police during arrest, detention and other legal processes, as well as when asking for police assistance or as a result of casual contact. Several respondents spoke of police refusing to acknowledge their post-transition identification. There was almost unanimous agreement that members of the police service have much to learn about this issue, and about the equitable treatment of individuals from these communities.

Several respondents stated that strip searches involving a cavity search are a form of sexual assault and should never be conducted under any circumstances.

These are the recommendations that emerged from our discussions (trans person refers to transgendered/transsexual and intersex people identifying as male, female or other gendered):

- 1.1 When a trans person is approached, searched and/or detained by the police s/he has the right:
 - to be addressed by the name and in the gender s/he identifies with (i.e. what name they want used when being addressed, no matter what is listed on identification)
 - to select the gender of the officer(s) who will conduct the search and to have police comply with the Human Rights Code
 - to choose the gender s/he is to be incarcerated with, or choose protective custody if the person does not wish to be put into a gender-specific holding area, the primary concern being the person's safety
 - to access their medication if arrested (such as testosterone for trans men)
 - to have their self-identification respected and their confidentiality maintained
- 1.2 Full body cavity strip searches should not be conducted at all by police officers. Trans people should be asked to choose what gender officer they prefer to conduct other searches and pat downs (including the option of two different officers). These procedures should only be done at a police station.
- 1.3 Video cameras should always be used when interviewing trans people to ensure greater accountability.
- 1.4 Officers investigating complaints by trans people should take the complaints seriously and treat complainants respectfully. These investigations should receive the same attention to detail, sensitivity and tact that heterosexual people would encounter.
- 1.5 Officers should fully display badges and clearly give their names, and otherwise follow best practices that have been established by other police services*.
- 1.6 LGBTT and trans-sensitive officers should be assigned to police LGBTT communities.
- 1.7 Officers should accept the current identification of trans people and not require them to produce the identification they had under their former identity.
- 1.8 Trans people should be detained separately (with other trans people) or if that is not possible, in an area that is separate from other detainees. This would not be the same as protective custody or solitary confinement.

* According to one of the consultation participants, Rick Wils of the Hamilton Police has a good procedural paper on best practices with regard to police identification to members of the public

2. Recommendations re the use of the Liquor License Act and Special Occasion Permits and investigations conducted at gay/lesbian bathhouses –

“We don’t want the police to enter the bars and go on fishing expeditions.” Meeting participant.

It is the perception of many of the respondents that Toronto Police officers are selective in how they enforce some laws and regulations, and that laws regarding loitering, vagrancy and liquor licenses have been used selectively on marginalized groups in society. It is the opinion of the community and event promoters that police target LGBTTT businesses and events for extra scrutiny and enforcement, particularly during Pride Week at the end of June. It was generally agreed that the LGBTTT community is ‘over-policed’.

- 2.1** Police should enter a licensed establishment only when requested to by a patron or the owner to help with a situation has arisen i.e. when a fight has started.
- 2.2** Police should be prepared to substantiate a claim that an anonymous complaint has been made with documentation of when the call came in, what the specific complaint was, and why they cannot reveal the source of the complaint.
- 2.3** Liquor Licence Act Inspectors should be in charge of the investigation of possible violations of the Act. Where appropriate, police officers should accompany the inspectors and be identifiable as police officers (not undercover or plainclothes).
- 2.4** If it is necessary for LLA inspectors/police officers to enter a women-only event where there is nudity or partial nudity, female or trans officers should conduct the investigation/search. Officers or inspectors should speak to the organizers who are on-site before entering, so that they can ensure that patrons are informed that non-participants are in attendance, and allow patrons time to cover up if they wish. Patrons using private rooms should be allowed time to put clothes on before being asked to leave the room.
- 2.5** When police officers enter a bar or community event to investigate a possible violation, they should show no more force than is necessary (e.g. minimize drawing guns, wearing riot gear, bringing in groups of officers, threatening to arrest).
- 2.6** Where the violation of the LLA is substantiated, but no criminal charges will be laid, police/inspectors should warn the bar owner/event manager that a ticket/order will be issued in the near future, and leave the premises. If the violation is one that requires immediate action to address it, such as overcrowding or a fight resulting in criminal charges, police/inspectors should take necessary action to address the issue, or complete an arrest. It should not be necessary to demand the closure of the bar or event except in very rare circumstances, where general public safety, or violation of a previous order not to operate are the issue.
- 2.7** *This recommendation is directed to provincial authorities with the Ministry of the Attorney General*
The Province should hire sufficient numbers of Liquor License Act Inspectors to ensure the equitable and adequate accountability to the Liquor License Act. This function should not be left to police services in Ontario.

