



SURVEY OF HAMILTON'S TWO-SPIRIT AND LGBTQIA+ COMMUNITY

On Moving Forward with Hamilton Police Service

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EXECUTIVE SUMMARY

Following violent events at Hamilton Pride 2019, an independent review of Hamilton Police Service (HPS) was conducted by Scott Bergman of Cooper, Sandler, Shime & Bergman LLP. In June 2020, Mr. Bergman released the report, *Pride in Hamilton: An Independent Review into the Events Surrounding Hamilton Pride 2019*. The review found that Hamilton Police Service provided inadequate protection of Hamilton’s Two-Spirit and LGBTQIA+ community and their allies celebrating that day, stating “the police response was inadequate — before, during and after the event. This added to the distrust of police in some circles.”

That report made 38 recommendations to Hamilton Police Service and the City of Hamilton to improve policies, training, service provision and community engagement with Hamilton’s Two Spirit and LGBTQIA+ community. Hamilton Police Service accepted the findings of that report and made a commitment to adopt all recommendations. Three of these direct Hamilton Police to gather the input of Hamilton’s Two-Spirit and LGBTQIA+ community before proceeding:

Recommendation 25—The HPS should retain a third-party facilitator or mediator from a list provided by community members to facilitate future community meetings moving forward.

Recommendation 26--- The HPS should consider holding larger town hall meetings to review their action plan, ‘The Way Forward’

Recommendation 27--- The HPS should consult with the community to determine if and when it may be appropriate to recreate a community task force/advisory committee.

To collect input from Hamilton’s Two-Spirit and LGBTQIA+ community, Hamilton Police Service partnered with McMaster University’s Office of Community Engagement to commission an independent study by Dr. Tina Fetner, Professor of Sociology at McMaster University. A brief, open-ended survey was developed to gather input on four questions: the qualities and characteristics that should be sought in a third-party facilitator; the composition of a Community Advisory Panel; the issues that these processes should take up; and a vision for healing and the building of trust between Hamilton’s Two-Spirit and LGBTQIA+ community and the Hamilton Police Service. This report provides an overview of the dominant themes that emerged from the responses to that survey.

Key findings

Several key findings of the survey of members of Hamilton's Two-Spirit and LGBTQIA+ community members include:

- *A facilitator must have strong connections to Hamilton's Two-Spirit and LGBTQIA+ community—ideally, they should be a member of this community and have a deep knowledge of the challenges faced therein. Facilitator(s) must be independent from Hamilton Police Service.*
- *A facilitator should be highly skilled and experienced in mediation and facilitation, and they should inspire trust.*
- *Members of a Community Advisory Panel must be from diverse backgrounds such that the composition of the panel is intersectional in identity and experience. It is imperative that all members of the Two-Spirit and LGBTQIA+ community will have the opportunity to be heard in any engagement process.*
- *Any communications should directly address the history of negative treatment of members of Two-Spirit and LGBTQIA+ community by the Hamilton Police Service. The only way forward is to acknowledge the past and make commitments to change.*
- *A lack of trust of Hamilton Police Service is a key concern. Some participants are concerned that police engagement with Hamilton's Two-Spirit and LGBTQIA+ community may not be helpful or safe at this time.*

To protect privacy, this report will not share information that might identify individual participants. The authors are grateful for the many personal stories that participants shared with us through this survey. Many of these individual experiences include recollections of interactions with Hamilton Police Service, including stories of neglect and abandonment, and incidents of physical violence and emotional trauma. Without disclosing individual stories, we acknowledge the collective feelings of deep pain, fear, anger, hopelessness, and resentment that were present across many responses by community members. We are deeply appreciative that community members shared these stories with us, and we thank all participants for their contributions.

METHODS

Responses were collected through an online survey, which was open from August 1, 2021 through October 1, 2021. Participants were recruited via community advertising, social media and emails to community organizations. All responses were anonymous, with no names or other identifying information collected. All participants provided their informed consent to participate and affirmed the following statement: *“Yes, I am a member of the Two-Spirit and/or LGBTQIA+ community in the City of Hamilton and I would like to proceed with this survey.”*

While 350 participants engaged with this survey, only 44% of responses were included in the final dataset that informs this report. The authors validated survey responses through a careful reading, rejecting surveys that were blank, that included nonsensical responses that did not meaningfully engage with the survey questions, and those that contained homophobic comments or otherwise made clear that they were not completed by members of the Hamilton Two-Spirit and LGBTQIA+ community. After eliminating invalid responses, 155 valid responses form the basis for this report. All questions were open-ended. Participants were not limited by time constraints or a word count.

