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Office of Commissioner

49789/35

8 October 2024

Director – Budget Estimates Secretariat
NSW Parliament House
6 Macquarie Street
SYDNEY NSW 2000

By email: BudgetEstimates@parliament.nsw.gov.au

Dear Director

Please find attached the Budget Estimates post-hearing responses in relation to the hearing on 28 August 2024 for portfolio 1 – Premier and Finance.

Please find enclosed a response to a question on notice.

There is one small correction to be made to the transcript. At paragraph 5, on page 93 of the uncorrected transcript, there is a reference to the Wood royal commission, that should be amended to Wood Royal Commission.

Yours sincerely

Anina Johnson
Commissioner

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**Law Enforcement Conduct Commission response to question on notice at
Budget Estimates on 28 August 2024**

Question:

The CHAIR: Before I turn to Mr Latham, I've got a couple of questions for the Acting Chief Commissioner of the LECC, Ms Johnson. In September 2023 you prepared a report, Review of a sample of NSW Police Force strip search records 2021-2022. There were some findings in there that I think alarmed a lot of people, in that 65 per cent of records were unclear when it came to strip searches, only 30 per cent of strip search records reflected adequate consideration of the seriousness and urgency threshold which officers must meet in order to justify a strip search under the law and only 27 per cent of strip search records contained information indicating police followed the rules for protecting privacy and dignity in strip searches. You made a number of findings and conclusions in that report. What has been the response, if any, to your report from the police and from the Government?

ANINA JOHNSON: That report related not to strip searches generally, but it was a paper audit of strip searches conducted at a number of identified music festivals.

The CHAIR: Yes, that's right. I understand.

ANINA JOHNSON: I think it's important to clarify that it wasn't a broad audit of police strip search powers generally, but in quite a narrow compass, and reflected concerns that the commission had identified in earlier reports in relation to the way in which strip searches are conducted at music festivals. What we'd identified was that the training that had been developed and the forms that had been developed by the police were both good. The problem was the forms weren't used and the training wasn't completed, in general terms. And so my recollection — but I would need to check and take it on notice — is that the police have acknowledged those deficiencies and have agreed to do better. We ordinarily now will put the police response onto our website so that the community can see what the police response to our recommendations is. I presume it's there, Mr Buckingham. And I apologise — I just can't remember. I'm happy to take that aspect on notice.

Response:

The Commission often publishes the NSW Police Force response to our reports on our website. This is a clear and efficient way of communicating to the public the NSW Police Force's response to the Commission's recommendations.

The Commission took a slightly different approach for the strip search audit. The report did not make formal recommendations. Rather we provided our findings to the NSW Police Force during the project and invited the NSW Police Force to advise us about what they proposed to do in response to the findings. The actions taken by the NSW Police Force in response to our findings are on page 2 of the final report.

We took this approach because the audit was a collaboration between the NSW Police Force and the Commission. The rationale for the audit is covered at section 1.1 on pages 2 and 3 of the report and the process is described in section 2 on pages 6 and 7 of the report. There was dialogue between the NSW Police Force and the Commission at key milestones throughout the project including project design, data analysis, and findings.