

Study recommends ending use of drug dogs, reducing police presence at future Mardi Gras

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A study of policing at WorldPride and Mardi Gras events in 2023 found it was heavy-handed and damaging to its relationship with the

LGBTQIA+ community.

A group of law academics, legal professionals and advocates has called for a scaling back of police operations at future Mardi Gras events after a study of policing at Sydney World Pride and Mardi Gras venues in 2023 found it to be excessively aggressive, invasive and in some cases, potentially unlawful.

The study was authored by academics from UNSW Sydney, the University of Sydney and the University of Newcastle and was [published](#) recently in the journal *Current Issues in Criminal Justice*. It comes in the wake of increased scrutiny of policing in relation to the LGBTQIA+ communities following the decision by Mardi Gras organizers to ask NSW Police to not wear their uniforms in this year's parade.

Associate Professor Vicki Sentas from UNSW Law & Justice says policing outside the Domain Dance party, the Mardi Gras after party and the closing ceremony Rainbow Republic during World Pride events in 2023 was characterized by invasive questioning of patrons, a dubious use of drug detection dog patrols, humiliating and potentially unlawful searches, and instances of use of force.

"Police drug detection operations at WorldPride and Mardi Gras events in 2023 were large in scale, heavy-handed and not justified," A/Prof. Sentas says.

"More than 200 police were deployed solely for drug detection at the three parties we studied, but drug charges were overwhelmingly for possession, not supply.

"This flies in the face of harm minimization principles which emphasize that police target supply, not possession."

According to the data available to the researchers from police records, drug possession represented 88% (or 50 charges) of all drugs charges during the World Pride events, and 58% (or 95 fines) of all fines issued. But just seven charges were for supply.

Use of drug detection dogs

The researchers say that prior studies of the effectiveness of drug detection dogs between 2002 and 2023 showed that an indication by a dog for drugs was wrong in about 75% of cases.

Laws around the use of drug dogs state that a positive indication from a drug dog was not enough grounds to conduct a search. The law says police additionally need reasonable suspicion to go ahead and conduct a search, such as witnessing a potential drug deal taking place.

But observations by volunteer organization Fair Play—a group of volunteer lawyers and advocates trained by the Inner City Legal Center (ICLC) to scrutinize police conduct outside the World Pride venues, as well as informing party-goers of their civilian rights—found that police used drug dogs as a pretext to search party-goers and to pressure them into answering questions.

The researchers say that police use of drug dogs in this way compromises fairness of search from the start of the encounter, and that it amounted to the targeting of a "suspect community."

"Police's decision to deploy drug detection dogs in a particular place means police use dogs to sniff people before police had formed reasonable suspicion that the individual possessed drugs," says A/Prof. Sentas.

"This is an example of deliberate group-based targeting. Police used

dogs to sniff or linger around a person without visible indication as a way to commence questioning and search."

Further, say the researchers, previous studies show how the use of drug detection dogs at festivals actually undermines harm minimization by inducing panic ingestion of drugs by festival-goers, preloading with much larger doses to avoid having them in their possession, or the purchasing of less-known drugs inside the festival grounds.

Coercive questioning

The study also found police used aggressive, intimidating, presumptive questioning techniques, based on observational and documentary evidence relayed by Fair Play, and police records themselves. It was common for groups of three to five police to surround an individual and submit them to a barrage of rapid-fire questions.

Examples included: "Where are the drugs? Have you ever taken drugs? Have you taken some this week? Do you take drugs? Are you affected by drugs? Have your friends taken drugs? Where were you before? Were there drugs being taken at the venue you were at? Why do you think the dog indicated, then?"

Legally, police are restricted from questioning during a search, but questioning pre-search is not subject to any rules, say the researchers. So intimidating was this experience for many that some attendees voluntarily confessed to having drugs, while others consented to being searched for fear of being arrested.

The researchers report that even an experienced criminal lawyer who attended the party answered police questions and submitted to search. An observer was quoted as saying "Sure you can say, 'I'm not consenting,' or, 'I don't want to give my ID,'...But ultimately then you

run the risk of being arrested."

Observers also reported that police lied about possessing a "new infrared technology" that had picked up that they possessed drugs, and in another case "thermal imaging technology" that could detect if "you are secreting something."

Study co-author Dr. Louise Boon-Kuo from the University of Sydney says the methods used by police to effect a search raise questions about their legality.

"Many party-goers felt bullied into answering questioning and submitting to search, and we are concerned that in effect, aggressive questioning undermines legal requirements on police which are intended to protect individuals from unjustified search," Dr. Boon-Kuo says.

The lawfulness of searches

Police searched 350 people and strip-searched 33 people in WorldPride & Mardi Gras events in 2023. The researchers say that while the "find rates"—the rate of detecting drugs—were 40 percent overall, the vast majority of searches found nothing.

"We found that police practice shows misunderstanding of the limits of police power to search and strip search," Dr. Boon-Kuo says.

"In fact, police records and observer accounts show that search was at times triggered by factors that police policy, LECC investigations, statute, or the courts have said are unreliable, such as drug dog indication even when coupled with a nervous demeanor of the person."

Meanwhile, strip search [legal requirements](#) state that it only be used in "serious and urgent" circumstances, such as when there are fears the

person is concealing a dangerous weapon or device that could cause immediate harm to others or themselves. Consequently, most of the strip searches at World Pride 2023 are highly likely to be unlawful given that 50 out of 57 drug charges were for drug possession only, which is not a serious offense.

Traumatic impact on individuals

Fair Play observers of the policing of party-goers say they were seriously concerned about intimidating police practices when searching party-goers.

Searches, particularly strip searches, were lengthy, some lasting up to an hour. In many cases the searches were distressing, which left many party-goers visibly shaken and "reduced to tears."

ICLC lawyer Katie Green says Fair Play members themselves were shaken after interacting with police, leaving them "quite traumatized." Such was the negative experience the group encountered, that Fair Play opted not to participate in Mardi Gras this year, having been observers since 2014.

Ms Green also cited concerns about the additional pressure that Fair Play has placed upon the ICLC.

"We are a tiny little community legal center with just eight staff," she says.

"During Sydney World Pride we were all working overtime and on weekends in a feeble attempt to hold the police to account, but you realize when there are just 15 of you out there with nothing but clipboards and you are up against 50 officers with guns, vehicles, dogs and scheduled rest breaks, that you are completely outnumbered. It was

really disempowering."

Green is currently campaigning for increased resourcing of Community Legal Centers, which play an important role in supporting community members who have complaints about police conduct.

"Last year the NSW Government invested more than \$5 billion in the NSW Police force and less than \$20 million in Community Legal Centers. We are calling on the NSW Government to urgently invest in our programs, which provide legal support to people who are traumatized after invasive searches and questioning."

Conflicting images

A/Prof. Sentas says that while many see LGBTQIA+ police members marching in the parade last year and LGBTIQ+ Police Liaison Officers as positive, this is at odds with the intimidating experience of police drug operations going on outside WorldPride and Mardi Gras venues.

"The consequence of intensive policing at Mardi Gras events is that it normalizes Mardi Gras as a site for LGBTQAI+ communities to be criminalized. In order to prevent harms, drug dog operations should cease and the police footprint needs to shrink," she says.

More information: Vicki Sentas et al, Policing WorldPride: gatekeepers at the festival turnstiles, *Current Issues in Criminal Justice* (2024). [DOI: 10.1080/10345329.2024.2319912](https://doi.org/10.1080/10345329.2024.2319912)

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