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Policing WorldPride: gatekeepers at the festival turnstiles

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ABSTRACT

The violent and contested overpolicing of LGBTQI+ communities at Sydney's Gay and Lesbian Mardi Gras has a long and visible history which has been amplified through intensified drug policing over the last two decades. This article scrutinises police practices during Sydney WorldPride events in February and March 2023, which included Mardi Gras events. It draws on a unique data set drawn from the NSW Police Force and an independent legal observer initiative, 'Fair Play', that provided support for policed people at WorldPride. We ask: What do police practices tell us about the exercise of police power over LGBTQI+ people at WorldPride? Our study found intensive and aggressive high-visibility policing characterised by invasive questioning and drug detection dog patrols, and humiliating and potentially unlawful searches. The impacts illustrate how policing criminalises and gatekeeps belonging to sexual and gender-diverse communities.

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Introduction

Police violence at Sydney's Gay and Lesbian Mardi Gras Parade (Mardi Gras)—and resistance to it—has a continuous and visible history. From the recognisable mass police brutality at the inaugural Mardi Gras protest in 1978, to police assault of teenager Jamie Jackson Reed at the 2013 parade, police criminalisation at Mardi Gras events in recent decades includes searches, drug dog patrols, detention, fines and arrests. The intensification of drug policing and the use of drug detection dogs at Mardi Gras over the last two decades builds upon the longer, broader legacy of differential policing including overpolicing of groups at the margins, neglect, and failed investigations into hate crime (Race, 2023a). Police violence and overpolicing at Mardi Gras continues despite negotiations between Mardi Gras and the NSW Police Force, and includes a Memorandum of Understanding on policing established in 2014, amid the broader discursive and

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programmatic turn to inclusive and non-discriminatory policing of sexual minorities within Australian policing organisations (Ellis, 2019, 2021, 2023).

One community-based response to overpolicing was Project Blue, an initiative established by the Inner City Legal Centre, Mardi Gras and ACON in 2010, to provide the community with ‘legal and emotional support’ during Mardi Gras events (NSW Gay and Lesbian Rights Lobby et al, 2013, p. 8). Following Project Blue observations and a record number of complaints received by Mardi Gras in 2013, these organisations published a report documenting ‘high levels of police intimidation, violence, excessive physical force and coercion’ (NSW Gay and Lesbian Rights Lobby et al, 2013, p. 8). This included homophobic police incidents, as well as unlawful general searches, strip searches, a high concentration of police, and the intimidating and unlawful use of drug detection dogs. The 12 recommendations to the NSW Police Force included LGBTQI+ cultural competency training, reducing the scale of police operations and abolishing the use of drug detection dogs (NSW Gay and Lesbian Rights Lobby et al, 2013, p. 14). Whilst police adopted LGBTQI+ training over the next decade, the scale, intensity and coercive purpose of police operations continued.

Project Blue was revised and renamed ‘Fair Play’ in 2013 to better reflect its emphasis on police accountability in the face of a qualitative and quantitative increase in intimidatory police tactics (Ellis, 2021). Fair Play is part of an international movement of volunteer legal observer projects which provide an independent account of police conduct, primarily at protests (Fair Play, n.d.). Legal observers seek to inform the public of police powers and civilian rights, scrutinise police conduct, and hold the police accountable (Walsh, 2016). Observers document police encounters with policed people in writing and sometimes through film. They function as independent witnesses to assist policed people in making a complaint or in subsequent legal proceedings. Legal observer projects provide unique sources of data that give an account of police practice from the standpoint of supporting those policed.

Through analysis of Fair Play observational data, NSW Police Force data, and focus groups and in-depth interviews with Fair Play volunteers (N = 12 participants in total), this article scrutinises police practices during WorldPride events (Sydney, February–March 2023), a global event franchise which included Mardi Gras events. Our findings reveal intensive and aggressive policing characterised by invasive questioning, instances of potentially unlawful policing, and use of force. We document the strategic use of police intimidation to disconnect party-goers and Fair Play observers from their legal rights or from contesting the basis of police actions.

In the next section of the article, we detail our methodology followed by our characterisation of police strategy at WorldPride. The main part of the article sets out findings about the key police powers documented by legal observers and triangulated through police data— drug detection stops, questioning, searches, fines and arrests.