3. Training Recommendations

“I would like a focus on LGBTTTQ as a valid culture like any racial or religious group, a culture that has equal protection under the Ontario Human Rights Code. I would like the police to be exposed to events and traditions that LGBTTTQ peoples participate in to help dispel the ignorance and fear of these practices as different and therefore negative.” Consultation participant

3.1 What information about the LGBTTT community should police have covered in their training?

Many respondents emphasized that police training should not be limited to learning more about the LGBTTT community as if it is different from the 'normal' community. Police need to focus on how they treat LGBTTT people differently and why they do, and learn how to change those attitudes and behaviours when necessary. Respondents advocated for training that emphasized that the function of police is to protect the communities that they serve and that they must respect the choices of individuals within those communities. Respondents pointed out that learning to become anti-oppressive is a life-long effort that requires a commitment from the individual to principles of social justice and equity in their thinking and practice. Respondents also noted that LGBTTT people are also members of one or more other marginalized groups, such as people of colour, women, people with disabilities, youth, etc.; and that police officers need to receive training that helps them to understand how these intersecting realities operate in people's lives and compound their experiences of discrimination.

Several of the consultation participants were concerned about the ability of LGBTTT police officers to be 'out' at work, and felt that improved training would promote their visibility and safety.

- a) Training should include the history of LGBTTT communities, the kinds of issues they have dealt with in the past and the history of their relationships with the Toronto police service.
- b) Training should include lessons on why trans people may be in different stages of transitioning.
- c) Police need to hear the lived experience of trans people through the use of story telling by representatives from that community.
- d) Training should include information about the difference between transvestite, transgender, transsexual, and intersex realities.
- e) Training should include an explanation of the governmental bureaucratic challenges involved with changing one's gender legally to help police understand why so many people identify as one gender but have a different legal gender.
- f) Training should ensure inclusion of issues specific to sex workers and trans sex workers.
- g) Participating officers should be encouraged to explore and challenge their own views and biases about the LGBTTT community.
- h) Training should be delivered to officers of all ranks, including the Chief of Police.
- i) Training should include how racism, sexism, classism, ableism, ageism and all other inequities faced by members of the LGBTTT community intersect with homophobia to compound discrimination.
- j) Training should include discussion and direction about how to properly and equitably police LGBTTT events, bars and celebrations. Officers should be fully trained in the provision of the Ontario and Canadian Human Rights Codes, and all other relevant legislation.
- k) Other training modules should address LGBTTT issues and provision of equitable and sensitive service (e.g. Domestic Violence training).
- l) Training should include a component that requires participants to examine and challenge their own biases and attitudes about the LGBTTT community, and sex workers. Participants should be taught

skills such as self-reflection, equitable customer service, cross-cultural communication, reducing defensiveness, and principles of equity and cultural competence.

3.2 What suggestions do you have about how the training should be done?

Respondents were very concerned about creating a training process that would help officers to become more self-aware about their attitudes toward the LGBTTT community and that would provide opportunities for personal growth and skills acquisition. As one person put it - *“Take trainees out of their ‘comfort zone’- in order to really challenge their biases.”*

- a) At least 2 days should be allocated to training on LGBTTT and Two-Spirited issues. These issues should be reiterated when addressing training about other equity seeking groups, such as women and people of colour.
- b) Trainers should be gender balanced and diverse, representing trans and intersex people, women, LGBTTT people of colour and Two-spirited people, LGBTTT with disabilities/Deaf LGBTTT people, and LGBTTT youth. The use of guest speakers can help to accomplish this.
- c) Training about trans and intersex communities and issues should be expanded and dealt with as a separate training component.
- d) Ensure that there is a process for self-evaluation by the trainees in order to gauge the efficacy of the training. Follow up with trainees six months after the training is completed, and allow officers to share their experiences from the field, and their thoughts about the impact of their learning.
- e) High ranking officers should act as role models and participate in the training – perhaps taking on a co-facilitation role at appropriate times.
- f) Trainees need to feel that they can speak their minds without fear of reprisals from higher-ranking officers.
- g) Trainees should engage in role-plays and study real life scenarios that sensitize them to LGBTTT reality. There should be many opportunities provided for skills acquisition and practice.
- h) The LGBTTT community should be involved in selecting trainers and facilitators.
- i) Facilitators themselves need to be sex positive and undergo anti-oppression training.
- j) LGBTTT officers should be consulted about the content and delivery of the training.
- k) Professionals who have an understanding of adult education methods and principles should conduct the training.
- l) Ensure that the trainers have the required skills to deal with conflict and it’s resolution.
- m) Exit interviews should be conducted after the training and that feedback should be incorporated into future training.
- n) It is important to infuse the entire police curriculum with an anti-oppression analysis – the police training unit should examine best practices of other training institutions for examples of how to do this.

