

# Bra removal for all those in custody humiliating, unnecessary



Toronto civil litigator [Sarah O'Connor](#) says the Chatham-Kent Police Service is flying in the face of a major court decision by routinely demanding that women remove their bras when in custody.

"To have a blanket procedure like this without reviewing what the Superior Court ruled boggles my mind," says O'Connor, principal of [O'Connor Richardson Professional Corporation](#).

She makes the comments after Chatham-Kent Deputy Police Chief Jeff Littlewood told the *Chatham Daily News* that his officers routinely order women who are detained in a cell, even temporarily, to take off their brassieres. He said the bra could be used for self-strangulation.

His comments follow a recent decision by Ontario Court Justice Lucy Glenn dismissing a 2015 impaired driving charge against a 34-year-old Chatham schoolteacher on the basis of several Charter violations, including the fact she was ordered by Chatham-Kent police to remove her bra while being held for a breathalyzer.

In a case three years ago, Ontario Superior Court Justice Michelle Fuerst ordered a new impaired driving trial for a Richmond Hill woman after the judge found that York Regional Police subjected her to an unreasonable search by ordering her to remove her underwire bra in a police station.

Fuerst wrote in her decision that bra removals are strip searches and can be carried out by police on a case-by-case basis. But the judge said a policy applied without exception equates to routine strip searches of female detainees and is unconstitutional.

O'Connor tells [AdvocateDaily.com](#) she doesn't know why three years after Fuerst's ruling Chatham-Kent police are still ordering bras removed "almost without cause."

They should not wait for a specific policy directive or law to be passed banning the practice, she says. "They should make sure their policies are in line with how the court views such acts."

There is no justification for Chatham-Kent's "discriminatory, humiliating procedure," she adds.

"This is a drinking and driving case," O'Connor says. "It's not like she is threatening a murder-suicide or she's overdosing on drugs or there's some imminent harm to her or she is threatening police."

O'Connor says there can be justification for police ordering a woman to remove her bra if she is being held overnight, or seems to be a threat to herself or others.

But in the Chatham case, "There's no connection between the two," she says. "It's not like she's a drug mule and they thought she was hiding stuff in her bra."

Judging from reported comments, other Ontario police forces only order bra removal on a case-by-case basis, while Chatham-Kent appears to be the only service in the province with this blanket policy, she says.

Since news articles appeared about the Chatham case, Chatham-Kent Police Chief Gary Conn announced an internal review of its policy to remove brassieres from all women held in custody.

But he defended his officers' actions in this instance. "Our primary concern was safety and the taking of clothing which could be used as ligatures for self-harm or strangulation," he said in a [statement](#).

In another case reported by the *Toronto Star*, a 22-year-old college student claimed she was made to remove her underwire bra while being held overnight on July 17 by Chatham-Kent police on charges of dangerous driving and mischief.

She had to appear before a magistrate for a bail hearing the next day without her bra, which was returned to her in a sealed evidence bag while she was in open court, the *Star* reported. nb

O'Connor says she is concerned that such treatment might be so humiliating that a woman without a lawyer may be more likely to plead guilty to end the ordeal.

"I think that would jeopardize the system," she says.