

**Redfern
Legal
Centre**

The Need for Reform: Strip Searches of Children by NSW Police

For the period 2016–2023

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Executive Summary

In New South Wales, over seven years (from July 2016 to June 2023), a total of **1,546 children** were subjected to an invasive strip search by NSW Police. This is an average of 220 children each year.

With the underreporting of strip searches by NSW Police, this number could be just the tip of the iceberg.¹

Strip searches require children to remove clothing without their consent and to stand naked in front of one or two police officers. The searches occur on the street, within a tent or cubicle, in the back of paddy wagons and at police stations.

Over half of all strip searches of children occurred within police stations, 53.29% (824 cases), while the remaining 46.71% (722 cases) occurred in public (known as in the field).

The youngest child recorded by NSW Police subject to a strip search was a **10-year-old** in 2017/18.² Two **11-year-old** First Nations boys were strip searched in 2017 and 2019. In 2023, the youngest children to be strip searched were **12-year-olds** (4 girls and one boy).

The youngest females to undergo a search were **12 years old**, including eight First Nations female children (3 in 2023, 2 in 2020 and 3 in 2017) and one non-First Nations female child (1 in 2023).

First Nations children made up almost **45 per cent** of children strip searched despite being only 6.2 per cent of the population aged 10-17 in New South Wales.

The most recent statistics for the 2022/23 financial year show an **increase of over 50%** in strip searches of girls from the previous year.

Strip searches in New South Wales have become routine and often do not meet the required legal thresholds.

The effects of these searches are lasting, leading to trauma, shame, embarrassment, and a fear of police.

They also infringe on a child's fundamental human rights, as they involve depriving the child of their liberty and requiring them to remove their clothing and expose their intimate body parts to an adult police officer.

Redfern Legal Centre (RLC) has advocated for change in the law and practices related to strip searches in New South Wales for almost a decade. In that time, hundreds of children have continued to be subjected to the invasive and often traumatic procedure. Significant change is needed.

RLC is calling for an immediate change to New South Wales law and police policy to ensure better protections for children.

¹ Law Enforcement Conduct Commission, *Inquiry into NSW Police Force Strip Search Practices* (December 2020) 10–12 <<https://www.lecc.nsw.gov.au/pdf-files/inquiry-into-nsw-police-force-strip-search-practices>>.

² Dr Michael Grewcock and Dr Vicki Sentas, 2019, 'Rethinking Strip Searches by NSW Police' University of New South Wales – Law', p. 26, which provides that one 10-year-old child was strip searched in 2017/18.

About this report

This report collates and analyses data obtained from NSW Police via access to information laws. The report is also informed by the ongoing strip search legal case work RLC has undertaken.

The unlawful use of strip searches

Many clients of RLC have instructed that immediately after police have stopped them, based on drug dog detection, they are taken straight from that suspicion to a place for a full body strip search. This practice is unlawful. It is unlawful because the police officer has failed to consider reasonable suspicion, the hierarchy of available searches, and the legal requirement to conduct the least invasive search.³

Most strip searches yield no discovered items, and in cases where drugs are found, they typically involve minor possession.⁴ The use of a strip search for minor drug possession does not meet the high legal threshold required to conduct a strip search.

Strip searches were never intended for minor drug possession. Strip searches should only be used in situations deemed "serious and urgent" enough to warrant such measures.⁵ Yet, in New South Wales, the practice of strip searches has become routine.

Before even considering subjecting a child to a strip search, police must first be satisfied they have reasonable grounds to stop, search and detain the child (s.21 LEPR).

NSW Police Drug Dog Standard Operating Procedures clearly states that a drug dog's indication is not a reason to search but only a reason to question.

When considering searching, an officer must consider the hierarchy of searches available within LEPR.

Even if an officer decides a general search is required on the basis the legal threshold for a search has been met, the Law Enforcement Conduct Commission (LECC) has made it clear this does not mean the officer can then move from a general search to a strip search⁶.

A strip search requires an officer to turn their mind to a very high legal threshold of "serious and urgent", which is not met merely by suspecting a child has a small quantity of drugs.

The law and its intent

The law in New South Wales

The *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) (LEPR) allows police officers to strip search children aged between **10 and 17 years old**.⁷ Unlike a general search, a full body strip search requires the child to remove all clothing. Police can search a child's breasts and genitals if the officer suspects on reasonable grounds it is necessary.⁸

The legal threshold to conduct a strip search is the same for children as it is for adults.

³ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) s 33(5) and (6)

⁴ *Ibid.*

⁵ *Ibid* p 22.

⁶ Law Enforcement Conduct Commission, December 2020, Final Report, Inquiry into NSW Police Force strip search practice.

⁷ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) ss 33(3), (3A).

⁸ *Ibid* 232(6)

Although police are not allowed to search a cavity during a strip search, clients of RLC have described being directed to squat. At the same time, an officer visually inspects the anus or vagina.

The only specific safeguard for children within the Act is that a child under ten cannot be strip searched⁹. The Act also requires that a support person accompany a child during a strip search. But police can bypass this requirement if police suspect on reasonable grounds that delaying the search will result in evidence being concealed or destroyed, if an immediate search is necessary to protect the safety of a person¹⁰, or if it is not reasonably practicable to obtain a support person.¹¹

Strip searches of children can be conducted at a police station or other place of detention¹² and in the field (outside a police station).¹³ The search is to be performed by an officer of the same sex as the child being searched.¹⁴

There is a higher legal threshold that the police must meet to conduct a strip search outside of a police station or place of detention.¹⁵

To conduct a strip search in the field (outside a police station), an officer must have reasonable grounds to suspect that a strip search is necessary for the search and that serious and urgent circumstances make it necessary. At a police station, officers only need to have regard to whether the strip search of a person in custody is necessary for the purpose of the search.¹⁶

The purpose of a strip search

In the report 'Rethinking Strip Searches by NSW Police' written by Dr Vicki Sentas and Dr Michael Grewcock, it states:

*The purpose of a strip search is to avert emergencies or imminent risks of serious harm. Parliament's intent was that strip searches be used as a last resort and in exceptional circumstances:*¹⁷

The New South Wales police watchdog, the LECC, investigated strip search practices by the NSW Police Force (NSW Police).¹⁸ The report notes a hierarchy of searches available to police, which police must utilise before deciding that a strip search is necessary. The report states:

⁹ Ibid at s 34

¹⁰ Ibid at s 33(3A)

¹¹ Ibid s 33(2)

¹² Ibid s 31(a).

¹³ Ibid s 31(b).

¹⁴ Ibid s 33(1)(b)

¹⁵ Ibid, provides that where a strip search is carried in public, the test includes 'necessary for the purposes of the search and that the seriousness and urgency of the circumstances make the strip search necessary'.

¹⁶ Ibid s 31(a) & (b)

¹⁷ Dr Michael Grewcock and Dr Vicki Sentas, 2019 (n 1), p 5.

¹⁸ Law Enforcement Conduct Commission, December 2020, Final Report, Inquiry into NSW Police Force strip search practice.

The requirement that an officer suspects on reasonable grounds that a strip search is necessary for the purposes of the search must be read alongside the requirement in s 32(5) that an officer must conduct the least invasive kind of search practicable in the circumstances.¹⁹

The LECC report also recognises that even if a police officer is satisfied that a general search is required (a search conducted with clothes on but outer clothing can be removed such as coats, jumpers, hats, and socks), that does not justify then moving to a strip search, even if nothing is found during a general search.

Unfortunately, LEPPRA does not define 'necessary' or 'serious and urgent'. But the LECC report notes:

The use of the word 'necessary' in s 31 means it is not enough that the officer suspects that it would be prudent to conduct a strip search of the person, for example, to just check they are not in possession of anything prohibited or dangerous. Merely prudential strip searches, whether in the field or in the police station, are unlawful.²⁰

The lasting impact of strip searches

Trauma, shame, and embarrassment

Strip searching children can leave lasting harm and trauma.

