

NSW: Police will still use sniffer dogs in public searches

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Sniffer Nightlead

By Janine O'Neill, Police Reporter

SYDNEY, Nov 1 AAP - NSW Police will ignore a magistrate's ruling that the use of sniffer dogs to search people for drugs in public places is unlawful.

Civil rights groups today branded the police position as irresponsible, costly and an abuse of power.

Deputy Chief Magistrate Mary Jerram's ruling yesterday means that people whose matters have yet to be decided in court may have their cases deferred, pending an appeal to the Supreme Court by the Police Service.

NSW Council for Civil Liberties president Cameron Murphy said police determination to use sniffer dogs in these searches would also mean the cases of anyone they charge from now on could be in doubt.

"If the Supreme Court upholds this ruling, and we believe that's going to happen, it means that all of their work from now until that Supreme Court decision could get thrown out," Mr Murphy said.

"It's irresponsible for them (the police) to take that position.

Mr Murphy said court resources, police resources and time would all be chewed up.

"We think they've charged a few hundred - a ballpark figure - and all of those cases are in doubt."

NSW Premier Bob Carr offered to sit down with Police Commissioner Peter Ryan and civil libertarians to discuss any concerns they had.

"I don't want to see NSW become a police state but I don't see how you can take this very useful tool away from the police," Mr Carr said.

"I'd be as concerned as anyone if they were being used to infringe people's civil liberties but I don't see how sniffer dogs override the civil liberties of anyone."

When asked if legislation would be amended if needs be, Mr Carr said: "Yes".

Mr Murphy welcomed Mr Carr's offer to meet with civil liberty groups, saying there could be some middle ground.

However, he said currently police used the dogs and searches in a malicious way.

"They've strip-searched people in public and engaged in other activity that's got the public offside."

Redfern Legal Centre coordinator Caitlin Perry said they had already advised more than 25 people they may have a case against police after being searched.

In one case a man lost his job after he was searched at a Surry Hills hotel and accused of associating with people who had used drugs.

The Police Service confirmed they would use sniffer dogs in public searches.

"Sniffer dogs will continue to be used in the NSW police service operations to detect people carrying drugs in public places," a police spokesman said.

"Each matter in an operational environment is undertaken on a case-by-case basis and a review may be conducted once any Supreme Court action in response to yesterday's ruling by the deputy chief magistrate is finalised."

AAP jo/arb/cjh/br

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