4. Improving police services to the LGBTTT Community

Consultation participants had many ideas and suggestions that fell outside of the parameters of the Minutes of Settlement. There was a great deal of engagement around how services to the LGBTTT community can be enhanced and improved. Most participants were knowledgeable about the LGBT Police Liaison Committee, but were not aware of the work it had done or its current role or terms of reference. Respondents were invited to think about and provide feedback about how the liaison committee can better represent the community.

- 4.1** Officers should use the terms the communities use for themselves (e.g. Gay, Queer or Lesbian) as opposed to “homosexual”; it helps the community trust police and opens communication.
- 4.2** More LGBTTT and Two Spirited officers should be recruited for the service.
- 4.3** More people of colour and “ethnic minorities’ should be on the service.
- 4.4** Improve the complaints process and allow people to anonymously check on the status of a complaint.
- 4.5** Officers should spend time in the community out of uniform getting to know people, by coming to events on their own time, by volunteering, via placements, by shopping in the community, etc.
- 4.6** Reward officers who demonstrate community-building behaviour and a positive attitude with awards or commendations.
- 4.7** More officers should patrol on foot. Bicycle police are also seen as more accessible and community friendly.
- 4.8** High ranking officers should be directly involved with the community policing process.
- 4.9** Officers should be given guidelines for behaviour in LGBTTT communities. Supervisors need to evaluate officers and take disciplinary action when inappropriate behaviour occurs.
- 4.10** A community-based process should be used to create a Trans policy that goes beyond the search, arrest and detention issues.
- 4.11** Develop a manual about working with the LGBTTT community that is accessible to officers outside of training.
- 4.12** An independent entity should monitor the way laws are enforced in the LGBTTT community, and have the ability to propose changes to training, recruitment, deployment and other police functions based on their findings.
- 4.13** A Community Liaison Committee should:
 - Have a clearly defined role, with terms of reference and a work plan that would include monitoring the implementation of these and other (eg. The Bruner Report) recommendations
 - Have equal numbers of police and community members, or more community members on the committee
 - Conduct regular, meaningful community consultation to; among other things, establish the role and terms of reference for the committee
 - Monitor Liquor License Act policing
 - Maintain the confidentiality of people who share their experience
 - Develop expertise within the LGBTTT community to do training of police officers
 - Be linked with police trainers for the purposes of mentoring new community-based trainers
 - Be informed about officers who take part in raids and target them for training
 - Conduct education in the LGBTTT community about an individual’s rights when they are stopped, searched or detained by the police

- 4.14 Police should be offered incentives to live in the communities they serve.
- 4.15 Police should attend promptly when called for help and respond to calls from all neighborhoods equally, including the Church/Wellesley neighbourhood.
- 4.16 Develop and/or obtain educational materials and resources that are approved through community consultation.
- 4.17 Promote joint trips or activities between the police and sectors of the LGBTTT community.
- 4.18 The Toronto Police Service should come into the community and give workshops on their powers and limitations and what they are allowed and not allowed to ask an individual who is detained.

Respondents were also asked to finish the sentence “Good community policing is...” Here are their comments (quoted):

- When individuals are not afraid to go to the police.
- When individuals know that they will be treated with respect.
- When individuals know the cop on the beat.
- When individuals trust the cop on the beat.
- When individuals see the cop on the beat walking on the street.
- When individuals can access the police at storefront stations.
- When officers are not transferred on a regular basis.
- When officers get special training.
- When status is accorded to those community policing officers and this community-specialist status is recognized by the TPS itself.
- When officers have a good rapport with the community they are policing
- When policing is pro-active, not reactive.
- When officers receive training for the community policing role. Specific training is key-because they are on the front lines.
- When cops wear (and do not hide or obstruct) their badges and name tags.
- When cops hand out business cards.
- When the same rules apply to civilians and police.
- When cops police the issues that the community has identified as a priority.
- When police utilize non-violent strategies for deescalating incidents.
- When police have customer service training.
- When police realize that they are accountable to us.

Policing and the Queer Community – Community Consultation

We'd like to know what you think about how Toronto police work with the Lesbian, Gay, Bisexual, Two-Spirited, Transgender/Transsexual Queer (LGBTQ) communities: our events, businesses, neighbourhoods, our sex and our relationships, when we've been victimized, when we've been charged.

This year, as a result of the raid on the Pussy Palace on September 15, 2000, a settlement between members of the Toronto Police Service (TPS), the Toronto Police Services Board (TPSB) and the ad hoc settlement committee of the Pussy Palace was reached. In an attempt to more fully address issues raised in the settlement agreement, we have created a survey, a series of focus groups, and a public consultation event to elicit feedback from the LGBTQ community about relationships with the Toronto police service, the level of satisfaction with service, problems and successes.