The youngest recorded child strip searched by NSW Police was only ten.²¹ A 10-year-old child is usually in grade four in primary school.

The report prepared by Dr Grewcock and Dr Sentas about strip searches by NSW Police states:

Strip searches carry foreseeable risks of harm to those searched. Risks of harm are particularly heightened in relation to children, women and vulnerable people including First Nations peoples and people with mental and cognitive disability. Strip searching has been found to trigger prior experiences of trauma and abuse and can generate harmful psychological conditions including PTSD. For young people and those who have suffered trauma, the long-term impacts of strip searching on identity formation and wellbeing can be significant.¹⁰

The traumatic impact of strip searches on children is also highlighted in the report on the NSW Police Force strip search practice by the LECC¹¹. In this report, Dr Susan Pulman, a forensic neuropsychologist, notes that a strip search can re-traumatise children. As she states:

¹⁹ Ibid p 41

²⁰ Ibid p 40.

²¹ Ibid 26, which provides that one 10-year-old child was strip searched in 2017/18.

The experience of being strip searched can be humiliating and distressing and has the potential to re-traumatise children and young people who have been sexually abused. Children and young people subjected to these searches may suffer trauma, anxiety, fear, shame, guilt, powerlessness and stress.¹²

Many clients of RLC have expressed this trauma while providing details about the incident. Most clients, no matter what gender, often are in tears describing the strip search. Several clients carried the details around for years without telling anyone because not only did they feel ashamed but embarrassed that police searched them for minor drug possession. This embarrassment exists even if no drugs are found.

Numerous strip searches occur in open spaces. Some spaces are cordoned off to the public like a tent. The level of privacy provided by a tent is minimal. Clients say they feel embarrassed because other people see them or a silhouette of their body, and others can hear them ordered to take off their clothes. This lack of privacy adds to the feeling of being punished and humiliated.

Strip searches that occur at a police station have their own concerns and humiliation attributes because they often happen in an open space within custody management and with only the police present. The child in this circumstance is isolated, highly vulnerable, and up against a significant power imbalance.

Clients of RLC have reported that male police officers have been present or walked past when strip searches of female children are occurring.

Fear of police

Clients of RLC report that undergoing a strip search has caused significant pain and distress. They express a reluctance to contact police even in a situation of danger due to the distrust and fear stemming from the strip search experience. Additionally, clients say encountering police after a search induces a fear response, including heightened heart rates and shaking.

The Deputy State Coroner, Harriet Grahame, in her report into the deaths of six young people at music festivals in 2019, echoed the idea that widespread strip searches foster distrust and fear of the police. In her findings, the Deputy Coroner concluded that the use of strip searches by NSW Police was exacerbating panic drug consumption and posing risks to young people.²²

Strip searches used to intimidate

The young people RLC supports characterise strip searches as acts of punishment and intimidation. They report that police officers often display aggression and hostility from the outset of the search and do not believe them when they assert, they do not possess any drugs.

According to many clients, police officers conducting strip searches begin the search with the assumption that the individual has committed wrongdoing and is not telling the truth.

²² Coroners Court New South Wales, 'Inquest into the Death of Six Patrons of NSW Music Festivals' (Web Page, 2 April 2023) <https://coroners.nsw.gov.au/coroners-court/download.html/documents/findings/2019/Music_Festival_Redacted_findings_in_the_joint_inquest_into_deaths_arising_at_music_festivals_.pdf>.

Children come from all backgrounds

We don't know the number of children subjected to a strip search who have also experienced child sexual abuse or domestic violence. We also don't know how many children with an intellectual or physical disability or a mental health condition have been strip searched and the impact the search has had on them.

A client that RLC assisted, who has publicly shared her story, was sexually assaulted a year before being subjected to a strip search by NSW Police. She has spoken about how the strip search was re-traumatising and made her feel "completely helpless" and "scared". She was taken straight out of a concert line to a cubicle and directed to strip naked and stand facing a wall despite. Nothing illegal was found. However, her concert ticket was confiscated, and she was directed out of the festival and told to leave.

After the strip search

An aspect of a strip search that is often overlooked is what happens after the search has taken place. Many children describe being in shock, shaking and crying uncontrollably. Police then release them without any support or means of getting home.

Clients have described incidences at music festivals where police remove them from the festival line, take them away from their friends, and confiscate their mobile phones. After being subjected to a strip search and nothing found, police take away their concert ticket, issue them with a ban from the area and then physically march them out of the venue with instructions to keep their hands by their sides and ordered to leave the area.

The child is left in shock and alone, often at a fair distance from home.

The rights of children

United Nations

Australia is a signatory to the United Nations *Convention on the Rights of the Child*.²³ As a signature, the Australian Government and its agencies are committed to upholding the rights of children established in articles and protocols. Under the *Convention*, children have a right to privacy and body integrity. The practice of strip searching denies children of these integral standards. Article 16 provides that no child shall be subject to arbitrary or unlawful interference with their privacy.²⁴

The United Nations *Declaration on the Rights of the Child* ²⁵ also recognises that a 'child, because of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth'.²⁶

²³ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577, UNTS 3 (entered into force 2 September 1990).

²⁴ *Ibid* arts 2, 3(1)– (2), 16(1)– (2), 19(1)– (2).

²⁵ *Declaration of the Rights of the Child*, GA Res 1386 (XIV), UN Doc A/4354 (20 November 1959).

²⁶ *Ibid*.

Protections for children with an intellectual disability

The only protection afforded to children with special needs is in LEPRA ss 33(3). Section 33(3) requires a strip search of a child with 'impaired intellectual functioning' to be conducted in the presence of a parent or guardian or a support person.

But under section 33(3A), this safeguard can be dispensed with if the police officer suspects on reasonable grounds that a delay in the search is likely to result in evidence being concealed or destroyed or an immediate search is necessary to protect the safety of a person. If section 33(3A) is utilised, the police officer who used the power to conduct the strip search must record the reasons for not performing the search in the presence of a parent or guardian or another person.

Recommendations

Recommendation 1

The NSW Government immediately pause the strip searching of children until LEPRA and NSW Police Personal Searches Standard Operating Procedures be amended to prevent the strip searching of children.

Recommendation 2

The NSW Government amend LEPRA in line with the Commonwealth and Australian Capital Territory legislation²⁷ so that a child between the ages of 10 and 17 years old and persons incapable of managing their affairs can only be strip searched if the person has been arrested and charged with an offence, or if a court orders that a strip search be conducted. Concerning both circumstances, LEPRA should be amended to add the criteria that children under 18 should not be strip searched unless genuine child protection grounds exist, specifically to protect a child from harm.²⁸

Recommendation 3

Police should make a record of the reasons why a child was strip searched on child protection grounds, after obtaining a court order or after charging the child with an offence. It should be mandatory for an adult, independent of police or other government agencies, to be present during the search.

Recommendation 4

Any law, policy and procedures that allow for the strip searching of a child between 10 and 17 years old be subject to the *National Principles for Child Safe Organisations*.¹⁶

Key Findings

To prepare this report, RLC obtained statistics via access to information laws from NSW Police for the seven years between July 2016 and June 2023. The statistics are of children aged 10 to 17 years old who were strip searched at police stations and in public. The critical findings for NSW are outlined below.

²⁷ *Crimes Act 1900* (ACT) s 228(1)(f); *Crimes Act 1914* (Cth) s 32(1)(f).

²⁸ These recommendations are outlined in Grewcock and Sentas (n 1) 8–9.

