

Inquiry into NSW Police Force strip search practices Fact Sheet 1: Summary of the Inquiry

What is the Commission's Inquiry about?

In October 2018 the Law Enforcement Conduct Commission commenced the first of a suite of investigations into the way police conducted strip searches under the *Law Enforcement (Powers and Responsibilities) Act 2002* (LEPRA).

The *Inquiry into NSW Police Force strip search practices* comprised a total of seven investigations, as well as analysis of NSW Police Force (NSWPF) policies and training, and oversight of police investigations of complaints about strip searches.

What did the Commission find?

Four of the Commission's investigations concluded that the strip searches the subject of investigation were unlawful (Operations Brugge, Gennaker, Sandbridge and Mainz). One investigation made findings of serious misconduct against individual officers (Operation Sandbridge). All of the investigations noted systemic concerns with the training and education provided to officers about the requirements for conducting strip searches.

As part of the Inquiry, the Commission also obtained expert opinion about the psychological impact of strip searches on young people. It describes a range of short and long term psychological impacts likely following a strip search, ranging from humiliation and distress to trauma.

What does the Commission recommend?

The Commission has made 25 recommendations aimed at further clarifying the instructions provided to police officers to ensure that strip searches are conducted lawfully, enhancing record keeping to improve accountability, ensuring that training provided to officers about

when and how to strip search is clear and comprehensive and enhancing the quality assurance processes to check that strip searches are conducted appropriately and lawfully.

Many of our recommendations are aimed at strengthening officer understanding about the thresholds that must be satisfied before conducting a strip search.

Three recommendations ask Parliament to consider clarifying some of the strip search provisions within LEPRA: creating an exhaustive definition of a strip search, providing clarity about whether police can require a person to bend over, squat or move their genitalia during a strip search, and providing specific guidance in LEPRA as to how the requirement that 'the seriousness and urgency of the circumstances make the strip search necessary' is to be interpreted.

What action has the NSW Police Force taken?

Over the course of our Inquiry, the NSWPF has introduced new policies, fact sheets, tools and prompts to remind police officers of the legal requirements for conducting strip searches. These aim to improve both the conduct of the strip searches and the records that are kept about strip searches. The NSWPF has also introduced additional training and processes to check strip searches comply with the law. These changes are welcome.

The report also recommends that the Commission and the NSWPF jointly evaluate, by way of audit, the impact of the changed policies and procedures after they have had time to settle.