



Redfern Legal Centre

Media Release

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Class actions to hold NSW Police accountable for widespread unlawful strip search tactics

Redfern Legal Centre has joined forces with class actions experts Slater and Gordon Lawyers to announce an investigation into class action claims against NSW Police concerning its unlawful use of invasive searches, including strip searches.

This unprecedented legal action would build on Redfern Legal Centre's efforts to clarify strip search laws in NSW, and seeks to get compensation for potentially thousands of people who may have been unlawfully searched by NSW Police in the past six years.

Research by UNSW has identified that in just over a decade, there has been a 20-fold increase in the number of strip searches conducted by NSW Police, with the majority of these searches finding nothing.

Data shows that young people and Aboriginal and Torres Strait Islander people have been disproportionately targeted.

Law Enforcement Conduct Commission inquiries have uncovered systemic procedural issues such as inadequate NSW Police training on the legal safeguards required during searches and procedure manuals which provide incorrect instruction to officers on when or how to lawfully conduct searches.

By law, strip searches outside police stations can only occur when the circumstances are serious and urgent enough to warrant them.

Redfern Legal Centre police accountability solicitor Samantha Lee said: "The high numbers of strip searches in NSW indicate police are failing to meet legal thresholds and the law is failing to provide much needed safeguards."

The Law Enforcement Conduct Commission also found that a number of strip searches of young girls and boys were unlawful and NSW Police failed to apply and understand strip search law.

“Horrible stories of police strip searches continue to come to light, including from children as young as 10 years old who were directed to strip naked, squat and cough, lift their genitals, and have a police officer look into their body cavities, without the support of a parent or guardian present.”

“By seeking long overdue justice for people who have been unlawfully searched, this class action is also an important step toward achieving change to prevent more traumatic and unnecessary strip searches in NSW,” Ms Lee said.

Slater and Gordon Senior Associate Ebony Birchall said: “Unlawful strip searches are eroding community confidence in NSW Police, and people are entitled to expect that police will follow the law. There are systemic problems such as inadequate police procedure manuals which are providing incorrect instruction to officers on how to lawfully conduct searches.”

“People who have been subjected to unlawful and invasive searches by NSW Police have rights to seek redress. By grouping these claims into potential class actions, people can stand together and demand change,” Ms Birchall said.

Sarah Crellin Aboriginal Legal Service (NSW/ACT) (ALS) Principal Solicitor, Criminal Practice, said: “The Aboriginal Legal Service welcomes the class action announcement from Slater and Gordon and Redfern Legal Centre.

“The ALS represents a number of young people who have been forcibly strip searched by police who already have backgrounds of trauma, cognitive and other disabilities. The excessive use of personal and strip searches by NSW Police is causing significant emotional and psychological harm to Aboriginal communities, particularly children and young people.”

Becca’s story

Becca, a 22-year old traveller on a working holiday visa, had been living in Australia for around 15 months when she attended the 2017 Lost Paradise festival on the Central Coast of NSW.

As Becca stood with her friends waiting to enter the festival, two NSW Police officers were walking up and down the line with a sniffer dog. As they walked past Becca, the drug detection dog sat down next to her.

The officers told Becca they suspected she was carrying an illegal substance. They said she could refuse to consent to the search, but if she did, her ticket would be confiscated and she’d be asked to leave the festival.

“I felt I had no choice but to comply, otherwise I’d be left stranded in the middle of nowhere, with no way of getting home,” Becca said.

Becca knew she hadn’t done anything wrong but felt incredibly nervous. She didn’t know much about the law in Australia, and had not had her rights explained to her.

A male police officer escorted Becca to a tented area in between two large transit vans. As the male officer handed Becca to a female officer he said: "Go easy on her, I don't think she's got anything on her." This made Becca even more anxious.

The female officer went through Becca's bag and asked to see her ID. Becca was then led inside the van. The van's large front windscreen had been left uncovered and Becca could see a group of male officers standing just outside the van.

The female officer asked Becca to lift up her top. Becca told the officer that she wasn't wearing a bra. The female officer saw Becca glancing nervously at the male officers outside and said, "Just do it quickly".

Becca lifted up her top as quickly as she could. She was then instructed to remove her pants. The officer asked her if she had her period and when she said yes, said: "We still need to do this."

After Becca removed her pants the officer ordered her to drop, squat and cough and peered at her vaginal area, which contained a tampon.

While she was being searched, Becca could clearly see the male officers standing outside, as well as her friends in the distance.

"I felt numb all over," Becca said. "I was just so aware that people could look in. My main concern was the male police officers being so close at the time. There was no real privacy... It just felt very perverted, to be honest."

Becca describes feeling completely powerless. After the search, Becca grabbed her things and exited the van, walking right past the male police officers as quickly as she could.

After she joined her friends in their car she started sobbing uncontrollably and couldn't stop. That night, she coped with the trauma by drinking.

Becca says her anxiety got much worse the year after she was strip-searched. She has never spoken publicly about what happened because she didn't want to relive the trauma. She also didn't think there was anyone she could tell.

Becca says she no longer trusts the police, and felt she had no way of making a complaint about the experience which left her feeling violated.

Anyone who has been searched in an invasive or intrusive manner by NSW Police (for example, by touching beneath underwear or requiring clothes to be removed) since 2014 can register with Slater and Gordon Lawyers at stripsearch@slatgordon.com.au or can register their details at www.slatgordon.com.au/stripsearch

Registrations are free and confidential.

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