Data inconsistencies

RLC noticed inconsistencies between the data obtained from NSW Police on 9 November 2023 and 6 December 2023 and the data obtained on 8 September 2023, 17 and on 16 May 2019.

RLC sought clarification about this from the NSW Police InfoLink Communication Services Command and was informed in writing that the 'Policing System Data' is not static and is dynamic. Numerous factors can result in changes to previously provided data despite the same method of data extraction being utilised'.¹⁹

The dynamic nature of this data affects the analysis of strip searches by reflecting only the number and breakdown of strip searches at a specific moment in time. This issue underscores concerns regarding the current data extraction method from the NSW Police data system, COPS.

Total number of searches

- A **total of 1,546 children** were strip searched by the NSW Police Force between 2016/17 and 2022/23.
- More than half of child strip searches occurred at police stations 824 (53.29%), and 722 (46.71%) occurred in public.
- There was a dramatic decline in the number of children strip searched between 2019/20 and 2021/22. This was presumably because of the COVID-19 lockdown. However, the number of children strip searched increased in 2022/23.

Age

The age group with the highest number of strip searches were 17-year-olds, which represented 43.08% (666) of all children strip searched.

In data obtained in 2023, the youngest children recorded being strip searched were two 11-year-old First Nations males in 2016/17 and 2018/19. But in data obtained in 2019, the youngest child recorded being strip searched was a 10-year-old in 2017/18.²⁹

The youngest female children to be strip searched were 12 years old. They included nine First Nations female children and one non-First Nations female child.

First Nations Children

First Nations children represented 44.57% (689) of all children strip searched, despite representing only 6.20% of the New South Wales population aged 10–17.³⁰

First Nations children are strip searched at a younger age compared to non-First Nations children and at a greater rate between the ages of 11 to 15 years old.

First Nations male children represented 43.55% (500) of all male children strip searched, despite representing only 6.57% of the New South Wales male population aged 10–17.³¹

First Nations female children represented 47.48% (189) of all female children strip searched, despite representing only 6.65% of the New South Wales female population aged 10–17.³²

²⁹ Grewcock and Sentas (n 1) 26, provides that one 10-year-old child was strip searched in 2017/18.

³⁰ Australian Bureau of Statistics (2021) Age (AGEP) and Main Statistical Area Structure (Main ASGS) (UR) by Indigenous Status (INGP) [Census TableBuilder], accessed 13 December 2023.

³¹ Ibid.

³² Ibid.

First Nations children represented 51.69% (426) of children strip searched in police custody and 36.42% (263) of children strip searched in public.

Between 2019/20 and 2022/23, the number of First Nations children strip searched was on par with the number of non-First Nations children strip searched.

Items found

- The data reveals that the younger the child is, the less likely an item will be found. The age group with the lowest number of children strip-searched with an item found were the 11-year-olds, representing <1% (1) of all children strip-searched with an item found.
- Children aged 16 to 17 had a higher percentage of items found than 15-10-year-olds. The percentage of items found in this older age group was still relatively low: 30 to 45 per cent, respectively.
- The age group with the highest number of children strip-searched with an item found was 17-year-olds, representing 45.16% (140) and is the age group with the highest number of children strip-searched.
- The data does not provide a breakdown of the items found on children or whether a successful prosecution was linked to the items found. But what we do know from previous data collated about strip searches is that few strip searches result in a charge for drug supply and even fewer for possession of a weapon.³³

Location

Data was not obtained about the location of strip searches conducted on children. However, previous data obtained by RLC on location for all strip searches shows several strip search 'hot spots': Sydney, Sydney Olympic Park, Surry Hills, Moore Park, and Parramatta. In regional areas, the 'hot spots' are Dubbo and Taree.³⁴

Gender

Male children represented 74.25% (1,148) of all children strip searched.

Female children represented 25.75% (398) of all children strip searched.

In 2022/23, strip searches of female children increased by more than 50%, and strip searches of male children remained stagnant.

³³ Ibid at pp 27-29.

³⁴<https://rlc.org.au/news-and-media/media-releases/dramatic-rise-police-strip-searches-aboriginal-and-torres-strait-islander-people-during-covid-19>

APPENDIX

APPENDIX: The Statistics

1. Total children strip searched

There was a total of 1,546 children strip searched by the NSW Police Force between 2016/17 and 2022/23.

17-year-olds represented the highest number of children strip searched, 43.08% (666).

The year with the peak number of strip searches was 2017/18.

There was a dramatic decline from 2019/20–2021/22 (COVID-19 lockdown), with a 0.26% increase from the prior year in 2022/23.

17-year-olds represented the highest number of children strip searched, 43.08% (666).

The year with the peak number of strip searches was 2017/18. There was a dramatic decline from 2019/20–2021/22 (COVID-19 lockdown), with a 0.26% increase from the prior year in 2022/23.

The total children strip searched by gender: Male children represented 74.25% (1,148) of all children strip searched. Female children represented 25.74% (398) of all children strip searched.

Table 1: Total children strip searched

Age	2017	2018	2019	2020	2021	2022	2023
10	0*	0	0	0	0	0	0
11	1	0	1	0	0	0	0
12	4	1	0	2	0	0	5
13	7	7	11	1	2	0	6
14	26	22	22	12	14	7	9
15	54	70	52	34	19	20	15
16	97	125	101	46	45	17	25
17	134	177	159	83	43	41	29

* Statistics obtained from NSW Police in 2019 recorded 10-year-old for 2017/18-Grewcock and Sentas (n 1) 26.

Chart 1: Total children strip searched by age

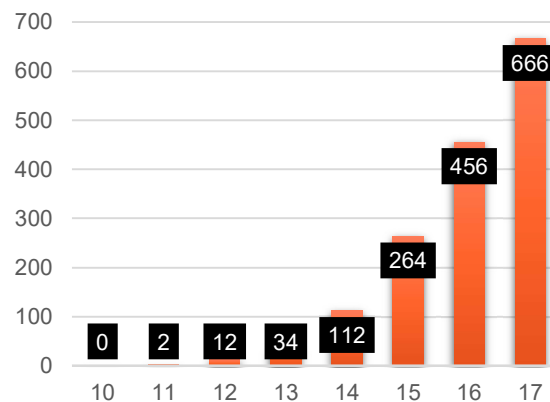
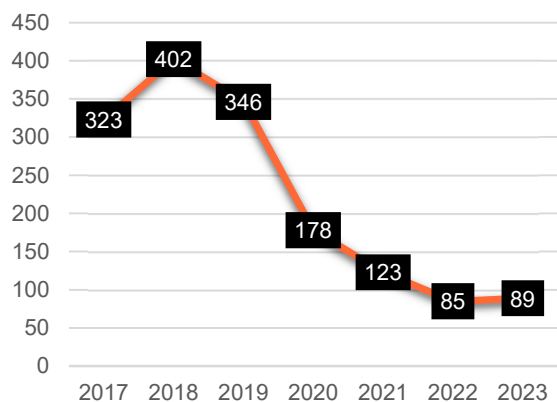
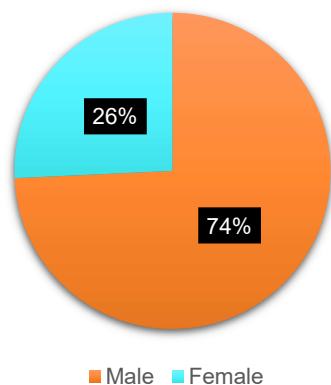


Chart 2: Total children strip searched by year**Chart 3: Total children strip searched by gender**

1.1 Male children strip searched

There was a total of 1,148 male children strip searched by the NSW Police Force between 2016/17 and 2022/23.

