



Media Release

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Law Enforcement Conduct Commission strip search report calls for urgent reform

Redfern Legal Centre (RLC) is calling on the NSW Government to put an end to the strip searching of children and limit strip searches to suspicion of drug supply, after the Law Enforcement Conduct Commission today released its final report into NSW Police strip searches.

The report outlines numerous recommendations for reform to NSW Police strip search policy, practice and training, and parliamentary clarification of the controversial practice of squatting.

The report includes the opinion of psychologist Dr Susan Pulman that the strip searching of minors and young adults can cause trauma, anxiety and re-traumatise children and young people who have been sexually abused.

Samantha Lee, solicitor with Redfern Legal Centre's police accountability practice, states, "The LECC has gone to great lengths to understand the impact of police strip search policy in NSW. It has consulted far and wide and sought the opinion of both police officers and complainants.

"The result is a report that confirms that the widespread practice of police strip searches in NSW is causing significant harm, and that police are exercising their strip search powers in a range of circumstances which may well be unlawful. It also confirms that the law lacks clarity about the circumstances in which police can conduct a strip search.

"We acknowledge that NSW Police have taken significant internal steps to educate police about their powers, but until we see legislative reform, the rights of citizens, especially children, will never be adequately protected."

"We call on the Government and the opposition to implement urgent reforms to strip search law in NSW. It's time to end this harmful and invasive practice that is traumatising children and young people."

This year, Redfern Legal Centre joined forces with class action experts Slater and Gordon Lawyers to investigate class actions into unlawful strip searches. Further information is available at: www.slatergordon.com.au/stripsearch.

Samantha Lee, RLC police accountability solicitor is available for media comment. Contact Finn O'Keefe, RLC communications manager: 0424 548 019, finn@rlc.org.au.

A note to editors:

Summary of key statistics and findings from the LECC report

Key statistics

- Over a four-year period from 2015-16 to 2018-19, police conducted a total of 51,527 strip searches.
- 60.5% of all strip searches were conducted in custody; 39.5% took place 'in the field'.
- Only around a third of all strip searches in the field detected a relevant item on the person strip searched.
- In 2018-19, suspected possession of an illegal drug accounted for 91.9% of the reasons police conducted a strip search.
- In 2018-19, those aged 10-25 years accounted for 45.8% (2471) of strip searches in the field and 22.3% (1525) in custody.
- In 2018-19 Aboriginal and Torres Strait Islander people accounted for 17.8% of all strip searches. This is an increase on 2019-20, figures, being 12.6% in the field and 22.4% in custody.

Key findings

- Items found: number of strip searches in the field which resulted in a find is relatively low, which may indicate police are not meeting the legislative thresholds of reasonable suspicion.
- Aboriginal and Torres Strait Islander people: Aboriginal and Torres Strait Islander people are disproportionately subjected to strip searches, particularly in custodial settings.
- Young people: Police officers were unaware of the legislative requirements governing strip searches of young people. Dr Pulman notes that being strip searched "may have lasting impacts on how young people view and subsequently interact with law enforcement".
- Legal thresholds: The legislation fails to make clear the distinction between strip searches and general searches, and fails to provide clear guidance to police officers in relation to the legal threshold for a strip search.
- Seriousness and urgent: The current *NSW Police Personal Search Manual* may not provide sufficient assistance to officers when deciding whether or not to strip search a person.
- Ingestion of drugs: Medical treatment, rather than a strip search, is the appropriate response to concern that a person has ingested drugs. Concerns about serious risks to welfare based on suspicion of ingestion or internal concealment of drugs cannot justify a strip search.
- Consent: The legislation does not permit a strip search to be conducted 'by consent'.
- Squatting and genital inspection: The lack of legislative clarity places officers and the NSWPF at risk of liability in any potential litigation and places the public in great uncertainty as to the extent of a person's rights.
- Body Worn Video (BWV): Police should record the reasons for a strip search on Body Worn Video, if available, before the search.