Analysis of the survey responses involved identifying themes present across responses. This was accomplished through a combination of quantitative approaches (word and phrase counts) and qualitative interpretations of shared meanings across responses. The results, summarized below, group the responses of individual survey takers into collective ideas and thoughts of the Two-Spirit and LGBTQIA+ community. Individual quotes are representative of these collective ideas. Only the authors of this report have access to individual survey responses, which will be deleted upon completion of this report.

Qualities of the facilitator(s)

Question 1: First, list the key qualifications and experience the facilitator(s) must have to respectfully and successfully engage with Hamilton's Two-Spirit and LGBTQIA+ community as dialogue is re-established with the Hamilton Police Service.

There is broad agreement that the facilitator(s) **must be members of the Hamilton Two-Spirit and LGBTQIA+ community**. This is the most common claim across all survey responses. In addition, it is important to many participants that the facilitator(s) are **independent, politically neutral, and unbiased**. It is often stated that the facilitator(s) **should not be affiliated with the Hamilton Police Service**, with the City of Hamilton, and for a few participants, with McMaster University.

The facilitator must “be a well trusted figure in the lgbtqia+ community. Please note our community, not the general community. Well trusted = likely doing grassroots work that includes uplifting those most marginalised in our community.”

Participants point out a number of personal characteristics that the facilitator(s) should have. Foremost among responses is that the facilitator(s) should be **empathetic**. Many assert the facilitator(s) must **be kind, fair, respectful, and honest**. They should have **strong listening skills** and be **open-minded**. Lastly, several participants would like to see the **diversity** of Hamilton's Two-Spirit and LGBTQIA+ community reflected in the facilitator(s), preferring a facilitator who is Black, Indigenous, and/or a person of colour.

“Be employed by community grassroots LGBTQ2S, not the police and not McMaster. Have themselves or loved one who experienced negative treatment by the police. Have a team or at least 2 people working together and not 1 person alone. Have shown ability to speak truth to power.”

The lived experiences and the education of the facilitator(s) also matter a great deal to survey respondents. Above all, the facilitator(s) must be **knowledgeable about the issues and challenges faced by Two-Spirit and LGBTQIA+ Hamiltonians**. In addition, participants state that the facilitator(s) **must understand the historical oppression of marginalized groups by police**. Many responses indicate that an important qualification for a facilitator is **previous experience** working with Two-Spirit and LGBTQIA+ community organizations and/or with other marginalized communities. Several participants suggest that the facilitator(s) must **understand appropriate language usage** to avoid misrepresenting and alienating community members.

The facilitator(s) should have an “in depth knowledge on the historic role of the police in criminalizing LGBTQ+ identities and behaviours; knowledge on community needs and concerns.”

Formal education and a record of experience are also important to participants. Several state that a facilitator(s) should have obtained at least a **university-level education**. Many participants would like the facilitator(s) to have **previous experience working as a facilitator**. Many believe that it would be valuable for the facilitator(s) to have a **background in social work or social justice**. Some suggest that the facilitator should have training in **conflict resolution**, as well as **anti-racism, anti-oppression, and sensitivity training**.

Qualities of the Community Advisory Panel

Question 2: The Hamilton Police Service hopes to establish a Community Advisory Panel. This panel will inform community consultations and provide feedback to the Hamilton Police Service about the Two-Spirit and LGBTQIA+ community in the City of Hamilton. Please list the key qualifications and experiences that members of this Community Advisory Panel should have.

Many of the responses to this question mirror those of Question 1. In particular, it is vital that a Community Advisory Panel be **populated with members of the Hamilton Two-Spirit and LGBTQIA+ community**. Participants broadly agree that the panel should be **independent** and **politically neutral**, with **none of the members having an affiliation with Hamilton Police**

Service, and none from Hamilton City Hall. Several participants state that they believe the panel should be hosted in a neutral location, not on Hamilton Police Service property.