17-year-old males represented 44.69% (513) and is the age group with the highest number of male children strip searched. Followed by:

16-year-olds, 30.66% (352)

15-year-olds, 16.20% (186)

14-year-olds, 6.36% (73)

13-year-olds, 1.66% (19)

12-year-olds, 0.26% (3)

11-year-olds, 0.17% (2)

10-year-olds, 0.00% (0)³⁵

The year with the peak number of male children strip searched was 2017/18. There was a dramatic decline for 2019/20–2021/22 (COVID-19 lockdown). Years by number of searches:

2016/17, 241 (20.99%)

2017/18, 302 (26.31%)

2018/19, 262 (22.82%)

2019/20, 119 (10.37%)

2020/21, 101 (8.80%)

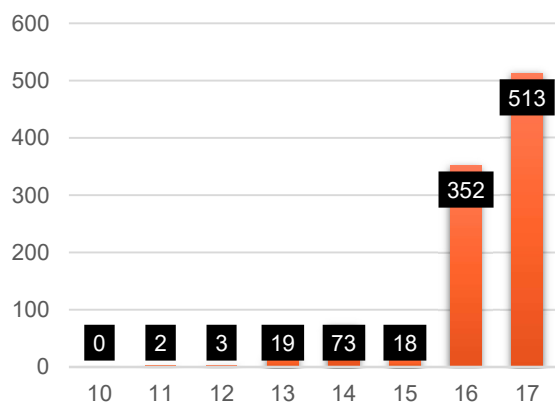
2021/22, 65 (5.66%)

2022/23, 58 (5.05%)

Table 2: Male children strip searched

Age	2017	2018	2019	2020	2021	2022	2023
10	0	0	0	0	0	0	0
11	1	0	1	0	0	0	0
12	1	1	0	0	0	0	1
13	4	5	8	1	1	0	0
14	18	12	14	7	11	5	6
15	34	50	40	27	14	12	9
16	76	96	78	28	38	14	22
17	107	138	121	56	37	34	20

³⁵ Ibid, which provides that one 10-year-old child was strip searched in 2017/18.

Chart 4: Male children strip searched by age³⁶

2019/20, 59 (14.82%)

2020/21, 22 (5.53%)

2021/22, 20 (5.03%)

2022/23, 31 (7.79%)

Table 3: Female children strip searched

Age	2017	2018	2019	2020	2021	2022	2023
10	0	0	0	0	0	0	0
11	0	0	0	0	0	0	0
12	3	0	0	2	0	0	4
13	3	2	3	0	1	0	6
14	8	10	8	5	3	2	3
15	20	20	12	7	5	8	6
16	21	29	23	18	7	3	3
17	27	39	38	27	6	7	9

1.2 Female children strip searched

There was a total of 398 female children strip searched by the NSW Police Force between 2016/17 and 2022/23.

17-year-old females represented 38.44% (153) and is the age group with the highest number of female children strip searched. Followed by:

16-year-olds, 13% (104)

15-year-olds, 19.60% (78)

14-year-olds, 9.80% (39)

13-year-olds, 3.77% (15)

12-year-olds, 2.26% (9)

11-year-olds, 0% (0)

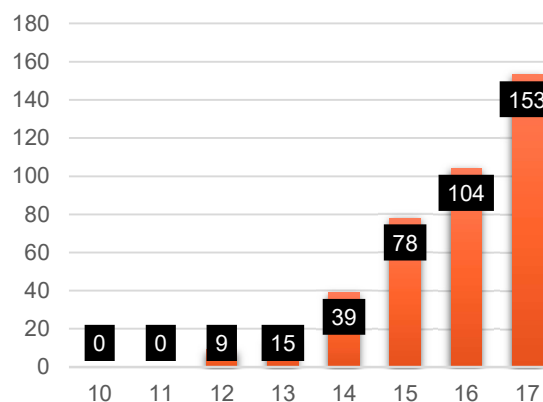
10-year-olds, 0% (0)

The year with the peak number of female children strip searched was 2017/18. There was a dramatic decline for 2019/20–2021/22 (COVID-19 lockdown), with a 2.76% increase in 2022/23 from the prior year. Years by number of searches:

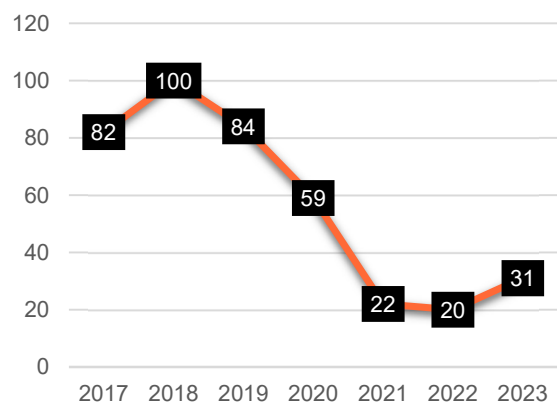
2016/17, 82 (20.60%)

2017/18, 100 (25.13%)

2018/19, 84 (21.11%)

Chart 5: Female children strip searched by age

³⁶ Ibid.

Chart 6: Female children strip searched by year

2. First Nations children strip searched

There was a total of 689 First Nations children strip searched by the NSW Police Force between 2016/17 and 2022/23.

17-year-old First Nations children represented 35.70% (246) and is the age group with the highest number of First Nations children strip searched. Followed by:

- 16-year-olds, 29.32% (202)
- 15-year-olds, 19.59% (135)
- 14-year-olds, 10.89% (75)
- 13-year-olds, 2.76% (19)
- 12-year-olds, 1.45% (10)
- 11-year-olds, 0.29% (2)
- 10-year-olds, 0% (0)³⁷

The year with the peak number of female children strip searched was 2016/17. There was a dramatic decline for 2019/20–2021/22 (COVID-19 lockdown). Years by number of searches:

- 2016/17, 172 (24.96%)
- 2017/18, 169 (24.53%)
- 2018/19, 135 (19.59%)
- 2019/20, 82 (11.90%)
- 2020/21, 52 (7.55%)
- 2021/22, 40 (5.81%)
- 2022/23, 39 (5.66%)

First Nations male children represented 72.56% (500) of all First Nations children strip searched.

First Nations female children represented 27.43% (189) of all First Nations children strip searched.

Table 4: First Nations children strip searched

Age	2017	2018	2019	2020	2021	2022	2023
10	0	0	0	0	0	0	0
11	1	0	1	0	0	0	0
12	4	1	0	2	0	0	3
13	5	6	6	0	2	0	0
14	18	18	14	5	10	4	6
15	36	28	28	16	6	14	7
16	50	58	38	13	19	8	16
17	58	58	48	46	15	14	7

³⁷ Ibid, which provides that one 10-year-old child was strip searched in 2017/18.

