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Law Enforcement Conduct Commission hearing demonstrates why children should not be strip searched

Redfern Legal Centre is calling for urgent reform of strip search law to prevent the strip searching of children without a court order.

Samantha Lee, lawyer and head of police accountability at Redfern Legal Centre, has been attending the Law Enforcement Conduct Commission (LECC) public hearing investigating a police strip search of a 16-year-old girl at Splendor in the Grass music festival in 2018.

The young woman was strip searched after an indication by a sniffer dog. She was required to provide ID, her phone was confiscated and she was ordered to take off all her clothes.

After being ordered to remove her panty liner, police directed her to squat, and a female police officer looked underneath her. The police failed to have her parents, guardian or other support person present.

The young woman provided a statement to the LECC stating that she was “sobbing uncontrollably” after the incident. She also stated that she now “feels anxious when she sees a police officer”.

Ms Lee said the hearing provides further evidence that the law is failing to guide police about when a strip search can legally be conducted.

“The evidence coming out of the LECC hearing reveals an extremely poor understanding by police of the legal requirements for conducting a strip search. Strip searches should be reserved for ‘urgent’ and ‘serious’ circumstances only.

“Furthermore, the law should go further to protect children. A child should only be strip searched after a police officer obtains authorisation from a court. Child protection principles should apply to any decision made in relation to the strip search of minors.

“It should also be mandatory for an adult independent from police or other state agencies to be present during the search,” Ms Lee said.

Full recommendations for reforming strip search laws may be found in the UNSW law report, ‘Rethinking strip searches by NSW Police’ including that strip searches only be conducted in the field where there is a reasonable suspicion of drug supply or weapons offences. **Download report:** <https://bit.ly/rethinkSS>

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For further information and to arrange media comment, contact: Finn O’Keefe, RLC Communications Manager: 02 9698 7277 | 0424 548 019 | finn@rlc.org.au