

**2004
update**

Trans People in the Criminal Justice System

A guide for criminal justice personnel

Any piece of writing is reflective of the time in which it is written. Between the time this manual was written and the date of its publication, there were several important changes to the legal system in BC, new legal precedents relating to trans rights, and significant changes to trans groups (with some folding and others starting). While the material will inevitably continue to date as time progresses, we felt it was important to provide a factsheet at the time of publication, so criminal justice personnel have access to the current and accurate information.

As of March 2004:

- Page 13:** Same-sex marriage is now legal in BC. Transsexuals who are legally married can therefore now obtain a change in legal sex designation (from F to M or vice versa).
- Pages 18-20:** The BC Human Rights Commission no longer exists. The BC Human Rights Tribunal is now the sole body responsible for receiving and adjudicating complaints of breaches of the *BC Human Rights Code*. To apply for employment equity exemptions (page 19), organizations must apply to the Chair of the BC Human Rights Tribunal. For more information, see <http://www.bchrt.bc.ca/>
- Page 19:** In December 2003, the BC Supreme Court overturned the 2002 BC Human Rights Tribunal ruling that it is discriminatory to exclude male-to-female transsexuals from volunteering at a women-only rape crisis service. The BCSC decision is being appealed.
- Page 23:** The process for a legal change of name has changed. The notice of intention to change name is no longer posted in public newspapers; instead, the completed Vital Statistics forms are taken to a police or RCMP unit, where the applicant is fingerprinted. After the legal name change is complete, the fingerprints are forwarded to the RCMP in Ottawa to conduct a criminal record check and update the criminal record with the new legal name.
- Page 33:** Dale William Eliaison was found guilty of manslaughter for killing Fay Paquette, and sentenced to seven years in prison. Although the case was not prosecuted as a hate crime, Justice Peter Rogers rejected the defendant's claim of self-defence, and stated that in his opinion the attack was motivated by Eliaison discovering Paquette was a transsexual. Eliaison has filed an appeal.
- Page 37:** While the BC government has pledged to fund and support the BC Hate Crime Team, as a result of cuts to funding the Team has not been able to publish annual reports documenting hate crimes.¹ As of January 2004, reports of hate or bias crimes are coordinated through VictimLINK, 604-660-2659 or 1-800-563-0808 (the same number as in the manual for the BC Hate Crime Team).

Page 44: In June 2003, the Transgender Health Program was launched by Vancouver Coastal Health. This program can provide assistance to criminal justice personnel seeking health information or referrals relating to the care of a trans inmate. For further information, call 604-734-1514 or 1-866-999-1514, or email transhealth@vch.ca

Pages 59-60: The Rainbow BC list no longer exists. A list of trans-friendly lesbian/gay/bisexual groups is now posted at <http://www.vch.ca/transhealth/resources/directory/subjects/lgbq.html> There have been several changes to BC trans organizations. The list below is current as of March 2004; see <http://www.vch.ca/transhealth/resources/transgroups.html> for a fully current list and for further information about each organization.

Province-wide:

- BC FTM Network (chapters in Nanaimo, Nelson, Powell River, Vancouver, Victoria):
Tel. 604-254-7292 or 604-255-2313; Email bcftmnetwork@off-gridsolutions.ca
- Trans Alliance Society: Tel. 604-684-9872, Ext. 2044;
Email communications@transalliancesociety.org
- Transgender Health Program: Tel. 604-734-1514 or 1-866-999-1514;
Email transhealth@vch.ca

Lower Mainland:

- Cornbury Society: Tel. 604-622-6274; Email info@cornbury.org
- Vancouver Girls' Night Out: Tel. 778-388-9568; Email vango-owner@yahoo.com
- Women/Trans Dialogue Planning Committee: Email twobyfourboy@yahoo.ca

Victoria:

- Transcend Transgender Support & Education Society: Tel. 250-413-3220;
Email transcend@islandnet.org
- Transgender Legal Education and Advocacy Foundation: Email tleaf@shaw.ca
- Zenith Foundation: Tel. 250-598-9711; Email audrey.s@shaw.ca

Interior:

- Kootenay Trans Network: farmgirl_megs@yahoo.ca

North:

- Muliebrey: Tel. 250-614-1529; Email pangarune@shaw.ca

Pages 61-73 Some of the internet citations, resources, and recommended reading materials have moved or are no longer available. Contact Trans Alliance Society (communications@transalliancesociety.org) if you are having difficulty locating a particular reference.

¹ Canadian Jewish Congress (2004). *Premier and Solicitor General pledge support for the provincial tool to combat hate crimes*. Vancouver: Author. Retrieved March 14, 2004 from <http://www.cjc.ca/ptemplate.php?action=news&story=626>