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Strip searches are causing harm: Redfern Legal Centre and UNSW stand by report findings

Redfern Legal Centre (RLC) and academics from UNSW Law refute comments made by NSW Police Commissioner Michael Fuller questioning the accuracy of a report which highlights the harmful impact unlawful strip searches are having on the community.

After appearing before a NSW parliamentary budget estimates hearing on Thursday, the NSW Police Commissioner Michael Fuller criticised UNSW report commissioned by Redfern Legal Centre and prepared by Dr Michael Grewcock and Dr Vicki Sentas from the Faculty of Law at the University of New South Wales (UNSW Sydney) – *'Rethinking Strip Searches by NSW Police'*.

The report highlights an almost 20-fold rise in the use of strip searches in NSW from 2006 to 2018.

Samantha Lee, lawyer who heads the Police Accountability Practice at Redfern Legal Centre states, "The central issue is not being heard. Police are utilising strip searches not as parliament intended and are applying the law incorrectly and inconsistently, Ms Lee said.

"Our commissioned report reveals that the main reason police are conducting strip searches is because of the mere suspicion of drug possession for personal use. Under the law, possession of a prohibited drug is a minor criminal offence and would not meet the test of 'serious' and 'urgent' as required by law in order to satisfy that a strip search is necessary."

"Police are also using a sniffer dog indication as reasonable suspicion to conduct a strip search. And yet, an internal report from the NSW Police Lessons Learned Unit reminded its police force that an indication from a sniffer dog is not sufficient reason to conduct a strip search, but only a reason to ask further questions. This report is yet to be released by NSW Police," Ms Lee continued.

"Commissioner Fuller also referred to a young female festival-goer who provided testimony during the coronial inquest into deaths at NSW music festivals as a 'mystery witness'. But this witness is not anonymous, she is a person who has given testimony under oath before a court that deemed it appropriate to suppress her identity for legal reasons. The Commissioner's legal representatives were aware of her identity during the proceedings."

Ms Lee further states, "Rather than trying to discredit this brave young woman, we call on the Commissioner to order an immediate investigation and send a clear message that any such cruel and violent behaviour will not be tolerated within the police force."

Dr Vicki Sentas from UNSW Law said: "The figures we correctly cited from the 2007 Ombudsman's report are publicly available for anyone to see. But this is a deflection from the real issue: our report clearly shows that the law is failing to guide police on the appropriate use of strip searches."

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