Chart 7: First Nations children strip searched by age³⁸

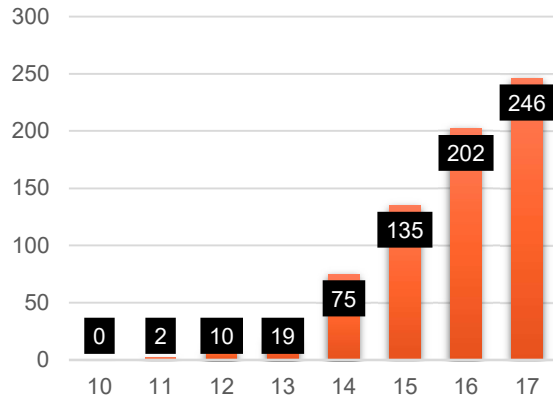


Chart 8: First Nations children strip searched by year

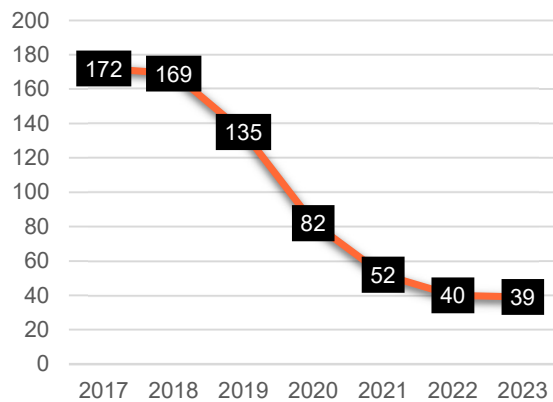
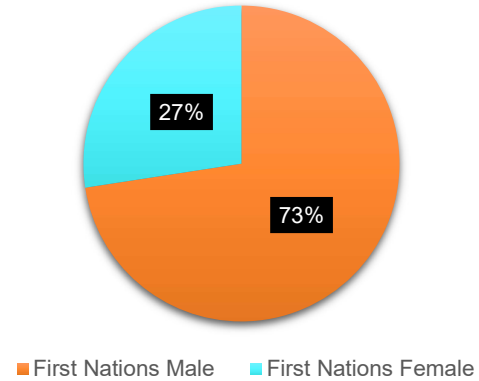


Chart 9: First Nations children strip searched by gender



2.1 First Nations male children strip searched

There was a total of 500 First Nations male children strip searched by the NSW Police Force between 2016/17 and 2022/23.

17-year-old First Nations male children represented 38.80% (194) and is the age group with the highest number of First Nations male children strip searched. Followed by:

- 16-year-olds, 31.00% (155)
- 15-year-olds, 17.20% (86)
- 14-year-olds, 9.40% (47)
- 13-year-olds, 2.80% (14)
- 12-year-olds, 0.40% (2)
- 11-year-olds, 0.40% (2)
- 10-year-olds, 0.00% (0)³⁹

The year with the peak number of First Nations male children strip searched was 2016/17. There was a dramatic decline from 2019/20–2021/22 (COVID-19 lockdown), with a 0.20% increase from the prior year in 2022/23. Years by number of searches:

³⁸ Statistics obtained from NSW police in 2019 via access to information laws revealed that 10-year-old child was strip searched in 2017/18-Grewcock and Sentas (n 1) 26.

³⁹ Grewcock and Sentas (n 1) 26.

2016/17, 128 (25.60%)

2017/18, 123 (24.60%)

2018/19, 99 (19.80%)

2019/20, 55 (11.00%)

2020/21, 42 (8.40%)

2021/22, 26 (5.20%)

2022/23, 27 (5.40%)

First Nations male children represented 43.55% (500) of all male children strip searched, despite representing only 6.57% (24,781) of the 401,607 New South Wales male population aged between 10–17 years old.⁴⁰

17-year-old First Nations male children represented 37.82% (194) of all 17-year-old male children strip searched, despite representing only 6.08% (2,849) of the 46,821 New South Wales male population aged 17.⁴¹

16-year-old males 44.03% (155), but only 6.17% (2,967) of the 48,078 population.⁴²

15-year-old males 46.24% (86), but only 6.15% (3,033) of the 49,266 population.⁴³

14-year-old males 64.38% (47), but only 6.30% (3,224) of the 51,171 population.⁴⁴

13-year-old males, 73.68% (14), but only 6.18% (3,163) of the 51,167 population.⁴⁵

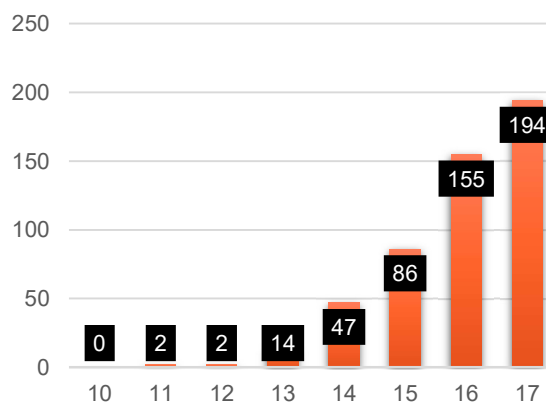
12-year-old males 66.67% (2), but only 6.22% (3,198) of the 51,390 population.⁴⁶

11-year-old males were 100.00% (2), but only 6.20% (3,229) of the 52,031 population.⁴⁷

Table 5: First Nations male children strip searched

Age	2017	2018	2019	2020	2021	2022	2023
10	0	0	0	0	0	0	0
11	1	0	1	0	0	0	0
12	1	1	0	0	0	0	0
13	4	4	5	0	1	0	0
14	12	9	8	2	10	2	4
15	22	18	20	12	3	8	3
16	39	44	30	8	15	5	14
17	49	47	35	33	13	11	6

Chart 10: First Nations male children strip searched by age



⁴⁰ Australian Bureau of Statistics (n 19).

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

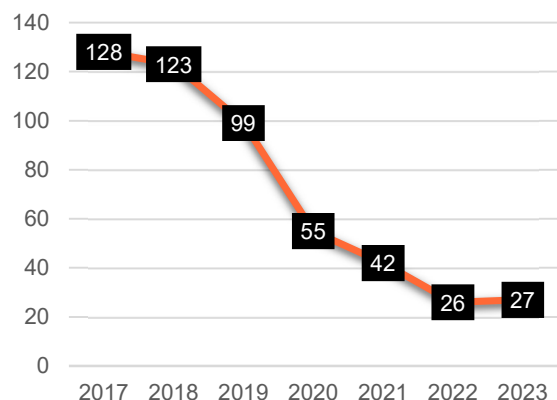
⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

Chart 11: First Nations male children strip searched by year



2.2 First Nations female children strip searched

There was a total of 189 First Nations female children strip searched by the NSW Police Force between 2016/17 and 2022/23.

17-year-old First Nations female children represented 27.51% (52) and is the age group with the highest number of First Nations female children strip searched. Followed by:

- 15-year-olds: 25.93% (49)
- 16-year-olds: 24.87% (47)
- 14-year-olds: 14.81% (28)
- 12-year-olds: 4.23% (8)
- 13-year-olds: 2.65% (5)
- 11-year-olds: 0.00% (0)
- 10-year-olds: 0.00% (0)⁴⁸

The year with the peak number of First Nations female children strip searched was 2017/18. There was a decline in 2019/20–2021/22 (COVID-19 lockdown). Years by number of searches:

- 2016/17, 44 (23.28%)
- 2017/18, 46 (24.34%)
- 2018/19, 36 (19.05%)
- 2019/20, 27 (14.29%)
- 2020/21, 10 (5.29%)
- 2021/22, 14 (7.41%)
- 2022/23, 12 (6.35%)

First Nations female children represented 47.49% (189) of all children strip searched, despite representing only 6.65% (23,631) of the 378,747 New South Wales female population aged between 10–17 years old.⁴⁹

17-year-old First Nations female children represented 33.99% (52) of all 17-year-old female children strip searched, despite representing only 6.00% (2,631) of the 43,797 New South Wales female population aged 17 years old.⁵⁰

16-year-old females, 45.19% (47), but only 6.17% (2,771) of the 44,841 population.⁵¹

15-year-old females, 62.82% (49), but only 6.34% (2,946) of the 46,415 population.⁵²

14-year-old females, 71.79% (28), but only 6.54% (3,148) of the 48,082 population.⁵³

⁴⁸ Grewcock and Sentas (n 1) 26, which provides that one 10-year-old child was strip searched in 2017/18.

⁴⁹ Australian Bureau of Statistics (n 19).

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

13-year-old females 33.33% (5), but only 6.22% (3,034) of the 48,761 population.⁵⁴

12-year-old females, 88.89% (8), but only 6.27% (3,053) of the 48,683 population.⁵⁵

There were no 11-year-old female children strip searched.

There were no 10-year-old female children strip searched.