“Diverse and anti-racist, containing BIPOC representation as queer BIPOC people are most likely to have experienced profiling and violence at the hands of police services. Panel should also have trans and non-binary representation. Panel members should not be affiliated with HPS in any way (family members on the force, financial stakes/political contributions etc). Folks who have lived experience with poverty and homelessness should also be represented.”

Participants see in the Community Advisory Panel the opportunity to be **inclusive and diverse**, accurately reflecting the diversity of the Hamilton Two-Spirit and LGBTQIA+ community. Many argue that the **presence of intersecting identities and life experiences** is necessary. This includes a diversity of ages, including both youth and seniors. Many participants believe that multiple members of the panel should be **Black, Indigenous, and people of colour**. Gender diversity is a priority. The panel should include **men, women and non-binary** members, **transgender** and **cisgender** members, and be inclusive of **intersex** Hamiltonians. **Socio-economic diversity** is also important, so the panel should be inclusive to low-income community members; some participants suggest that at least one person who has experienced homelessness should be included. Other participants say that **individuals with disabilities** should be included on the Community Advisory Panel.

“Lived experience and intersectional identities continues to be important. Education isn’t everything – expertise can come from a lot of places and we need space for those growing into leaders as well (such as young folks).”

While participants express a clear desire for professional experiences in a facilitator in Question 1, for the Community Advisory Panel, there is broad agreement that panel members' life experience is more important than educational or job qualifications. Still, some participants prefer that panelists have some **experience working with marginalized communities**. Participants also reference a few skills that they would like the members of the Community Advisory Panel to have. Several participants say **negotiation and communication skills** are important. Other participants assert that **open-mindedness** is necessary. A number of participants believe that members of the panel must be **knowledgeable about issues faced by the Two-Spirit and LGBTQIA+ community** in Hamilton.

Issues and Concerns

Question 3: Please identify any issues or concerns which you feel should be key priorities for the Hamilton Police Service.

Participants offer a clear message that deep changes are required within the Hamilton Police Service. The foremost issue identified as a priority for this process is **police neglect of their duty to protect members of the Two-Spirit and LGBTQIA+ community**. Multiple respondents state that they have witnessed police stand by rather than stand up for community members. Participants seek police protection from physical and verbal violence, including from homophobic and transphobic aggression.

“Hate crimes. Interference by counter protesters at our community gatherings/protests. Police must take action to keep counter-protesters at a distance, not just stand by.”

Another issue that participants want addressed is **bias in policing**. Several participants articulate the view that **hate groups** that perpetrate violence against Two-Spirit and LGBTQIA+ community members are given **too much leniency** by the Hamilton Police. Participants report witnessing criminal behaviour by homophobic and transphobic activists that has gone unaddressed by police. Several participants want the Hamilton Police Service to take reports of **hate crimes** more seriously.

“They must start listening to our concerns. They also need to distance themselves from right wing groups, such as the Yellow Vests. They need to purge those officers who do not understand that “to serve and protect” applies to all citizens.”

Many participants want to engage the issue of **oppressive behaviour** within the Hamilton Police Service. These participants are concerned about **homophobic comments** made by members of the Hamilton Police Service in recent memory, including from a former Chief of Police. A few participants share their concerns about **police violence** against members of the Two-Spirit and LGBTQIA+ community in Hamilton, claiming that changes are needed to prevent such instances of brutality from occurring again.

“Naming and working to end racism, heterosexism, cis-sexism, sexism within the ranks of HPS. These dangerous attitudes should not be normalized and shrugged off.”

Many participants express an **intersectional understanding of the Two-Spirit and LGBTQIA+ community**, acknowledging that community members belong to any number of marginalized groups that experience bias in policing. They believe that police culture is **non-inclusive** along several dimensions that should be addressed. For example, participants feel that **racism in policing**, especially racial profiling and the practice of “carding,” were major concerns that should be addressed in this process. In addition, **police treatment of individuals with mental illness** is raised by several participants as a relevant issue.

