

11 November 2019 | **FOR IMMEDIATE RELEASE**

NSW Police Release Sniffer Dog Procedures

Redfern Legal Centre has obtained access to the current NSW Police, Drug Detection Dogs, Standard Operating Procedure (SOPs). Redfern Legal Centre obtained the SOPs via the NSW Civil and Administrative Tribunal.

NSW Police initially denied full access to the documents on law enforcement grounds. The decision not to release in full was appealed by Redfern Legal Centre and the SOPs were released in full by NSW police, with the exception of one paragraph, just days before the case was to be heard by the NSW Civil and Administrative Tribunal.

Key procedures outlined in the **Drug Detection Dog SOPs** include:

- DDD alone **does not** constitute ‘reasonable grounds’ to conduct a search upon an individual
- Indication given by a DDD does not on its own provide police with the power to search, nor does it suffice for an officer to ‘suspect’ on reasonable grounds possession of a prohibited drug.
- Police must be provided with a briefing about the possibilities of indications upon persons who have recently been in possession of, or had contact with, prohibited drugs.
- Warrant for use of DDD does not give police the power to place a DDD inside a private motor vehicles in a public place. The area within a motor vehicle is not a public place.
- A person should be cautioned prior to any questions being asked and upon initial interaction with DDD.
- When searching, police are reminded to make all attempts to ensure the person’s privacy is maintained.
- Where nothing is found, the person is not obliged to provide their personal details and police have no general power to detain a person.
- If nothing found, police should immediately inform the person they are free to leave.
- Overcrowding of licensed premises can limit the effectiveness of a drug dog, patrons may be highly affected by drugs/alcohol or drugs may have already been consumed leading to minimal indications.

Samantha Lee, head of Police Accountability practice at Redfern Legal Centre claims the release of the SOPs is a public interest win, providing greater transparency of policing practice in NSW.

Ms Lee states, “Drug dogs are being used at various public places including train stations and music festivals. The public can now be better informed about the procedures police are required to follow when drug dog operations are utilised.”

“Recently the LECC heard the case of a 16 year old girl that, while waiting in line at the 2018 Splendour in the Grass music festival, was taken from a sniffer dog indication to a full body strip search where she was asked to squat and remove her panty liner.”

“Yet we now know the NSW Police, Drug Detection Dogs Standard Operating Procedure clearly states an indication by a sniffer dog is not reasonable grounds to conduct a general search, let alone a strip search.”

“Redfern Legal Centre had lodged a number of complaints for clients who were taken from a drug dog indication to a full body strip search. Such searches may have been unlawful and completely unnecessary.”

“The NSW Deputy State Coroner has found that drug dogs and strips searches may be causing significant harm to young people and the use of such invasive procedures needs to be limited.”

Here is a link to the SOPs: <http://bit.ly/2K3HvZt>

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