Table 6: First Nations female children strip searched

Age	2017	2018	2019	2020	2021	2022	2023
10	0	0	0	0	0	0	0
11	0	0	0	0	0	0	0
12	3	0	0	2	0	0	3
13	1	2	1	0	1	0	0
14	6	9	6	3	0	2	2
15	14	10	8	4	3	6	4
16	11	14	8	5	4	3	2
17	9	11	13	13	2	3	1

Chart 12: First Nations female children strip searched by age

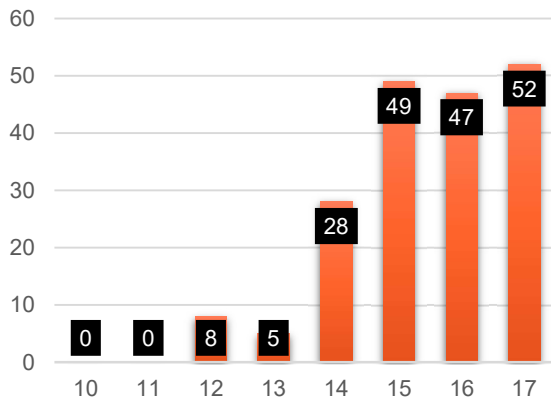
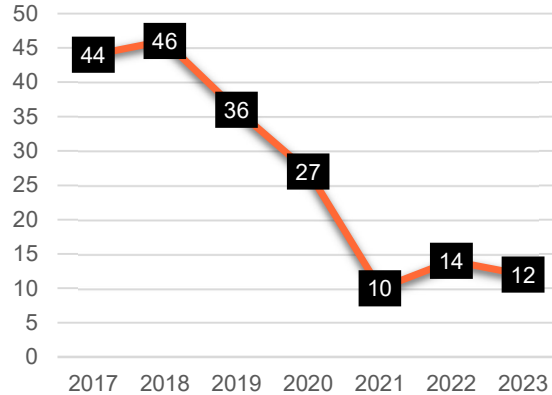


Chart 13: First Nations female children strip searched by year



3. Children strip searched in police custody

There was a total of 824 children strip searched in police custody between 2016/17 and 2022/23.

17-year-olds represented the highest number of children strip searched in police custody, 40.66% (335). Followed by:

- 16-year-olds, 29.37% (242)
- 15-year-olds, 18.33% (151)
- 14-year-olds, 8.98% (74)
- 13-year-olds, 1.94% (16)
- 12-year-olds, 0.61% (5)
- 11-year-olds, 0.12% (1)
- 10-year-olds, 0.00% (0)

⁵⁴ Ibid.

⁵⁵ Ibid.

The year with the peak number of children strip searched in police custody was 2017/18. There was a dramatic decline for 2019/20–2021/22 (COVID-19 lockdown). Years by number of searches:

- 2016/17, 203 (24.64%)
- 2017/18, 247 (29.98%)
- 2018/19, 171 (20.75%)
- 2019/20, 85 (10.32%)
- 2020/21, 52 (6.31%)
- 2021/22, 34 (4.13%)
- 2022/23, 32 (3.88%)

Male children strip searched in police custody represented 74.48% (622) of all children strip searched in police custody.

Female children strip searched in police custody represented 24.51% (202) of all children strip searched in police custody.

Table 7: Children strip searched in police custody

Age	2017	2018	2019	2020	2021	2022	2023
10	0	0	0	0	0	0	0
11	1	0	0	0	0	0	0
12	2	1	0	1	0	0	1
13	2	5	7	1	1	0	0
14	22	18	15	6	6	3	4
15	37	41	32	16	9	9	7
16	52	85	44	22	23	6	10
17	87	97	73	39	13	16	10

Chart 14: Children strip searched in police custody by age

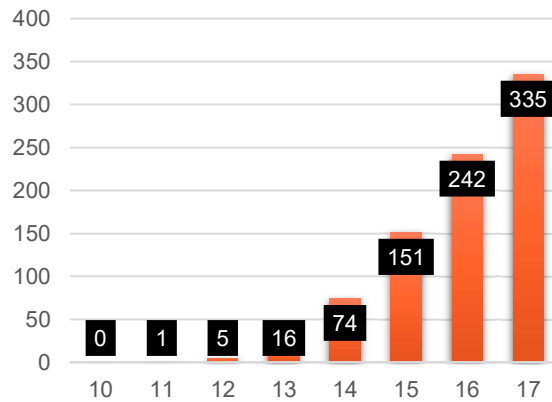


Chart 15: Children strip searched in police custody by year

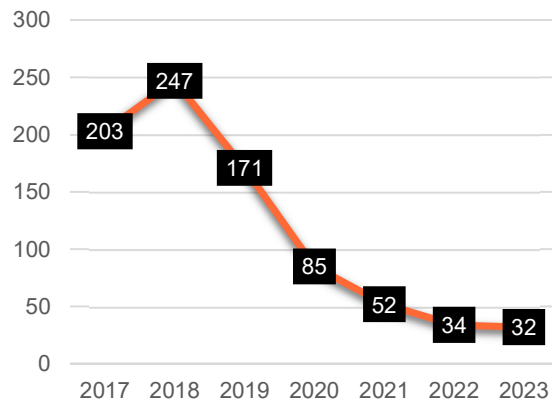
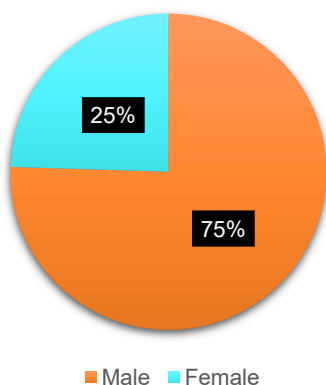


Chart 16: Children strip searched in police custody by gender



3.1 First Nations children strip searched in police custody

There was a total of 426 First Nations children strip searched in police custody between 2016/17 and 2022/23.

17-year-olds represented the highest number of First Nations children strip searched in police custody, 35.92% (153). Followed by:

16-year-olds, 28.64% (122)

15-year-olds, 19.95% (85)

14-year-olds, 11.97% (51)

13-year-olds, 2.35% (10)

12-year-olds, 0.94% (4)

11-year-olds, 0.23% (1)

10-year-olds, 0.00% (0)

The year with the peak number of First Nations children strip searched in police custody was 2016/17. There was a dramatic decline for 2019/20–2021/22 (COVID-19 lockdown), with a 0.23% increase in 2022/23 from the prior year. Years by number of searches:

2016/17, 117 (27.46%)

2017/18, 116 (27.23%)

2018/19, 90 (21.13%)

2019/20, 41 (9.62%)

2020/21, 25 (5.87%)

2021/22, 18 (4.23%)

2022/23, 19 (4.46%)

First Nations male children strip searched in police custody represented 73.00% (311) of all First Nations children strip searched in police custody.

First Nations female children strip searched in police custody represented 27.00% (115) of all First Nations children strip searched in police custody.

First Nations children represented 51.70% (426) of all children strip searched in police custody.

Non-First Nations children represented 48.30% (398) of all children strip searched in police custody.

