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Police training will not stem the flow of unlawful strip searches

The NSW police watchdog, the Law Enforcement Conduct Commission (the LECC), has today released fresh evidence that police strip search laws are not being followed.

The LECC publication of five investigative reports into NSW strip searches included many cases of unlawful strip searches of minors and coincides with the release of disturbing CCTV footage of a 16-year-old Aboriginal boy being strip searched in custody.

Redfern Legal Centre Police Accountability Solicitor Samantha Lee described the LECC's recommendations to update NSW Police guidelines, practices and educational materials as "a first step in stopping unlawful strip searches."

"But what is clear is that NSW Police have been left floundering to understand the law, and are failing to adhere to basic procedural and legislative requirements such as making a record of the event.

"The application of strip search protocols, used only on serious, necessary and urgent circumstances, needs to be guided by law," Ms Lee said.

"Legislative and cultural change is critical to ensuring that the law is providing fundamental safeguards for members of the public, protecting people from being subjected to unlawful strip searches," Ms Lee concluded.

Key findings in the LECC reports:

- Police have committed numerous unlawful and unjustified strip searches
- Failure to record pertinent information in the Field Processing Forms, Notebooks or COPS entries.
- Failure to have a parent, guardian or support person present as required by s 33(3) of LEPPA.
- Failure to meet the legal threshold to conduct a strip search
- A lack of knowledge by police about requirements when it came to strip searching children
- Insufficient knowledge and appreciation of the sensitivity and potential privacy implications of strip searching young persons
- Lack of training about how to protect the welfare of a child during the course of a strip search.
- Insufficient guidance provided by senior police officers as to how searches should be conducted
- Nil to minimal knowledge about strip search law and procedure by senior police officers
- absence of effective training of police officer, leading to ineffective practice in policing.

Redfern Legal Centre has been seeking changes to strip search law and practice through its 'Safe and Sound' initiative (www.safeandsound.org.au).

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