“Police do not handle mental health crises of Q/T [queer and trans] folks well.”

Numerous participants express concerns about **police treatment of those without housing** in Hamilton, particularly the destruction of “tent cities” by Hamilton Police Service.

Hamilton Police Service should be “helping...lgbtq youth who are disproportionately homeless.”

Participants want to see deep changes within Hamilton Police Service, with many arguing for **police reform**. A prominent concern is one of **increased accountability**. Many participants would like to see Hamilton Police Service **publicly acknowledge** their history of mistreating Two-Spirit and LGBTQIA+ Hamiltonians, as well as for individual **police officers to be held accountable** for their actions. For example, some participants want Hamilton Police Service to terminate the employment of any officer who has made homophobic comments in the past. Others would like to see the development of an independent process to **address misconduct** within the organization. Some believe that it would be beneficial to **hire more officers** who are members of the Two-Spirit and LGBTQIA+ community.

Many participants recommend a program of **education of police officers** to increase their knowledge of the Two-Spirit and LGBTQIA+ community and its history. For some participants, a **university degree** should be established as a required credential for all police officers. For others, education should take the form of a mandatory **sensitivity training course**. Several participants argue for training in skills such as **de-escalation techniques**. Some suggest a program to teach officers about the **historical context of police oppression** and mistreatment of marginalized communities.

“I don’t trust the police at all...Defund them and reallocate funds to proper programs that actually serve and protect people. Not create fear and anxiety.”

Many participants are in favour of **resource reallocation** away from Hamilton Police Service to other organizations. **Defunding** of the Hamilton Police Service is a common thread that

emerges throughout the survey. Several participants think that some **responsibilities should be removed from police** altogether. Several participants assert that resources should be reallocated into **existing community programs** that serve the Hamilton Two-Spirit and LGBTQIA+ community. Some participants make the case that a **complete deconstruction of contemporary policing** as a societal practice is necessary.

Healing and Trust-Building

Question 4: What do healing and trust-building look like?

Participants have many different ideas about what healing and trust-building look like. Many of these responses express similar themes, with one idea in particular rising to prominence: **accountability**. In fact, some participants use only this one word to express their thinking on this matter. Others elaborate, such as those who argue for the **public acknowledgement** of historic oppression, including specifically Hamilton Police Service's history of causing harm to members of the Two-Spirit and LGBTQIA+ community.

“Acknowledgement of the specific harm caused to the community by HPS's neglect, intimidation, targeting of, and violence towards our community members over decades; acknowledgement of specific harm caused by stereotyping members of the community over decades; willingness to listen to and respect our experiences, concerns, and wishes; committing time and resources to thorough and detailed education about 2S and LGBTQ+ realities by qualified and non-divisive members of our community.”

Many articulate that trust building is a **long-term process** that depends on a pattern of behaviour by the Hamilton Police Service. Numerous participants express the belief that healing and rebuilding trust are going to take a long time because of the deep mistrust of police that exists currently within the Two-Spirit and LGBTQIA+ community. For several participants, this work includes long-term commitments to **dialogue**.

“Trust will only come with time and proven action!!!... I've seen enquiries into issues, but I've not seen the kind of commitment that is required by police... **SHOW ME THAT [YOU ARE] SERIOUS!**”

Participants argue that **listening and learning** are crucial aspects of healing and building trust with the Hamilton Two-Spirit and LGBTQIA+ community. Many members of this community express the desire to be heard, arguing that it is Hamilton Police Service that should do the listening and learning. A smaller number say that they are also willing to listen to the perspectives of police.

“I think there will have to be opportunities to communicate, including small formats and even one-on-one conversations.”

As important as dialogue is to this process, community members are clear that talk is not sufficient. Many participants share the view that healing requires **concrete action** rather than **symbolic gestures**. Some participants caution that performativity or empty promises are much easier to engage in than **meaningful policy changes** or **deep reforms**.

“They [HPS] need to pay up for the damages they caused the community and formally remove themselves from all things Hamilton 2SLGBTQ+. Years of dismantling the systemic abuse of power and the need to release all past records in order to start to build a new path forward, we cannot skip to reconciliation without publicly owning in great detail past wrongs.”