Table 8: First Nations children strip searched in police custody

Age	2017	2018	2019	2020	2021	2022	2023
10	0	0	0	0	0	0	0
11	1	0	0	0	0	0	0
12	2	1	0	1	0	0	0
13	1	4	4	0	1	0	0
14	15	15	11	1	5	2	2
15	27	18	19	7	3	7	4
16	29	43	23	4	10	4	9
17	42	35	33	28	6	5	4

Chart 17: First Nations children strip searched in police custody by age

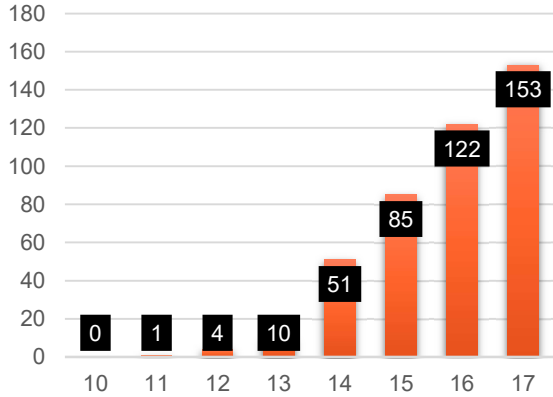


Chart 19: First Nations children strip searched in police custody by gender

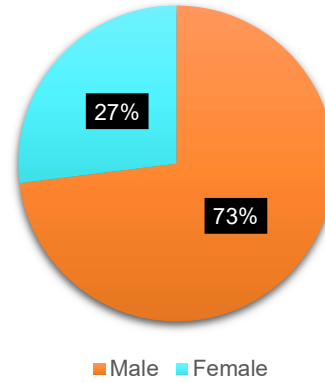


Chart 18: First Nations children strip searched in police custody by year

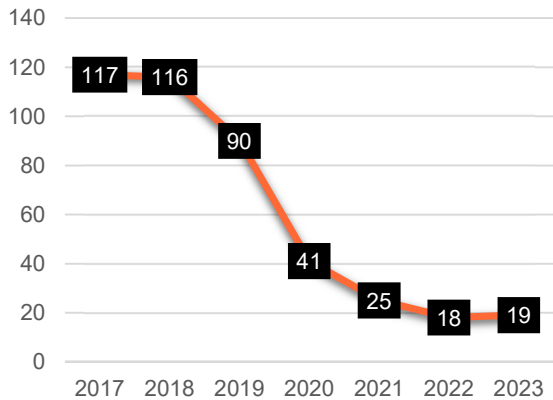


Table 9: Comparison between First Nations and non-First Nations children strip searched in police custody

Age	First Nations	Non-First Nations
10	0.00%	0.00%
11	100.00%	0.00%
12	80.00%	20.00%
13	62.50%	37.50%
14	68.92%	31.08%
15	56.29%	43.71%
16	50.41%	49.59%
17	45.67%	54.33%

4. Children strip searched in public

There was a total of 722 children strip searched in public between 2016/17 and 2022/23.

17-year-olds represented the highest number of children strip searched in public, 45.84% (331). Followed by:

16-year-olds, 29.64% (214)

15-year-olds, 15.65% (113)

14-year-olds, 5.26% (38)

13-year-olds, 2.49% (18)

12-year-olds, 0.97% (7)

11-year-olds, 0.14% (1)

10-year-olds, 0.00% (0)⁵⁶

The year with the peak number of children strip searched in public was 2018/19. There was a dramatic decline from 2019/20–2021/22 (COVID-19 lockdown), with a 0.83% increase from the prior year in 2022/23. Years by number of searches:

2016/17, 120 (16.62%)

2017/18, 155 (21.47%)

2018/19, 175 (24.24%)

2019/20, 93 (12.88%)

2020/21, 71 (9.83%)

2021/22, 51 (7.06%)

2022/23, 57 (7.89%)

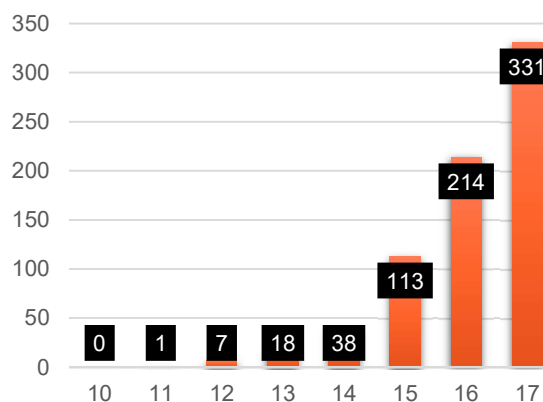
Male children strip searched in public represented 72.85% (526) of all children strip searched in public.

Female children strip searched in public represented 27.14% (196) of all children strip searched in public.

Table 10: Children strip searched in public

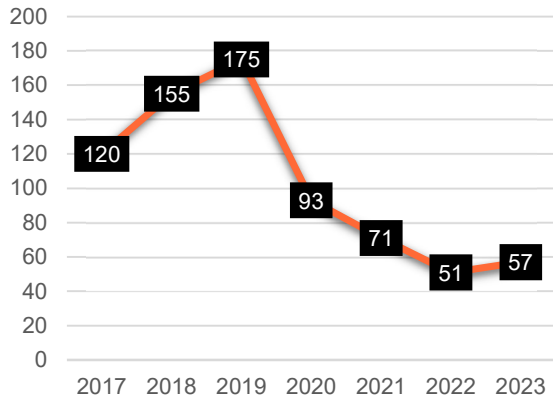
Age	2017	2018	2019	2020	2021	2022	2023
10	0	0	0	0	0	0	0
11	0	0	1	0	0	0	0
12	2	0	0	1	0	0	4
13	5	2	4	0	1	0	6
14	4	4	7	6	8	4	5
15	17	29	20	18	10	11	8
16	45	40	57	24	22	11	15
17	47	80	86	44	30	25	19

Chart 20: Children strip searched in public by age



⁵⁶ Statistics obtained from NSW police in 2019 via access to information laws revealed that 10-year-old child was strip searched in 2017/18: Grewcock and Sentas (n 1) 26.

Chart 21: Children strip searched in public by year



4.1 First Nations children strip searched in public

There was a total of 263 First Nations children strip searched in public between 2016/17 and 2022/23.

17-year-olds represented the highest number of First Nations children strip searched in public, 35.36% (93). Followed by:

- 16-year-olds, 30.42% (80)
- 15-year-olds, 19.01% (50)
- 14-year-olds, 9.13% (24)
- 13-year-olds, 3.42% (9)
- 12-year-olds, 2.28% (6)
- 11-year-olds, 0.38% (1)
- 10-year-olds, 0.00% (0)⁵⁷

The year with the peak number of First Nations children strip searched in public was 2016/17. There was a decline in 2019/20–2021/22 (COVID-19 lockdown). Years by number of searches:

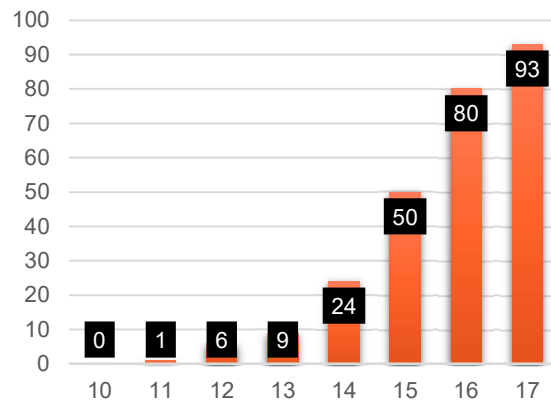
- 2016/17, 55 (20.91%)
- 2017/18, 53 (20.15%)
- 2018/19, 45 (17.11%)
- 2019/20, 41 (15.59%)
- 2020/21, 27 (10.27%)
- 2021/22, 22 (8.37%)
- 2022/23, 20 (7.60%)

First Nations male children strip searched in public represented 71.86% (189) of all First Nations children strip searched in public.

First Nations female children strip searched in public represented 28.16% (74) of all First Nations children strip searched in public.

First Nations children represented 36.43% (263) of all children strip searched in public.

Chart 22: First Nations children strip searched in public by age⁵⁸



⁵⁷ Statistics obtained from NSW police in 2019 via access to information laws revealed that 10-year-old child was strip searched in 2017/18: Grewcock and Sentas (n 1) 26.