Methodology

This study was jointly commissioned by the Inner City Legal Centre and ACON following their concerns with aggressive overpolicing at WorldPride events in 2023. The study takes a sociolegal approach, situating its analysis of public order policing within its social, legal, political and historical context. Context is of particular significance for

communities that have been over and underpoliced through processes of criminalisation and who are the routinised targets of police suspicion. The mixed-methods research design triangulates qualitative and quantitative data from focus groups and interviews with Fair Play volunteers (N = 12 participants in total) and Fair Play incident reports, with police data obtained through an application made to the NSW Police Force under the *Government Information (Public Access) Act 2009* (GIPA), increasing the validity of research findings by furthering the ability to generalise from the data (Davies and Francis 2011). We conducted four focus group interviews with 12 Fair Play observers and two interviews with observers who were also Fair Play lawyers in August 2023, and analysed over 200 anonymised individual incident reports completed by Fair Play observers. Ethics Approval for the study was granted by the University of Sydney (HREC Approval No. 2023/327) and ACON (RERC Reference Number 202308).

GIPA data

The GIPA data returned to us by police relates to the policing of Sydney WorldPride events (2023) between 18 February and 5 March 2023, including the Rainbow Republic Party, Domain Dance Party, Mardi Gras Parade, Mardi Gras After Party and Bondi Beach Party. Some of our requests for information were denied or modified by police. Police refused to provide the number of drug dog detections and the type and quantity of drugs found, as this would require police to ‘make a new record’, which they were not obliged to do (personal correspondence; see GIPA s75(2)). Our initial request for 100 event narratives was denied as an unreasonable burden on police resources, however, 20 records were released. NSW Police (2023a) provided the following information:

- (1) 20 randomly selected event de-identified narratives coded ‘WorldPride 2023’ where a search power was exercised on 25–26 February (Mardi Gras Party) and 26 February (Domain Dance Party).
- (2) The number of powers exercised by police during Mardi Gras (2019) and WorldPride (2023) broken down by calendar year and recorded under the Operation Names ‘Mardi Gras 2019’ and ‘WorldPride 2023’:
 - General searches (including number of detections and type of drugs and weapons found)
 - Strip searches (including number of detections and type of drugs and weapons found)
 - Move on directions
 - Use of force
 - Charges (by offence category)
 - Cannabis cautions
 - Fines (by offence category)
- (3) NSW Police Force operational briefings for WorldPride (2023) events and Mardi Gras events (2019)
- (4) Contents of Online PETE training package for NSW Police Force officers to complete before WorldPride (2023)

Thematic analysis of qualitative data

Consistent with grounded theory and abductive inference, our analysis was integrated alongside data collection in an iterative process (Charmaz, 2006). We formed hypotheses in the examination of data, rather than presumptive claims in the preliminary stages of the research process (Charmaz, 2006). However, given the narrow focus of the research, many of the themes were related to established taxonomies of public order policing. Commonly associated with grounded theory, *in vivo* codes were important in uncovering the progression of terminology used (Charmaz, 2006). We then highlighted the most significant codes and combined codes representing similar meanings in thematic categories in a continual process of checking the accuracy of the code against the data. As such, data coding was an emergent process until new information or ideas ceased to appear.

The research team undertook an intercoder reliability assessment to improve the systematicity, communicability and transparency of the coding process and to promote reflexivity and dialogue within the team (O'Connor & Joffe, 2020). Each member of the research team conducted a thematic analysis of a randomly selected transcript. The team used transcript one to discuss the relevance and accuracy of codes across the transcripts and refine descriptors. This was done through the coder of transcript one inputting their codes into a spreadsheet, and research team discussion to refine the codes for clarity, and to merge duplicate codes. The team agreed upon eight macro codes for the broader study—communication, spatiality, police powers, police strategy and tactics, Fair Play objectives, Inner City Legal Centre governance and objectives, the impact of policing, and recommendations. In this article we focus on three of these themes—police strategy, police powers, and the impact of policing on party-goers.

Police strategy at WorldPride 2023

High visibility and drug detection operations involving drug dogs, the latter used in NSW from the early 2000s (Lancaster et al., 2017), were key components of policing the four major parties (NSW Police, 2023b). Approximately 2400 police were deployed during the 17-day Sydney WorldPride festival (NSW Police, 2023b). Large numbers of police were rostered on to drug detection operations at each of the parties: 46 officers at the Mardi Gras After Party, 81 at the Domain Dance Party, and 84 at the closing ceremony Rainbow Republic (NSW Police, 2023b). The NSW Police Force obtained a drug dog warrant for each of the WorldPride events in this study, which permitted police to use dogs to detect drugs held by people in public (*Law Enforcement (Powers and Responsibility) Act 2002* (NSW) 'LEPRA' ss 149, 145). Police refused to provide data on the total number of dogs working with police, but five dogs are mentioned in the narratives (Blaze, Barry, Quattro, Ita and Gilly).