You can find more information about the Pussy Palace and the settlement agreement of the Pussy Palace Class Action at <http://www.pussypalacetoronto.com/>

We would appreciate it if you could take some time to fill out the following survey and return it to us at:

Email: pussypalacesurvey@sympatico.ca

Fax: 416-392-0519 (attn. Janet Rowe)

If you would prefer to give us your feedback in person, please come to the 519 Church Street Community Centre auditorium on Wednesday, September 28 at 7:00 pm. We will be discussing the following questions in small and large groups that evening.

A report compiling survey and focus group results will be shared with the Toronto Police Service Training and Education Unit, and the LGBT Community Police Liaison Committee. All respondents' confidentiality is guaranteed.

1. Training

All front-line and support officers and civilian staff with the Toronto Police Service (TPS) have or will receive training on diversity issues in either Advanced Patrol Training (APT) or Uniform Policing and Diversity Training. Every frontline uniform officer takes APT for four days each year until they complete a mandatory three-year curriculum that includes Use of Force, First Aid, Crisis Intervention, Policing and Diversity, as well as other topics. Diversity and other subjects are to be woven into discussion and exercises throughout this skills-based training.

The Gay & Lesbian Issues section of the Policing and Diversity course is delivered by two members of the LGBT community, and is 120 minutes in total. Issues covered include: a brief overview of Toronto gay and lesbian historical issues, a discussion of LGBT stereotypes (to deconstruct myths about gays and lesbians), provision of information/clarity about current LGBT community issues. There is also time for student questions and answers.

As a result of the Pussy Palace Settlement, the Training and Education Unit will be developing learning

programs for all police officers and investigators that will address adherence to the Human Rights Code in respect to: **inspection of liquor licenses and special occasion permits at gay/lesbian venues and businesses, investigations conducted at gay/lesbian bathhouses, and police searches of transgendered and transsexual people.**

- a. What has your experience been with respect to the issues highlighted above?
 - i) inspection of liquor licenses and special occasion permits

- ii) investigations conducted at gay/lesbian bathhouses

- iii) police searches and detention of transgendered/transsexual people

- b. What other information about the LGBTTTQ community should police have covered in their training?

c. What suggestions do you have about how the training should be done?

2. LGBTTQ Communities and the Toronto Police

Please circle your answer

a) What represents your opinion about the quality of the policing of LGBTTQ events in Toronto?

Very -----Poor-----Mixed-----Good-----Excellent No
Poor Opinion

Why do you have this opinion?

b) What represents your opinion about the quality of the policing of LGBTTQ bars, bathhouses, and special events such as Pride, in Toronto?

Very -----Poor-----Mixed-----Good-----Excellent No
Poor Opinion

Why do you have this opinion?

c) What represents your opinion about the quality of the policing of LGBTTTQ neighbourhoods in Toronto?

Very -----Poor-----Mixed-----Good-----Excellent
Poor

No
Opinion

Why do you have this opinion?

d) What represents your opinion about the quality of the policing of LGBTTTQ partner abuse, hate crimes committed against LGBTTTQ people, and other violence issues in Toronto?

Very -----Poor-----Mixed-----Good-----Excellent
Poor

No
Opinion

Why do you have this opinion?

e) What represents your opinion about the quality of the policing of LGBTTTQ businesses in Toronto?

Very -----Poor-----Mixed-----Good-----Excellent
Poor

No
Opinion

Why do you have this opinion?

f) What represents your opinion about the quality of the policing of LGBTTTQ people when they ask for Toronto police assistance?

Very -----Poor-----Mixed-----Good-----Excellent
Poor No Opinion

Why do you have this opinion?

g) What represents your opinion about the quality of the policing of LGBTTTQ people when they are arrested or in custody?

Very -----Poor-----Mixed-----Good-----Excellent
Poor No Opinion

Why do you have this opinion?

h) What recommendations would you make to the Toronto Police Service to help them to improve their

services to the LGBTTTQ community?

i) If you've had a positive contact with the Toronto Police Service – what made the interaction positive?

j) Are you familiar with the LGBT Police Liaison Committee?

Yes _____ No _____

Here is the Mission Statement of the LGBT Police Liaison Committee (PLC):

The LGBT Community Police Consultative Committee will work to achieve appropriate and equitable policing for Toronto's LGBT communities.

The Committee will work to educate, sensitize, raise awareness, and promote dialogue with the police. This will be accomplished through a community-driven model. Working groups, organizations and individuals will identify specific issues for consideration and action by the LGBT Community Police Consultative Committee. (Adopted: March 21, 2001)

k) What issue(s) would you like the LGBT PLC to prioritize in their work with the Toronto Police Service?