⁵⁸ Statistics obtained from NSW police in 2019 via access to information laws revealed that 10-year-old child was strip searched in 2017/18: Grewcock and Sentas (n 1) 26.

Chart 23: First Nations children strip searched in public by year

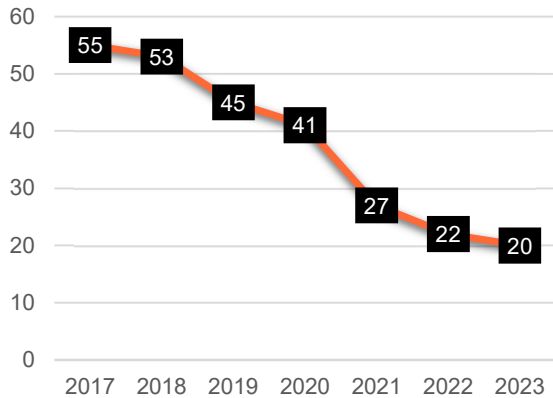
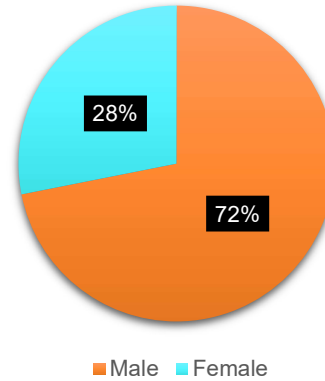


Chart 24: First Nations children strip searched in public by gender



Non-First Nations children represented 55.43% (857) of all children strip searched and 93.80% (48,412) of the 780,354 New South Wales population aged 10–17.⁶⁰

17-year-old First Nations children represented 36.94% (246) of all 17-year-old children strip searched, despite representing only 6.04% (5,480) of the 90,618 New South Wales population aged 17.⁶¹ 16-year-olds 44.30% (202), but only 6.17% (5,738) of the 92,919 population.⁶²

5. Comparison: First Nations and Non-First Nations children strip-searched in police custody and public

First Nations children represented 44.57% (689) of all children strip searched, despite representing only 6.20% (48,412) of the 780,354 New South Wales population aged between 10–17 years old.⁵⁹

⁵⁹ Australian Bureau of Statistics (n 19).

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

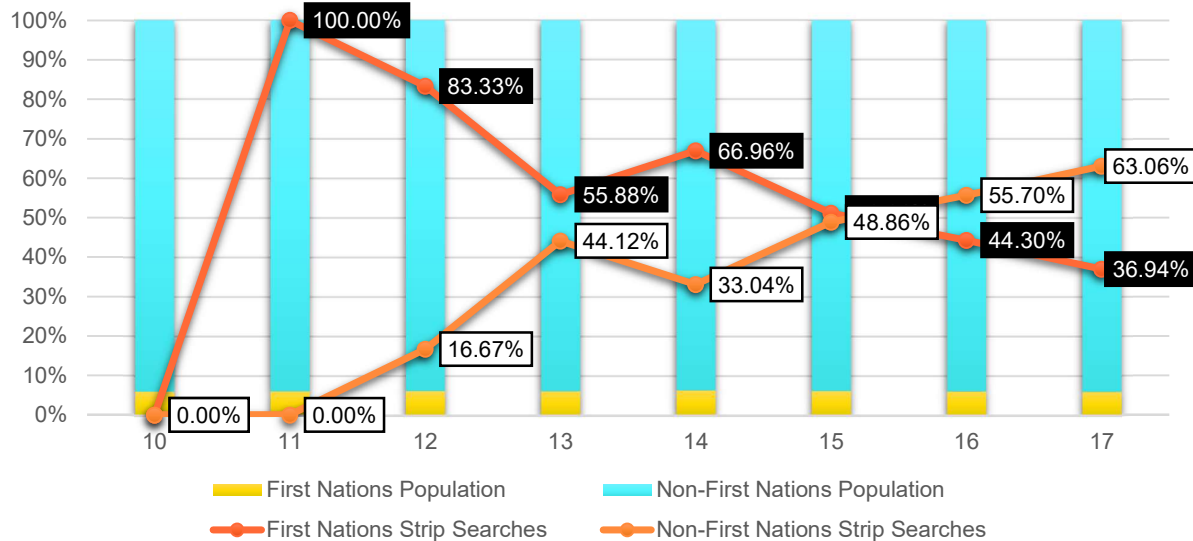
Table 11: Comparison between First Nations and non-First Nations children strip searched in public

Age	First Nations	Non-First Nations
10	0.00%	0.00%
11	100.00%	0.00%
12	85.71%	14.29%
13	50.00%	50.00%
14	63.16%	36.84%
15	44.25%	55.75%
16	37.38%	62.62%
17	28.10%	71.90%

Table 12: Comparison between First Nations and non-First Nations children strip searched in police custody and in public by population

Age	First Nations	Non-First Nations
10	0.00% ⁶³	0.00%
11	100.00%	0.00%
12	83.33%	16.67%
13	55.88%	44.12%
14	66.96%	33.04%
15	51.14%	48.86%
16	44.30%	55.70%
17	36.94%	63.06%

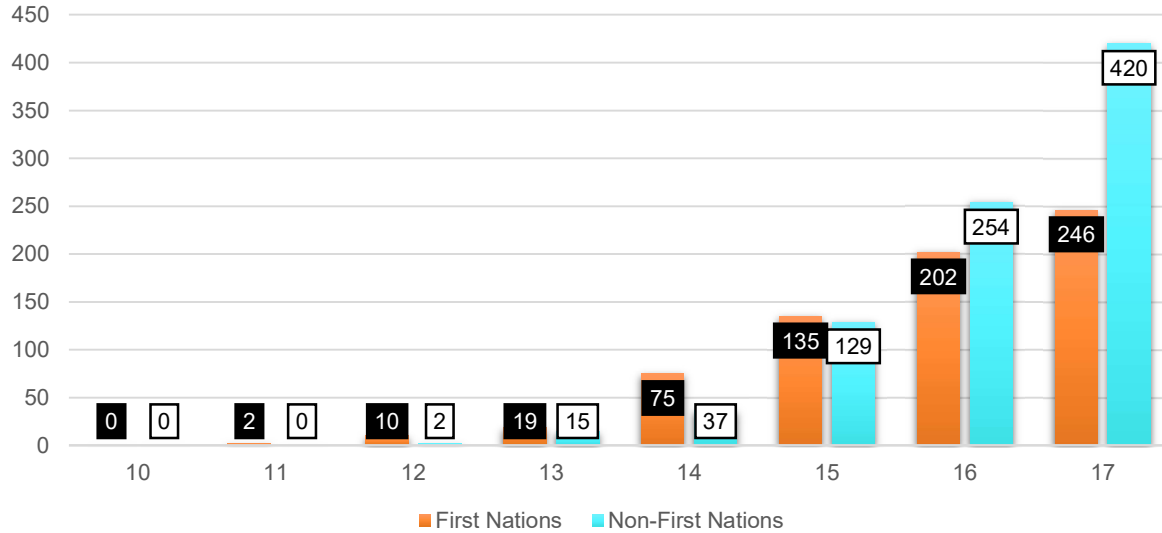
Chart 25: Comparison between First Nations and Non-First Nations children strip-searched in police custody and in public by population⁶⁴



⁶³ Statistics obtained from NSW police in 2019 via access to information laws revealed that 10-year-old child was strip searched in 2017/18: Grewcock and Sentas (n 1) 26.

⁶⁴ Grewcock and Sentas (n 1) 26, which provides that one 10-year-old child was strip searched in 2017/18.

Chart 26: Comparison between First Nations and Non-First Nations children strip-searched in police custody and in public by age⁶⁵



⁶⁵ Ibid.