Police described their drug detection operations at WorldPride as 'harm minimisation' (NSW Police, 2023b), which, according to Australia's National Drug Strategy, involves reducing drug-related demand, supply and harm (Commonwealth, 2017). Yet a substantial literature documents how drug dog operations at festivals in Australia are inconsistent with harm minimisation. In practice, drug detection dogs are deployed to disrupt drug-taking, not drug-supply (Grewcock & Sentas, 2021, p. 198; NSW Ombudsman, 2006). The use of drug detection dogs has at best a minor deterrent

effect on use and possession (Hughes et al., 2017), with as few as 4% of festival-goers deterred (Gibbs et al., 2023, p. 555). Critically, police and drug detection dog operations at festivals are known to induce panic ingestion (State Coroner's Court of NSW, 2019), preloading, 'double dropping' (the consumption of two or more doses at once), shifts to consumption of potentially more risky drugs (Dunn & Degenhardt, 2009; Grigg et al., 2018; Malins, 2019), the purchase of less-known drugs within the festival grounds (Grigg et al., 2018; Hughes et al., 2017), higher-risk alcohol use alongside illicit drug use, and mixing stimulants. The NSW Police Force drug detection operations are not informed by and indeed undermine harm minimisation.

Police strategy at WorldPride 2023 also involved long-standing approaches to present a large police presence at queer events as normal and non-discriminatory (Ellis, 2021; Russell, 2018). At WorldPride events, this strategy involved both overt displays of inclusion, and hiding police harms from view. NSW Police Force drug operations at WorldPride involved the display and distribution of NSW Police Force-branded rainbow merchandise within the search compound and beyond. This exemplifies how police organisations integrate marketing with their surveillance strategies through LGBTQI+ symbols such as the progress pride flag, in what Russell (2018) has conceptualised as 'carceral pride'. Police briefings on strip searches for WorldPride events covered policy, which states police should 'consult with transgender or gender diverse people respectfully to ask them how they identify to inform the decision of whether a male or female officer will be selected to perform the search' (NSW Police, 2023a). At the same time, searches and strip searches at some WorldPride events took place in permanent infrastructure utilised for drug detection operations at the annual Mardi Gras party. The spatiality of the police compound shielded the visibility of police search operations from the public, segregated the searched and the unsearched and the accompanying trauma that went with it. These contrasting practices strategically presented police operations as non-discriminatory and non-harmful. However, at their core, drug policing strategies at LGBTQI+ events disrupt important spaces for connection shown to forge community, strength and belonging (Boon-Kuo et al., 2019; Race, 2003).

Police powers at WorldPride 2023

We argue that police strategy is best understood from the ground up in how police powers are exercised in practice. This section details our findings and analysis of how police used dogs, questioning, search, assault, fines and charges of people at WorldPride events.

Drug detection dogs

As people crowded into the lengthy queues to each of the parties, making last-minute adjustments to clothing and arranging rendezvous with friends inside the party, uniformed and plain clothes police patrolled, commonly accompanied by a drug detection dog. Police picked people out of the line just before they presented their tickets at the turnstile into the event, or as they joined the queue.

Police view 'screening' by drug detection dogs, which may lead to the dog indicating the possible presence of drugs, and police search of people, as distinct processes (NSW

Ombudsman, 2006, p. 25). Police use of a dog to sniff near a person for drug detection does not constitute a search (*Darby v DPP*), and so does not require police to first establish reasonable grounds to suspect a person possesses prohibited drugs in accordance with the law (see below). However, our findings show that, in practice, drug detection dog ‘screening’ is integrally connected to search, which makes how police use dogs of serious consequence. Critically, it is the police decision to deploy drug detection dogs in a particular *place* that leads to presumptive search. At WorldPride, police used dogs to sniff people in an area regarded as frequented by people using drugs, before police had formed reasonable suspicion that individuals possessed drugs. This is why police use of drug dogs is a deliberate group-based discretionary targeting constitutive of a ‘suspect community’ (McConville et al., 1991).