One form of concrete action mentioned repeatedly is **disciplinary action** for police officers who mistreat members of the Two-Spirit and LGBTQIA+ community. Several participants share the concern that Hamilton Police Service fosters a **culture that is too tolerant of homophobia and transphobia** among police officers, which forms a barrier to healing. Many participants

envision a police culture that offers **support and allyship** for the Two-Spirit and LGBTQIA+ community in Hamilton. They would like to see Hamilton Police Service **advocate** for the needs of Two-Spirit and LGBTQIA+ Hamiltonians and **develop programs** that empower community members. Some want increased community participation by **off-duty and out-of-uniform police**.

“Many people in the 2SLGBTQIA+ community do not feel safe around any police, this is not specific to the Hamilton Police Service. A priority to rebuild broken relationships could be to engage in the community out of uniform/not during work hours. This would show the community that members of the police are dedicated as individuals to see improvement, rather than being forced to show up at the demand of their superior officer.”

Finally, many participants argue that the **re-allocation of financial resources** is key to healing and building trust. Participants state that they would like to see police financial resources being redirected into community organizations that support the Two-Spirit and LGBTQIA+ community in Hamilton.

Healing looks like “defunding police services by placing surplus into housing and a queer and trans community centre. Generally, leave us alone if you’re not showing up to protect us...Don’t be surprised if two-spirit, queer, and trans folks do not wish to ever engage with HPS.”

Comments and Suggestions

Question 5: Finally, do you have any further comments or suggestions that you would like to share?

Several useful comments and suggestions are included in this section. For example, some participants suggest that Hamilton Police Service should **financially compensate** members of the Community Advisory Panel. This would be taken as a gesture of appreciation for members' time and expertise. In addition, it would create a **more inclusive space for low-income members** of the Two-Spirit and LGBTQIA+ community to participate.

“I think the HPS has had quite enough free labour from the queer community. No need for us to be reliving trauma with them yet AGAIN. They need to do their own work and homework first...If you ask members of the community to advise you, I hope you pay them for their time.”

Several participants argue for Hamilton Police Service's targeted hiring of members of the Two-Spirit and LGBTQIA+ community to increase the **diversity of the police force** along these dimensions.

A number of participants express their encouragement to Hamilton Police Service to **be open to criticism** from the Two-Spirit and LGBTQIA+ community, both through the results of this survey and in future community engagement, as a path to improved relations.

Several participants use this space to convey their concern that their feedback on this survey will not be seriously considered. Numerous participants share the perspective that the Two-Spirit and LGBTQIA+ community in Hamilton **should not engage** in this process. This view asserts a lack of trust that any process can improve relations between the Hamilton Police Service and this community.

“Hamilton Police have shown that they unfortunately cannot be trusted. Engaging with communities cannot be done successfully, safely or effectively by the Hamilton Police.”

CONCLUSION

This survey provided an opportunity for members of the Hamilton Two-Spirit and LGBTQIA+ to express their thoughts on particular aspects of the process of repairing community relations with Hamilton Police Service. Although many diverse opinions were expressed, community responses did coalesce in significant ways. This report summarizes the main themes found within the responses to the survey. For example, a strong voice to have a facilitator (or multiple facilitators) be a highly qualified professional who is a member of the local Hamilton Two-Spirit and LGBTQIA+ community is expressed. Similarly, the call for assembling a diverse panel of Hamiltonians to comprise the Community Advisory Panel is clear.

There is broad agreement that both historic and current practices by Hamilton Police Service that have negative impacts on the Two-Spirit and LGBTQIA+ community should be acknowledged, and both individuals and the broader culture of policing should be held accountable. The sentiment that reforming policing of the Two-Spirit and LGBTQIA+ community is inextricable from projects of ending police oppression of marginalized communities is a clear message. Many advocate for specific reforms, including targeted hiring of members of the Two-Spirit and LGBTQIA+ community, disciplinary actions for harmful police behaviour, and the reallocation of police resources to community organizations. An emphasis on listening, learning, and accountability are key takeaways from participants. Finally, some express a skepticism about the possibility for real reform; however, many make it clear that they would be convinced by concrete actions over the long term.