

Improving strip search practice

Following the Commission's 2020 *Inquiry into NSW Police Force strip search practices*, the NSW Police Force implemented new safeguards to help officers search music festival patrons lawfully and keep clear records about the searches.

The Commission reviewed a sample of music festival police records to find out if new training and processes for strip searches at music festivals had improved officers' record keeping practices.

We developed an evaluation framework with the NSW Police Force to agree on what improved strip search practices would look like. Our agreed indicators of success are set out below.

Audit findings

The NSW Police Force music festival training package and Field Processing Form clearly show officers what information to record about carrying out strip searches at music festivals.

But our audit found low standards of record keeping and training completion in the data sample.

Why clear records matter

The legality of a search may be challenged in court or in a misconduct investigation. Questions about an officer's conduct can be raised months or years after the search. Good record keeping helps answer these questions.

Good record keeping also promotes police accountability by allowing the public to understand how often police use their search powers and why.

We looked at 359 police records from 5 music festivals occurring in 2021 and 2022. This included records relating to 83 general searches and 77 strip searches.

NSWPF Initiative	Indicator of success	Audit findings
Field Processing Form	Records are complete, consistent and accurate across both the Field Processing Form and the COPS event	35% of records were clear and consistent
	Records reflect consideration of suspicion on reasonable grounds	74% of general search records and 68% of strip search records reflected adequate consideration of suspicion on reasonable grounds
	Records reflect consideration of 'seriousness and urgency' for strip searches	30% of strip search records reflected consideration of seriousness and urgency
	Records reflect adherence to strip search rules	27% of strip search records contained information indicating police followed strip search rules
Music Festivals training package	100% of officers completing the training within 12 months prior to the festival	<p>47% of officers completed the training within the required timeframe</p> <p>28% of officers did not complete the training at all</p> <p>25% completed training but not in the required timeframe</p>

NSW Police Force response

The NSW Police Force acknowledged the results were below the expected standard. It said this may have been because the new training and process form were not communicated to the field effectively.

The NSW Police Force has since re-communicated the music festivals training and guidelines throughout the state.

Strip search laws

The *Law Enforcement (Powers and Responsibilities) Act 2002* (LEPRA) gives police powers to search people in certain circumstances. LEPRA also requires officers to follow certain rules to preserve a person's privacy and dignity.

Section 21

- An officer may conduct a person search if the officer suspects on reasonable grounds that the person has in their possession any stolen, prohibited, dangerous or otherwise unlawfully obtained item

Section 30

- A person search means the officer may quickly run their hands over the person's outer clothing and require the person to remove coat, jacket, shoes, socks, gloves and hat, pass an electronic metal detection device over a person's outer clothing or anything removed from the person.

Section 31(b)

- An officer may strip search a person in the field (i.e. any place that is not a police station) if the officer suspects on reasonable grounds that:
 - a strip search is necessary for the purposes of the search, and that
 - the seriousness and urgency of the circumstances make the strip search necessary.

Section 32

- Rules which officers must follow to preserve the person's privacy and dignity during the search.

Section 33

- Additional privacy and dignity rules which officers must follow during a strip search.