

Smart Justice

"Smart action for a safer community"

Media Release

OPI review fuels growing doubts over stop and search powers

3 May 2012 – For immediate release

A coalition of legal and community groups has welcomed a call by the Office of Police Integrity for more public debate on Victoria Police use of controversial stop and search powers first legislated in 2009.

"The OPI review tabled in parliament today has only fuelled growing doubt that police powers to stop and search people without a warrant or reasonable suspicion have gone too far," said Smart Justice spokesperson Hugh de Kretser today.

"The review points to a failure to comply with legislative requirements for reporting the use of these powers, with the available data for armed robberies showing 'no discernible impact' on the use of knives – a key motivation for introducing these laws in the first place,"

"There is an unwarranted perception that knife crime is on the rise in Victoria and that these powers are necessary to address it. The OPI report shows the evidence just isn't there," de Kretser said.

Indeed police data show that assault and robbery with knives are down over the last decade, while on hospital data penetrating injuries have remained fairly stable – as acknowledged by the 2010 Parliamentary Inquiry into Strategies to Reduce Assaults in Public Places in Victoria.

In the absence of data showing effectiveness of the powers, de Kretser said the focus of the public debate should now shift to the acknowledged impacts on human rights, the targeting of disadvantaged and minority groups by police, and the lack of accountability of police in using the powers.

While the OPI found little evidence of the arbitrary use of the powers or the targeting of particular groups, de Kretser said the lack of data and accountability measures were preventing appropriate transparency in this regard.

"We can't have a situation where police powers are toughened at the same time that accountability is weakened – particularly given the disproportionate impact of these powers on vulnerable groups – including young people, the disadvantaged, and new arrival minority groups.

In a March 2010 report on similar powers in the United Kingdom, the UK's Equality and Human Rights Commission found that 'the evidence points to racial discrimination being a significant reason why black and Asian people are more likely to be stopped and searched than white people'.

"A way forward that would help to restore public confidence in the appropriate use of police powers would be the adoption of a receipt system to guard against their misuse," de Kretser said.

He said the State Government also needed to consider the reasons why young people carry knives as opposed to using them, in which fear of becoming a victim of violence was itself a major factor.

“No-one is served by hysteria around knives, and it may in fact increase the number of people carrying them. What we need is an evidence-based approach, and search powers that demand valid reasons before they are exercised. That way we can limit police searches to cases where they will be most effective in reducing knife crime and keeping people safe,” de Kretser said.

The Smart Justice factsheet “*Reducing knife carrying and knife violence*” is available at www.smartjustice.org.au.

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