A key concern for observers was that police arbitrarily used drug detection dogs as a pretext for search, and, as discussed below, to pressure party-goers into answering questions. This was evident via the variation in what police treated as a drug dog ‘indication’ (P2). Although a dog sniffing and then sitting next to a person is regarded as a typical indication (NSW Ombudsman, 2006, p. 25), police ‘would be right in the person’s face’ (P2) even if the dog was ‘just walking or sniffing, approaching the person’ (P2), ‘lingering around’ or following a person without visible indication (P5, P4, P7). These observations are consistent with police narratives which referenced detection ‘in the airspace’ or ‘around’ the person as the prompt to stop and question. The arbitrary basis of dog indications was supported by one observer’s witnessing of a police officer telling the dog to sit by a person (P6). Another reflected that her work informing people about their rights contributed to police suspicion of individuals: ‘OK, so here’s the thing. I made a point of not going up to my friends ... I realised that the dogs were following me to find the people’ (P4).

Observers’ concerns that police used dogs as an arbitrary pretext to search are also supported by findings that drug dog indications do not reliably indicate that a person possesses prohibited drugs. Approximately 75% of searches prompted by drug dog indications in multiple periods from 2002 to June 2023 did not locate illicit drugs (Grewcock & Sentas, 2021; McLeod, 2023; NSW Ombudsman, 2006, ii, 27). Police policy and statute clearly state police must not use drug dog indications alone as reasonable suspicion that an individual possesses prohibited drugs and thus as lawful authority to search (LEPRA s 146(1), NSW Police, 2016). Yet police ‘almost always’ treat an indication by a drug dog as sufficient for reasonable suspicion (NSW Ombudsman, 2006, p. 197), and at WorldPride events, indications were routinely followed by search. Our findings reveal that police use of drug dogs compromises fairness of search from the start of the encounter, in ways that the threshold of reasonable suspicion for search does not properly recognise, and which challenge the asserted distinction between ‘screening’ by drug detection dogs and search.

Coercive questioning

The police approach to questioning at WorldPride 2023 was aggressive and intimidating, with the result that almost all party-goers approached by police answered police questions and provided identification even when not legally required. Observers explained they felt helpless and irrelevant because party-goers were not able to exercise their right to silence: ‘it was really obvious and we’ve heard, in reading the advice notes

themselves, that what was happening was people were just being harassed, and coerced, and bullied into consent or else' (P1). Police questioning of individuals at an early stage of investigation should be stringently analysed because it involves one of the most legally unregulated police powers, and coerced statements can have serious consequences for those policed. While the law restricts police from questioning during a search and requires police to caution individuals of their right to silence after arrest (LEPRA ss 32(8), 122), questioning pre-search and pre-arrest is not subject to specific rules. The consequence of answering questions for many were a traumatic search or strip search, and for some, a fine or charge for drug possession. Even an experienced criminal lawyer who attended the party answered police questions and submitted to search (P1), indicative of the real struggle in navigating encounters with police. As one observer said: 'Sure you can say, "I'm not consenting," or, "I don't want to give my ID," or something. But ultimately then you run the risk of being arrested' (P9). Such experiences are consistent with studies which have found that police have interpreted people as suspect if they do not consent to informal questioning (Sentas, 2014, pp. 194–236) and that lack of deference to police authority can have negative consequences (Methven, 2018).

Three police practices emerged as instrumental conditions that intimidated party-goers to the extent that police pre-search questioning should be understood as coerced, not consensual.

The first practice was aggressive presumptive questioning. Police asked rapid-fire questions to party-goers as they walked towards them or after an apparent dog indication:

'Hey, mate, can I talk to you?' And as the person keeps walking, they will pursue them. And then if they stop the person, then it starts right off asking silly questions; 'Where are the drugs?' kind of stuff. (P6)

'Have you ever taken drugs? Have you taken some this week? Do you take drugs? Are you affected by drugs?' And questioning people extensively. (P7)

'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?' (P3)

For many of these questions, an affirmative response would not be probative of drug possession (eg, were drugs being taken at a prior venue), nor relate to an offence (eg, drug use is not an offence), nor provide a factual basis for individualised suspicion (eg, have your friends taken drugs?). Experienced lawyers perceived that police deliberately and perhaps disingenuously asked multiple questions to accrue 'facts', however irrelevant to individual possession of drugs, towards the legal threshold:

They've had their training following all of the work that's been done into strip searches, so ... their questioning has changed. They don't just proceed straight from an indication to a search, they're now: indication, bunch of really dodgy, random, weird questions, search. It's like they understand they have to pass that threshold now. (P1)

Police used well-known tactics to badger people to confess—asking multiple and extensive questions to intimidate a person into admitting they possessed drugs (P7); or reversing the onus on the person, asking, 'Well, why did the dog sit down?' (P5).

Second, observers noted a persistent practice where, after a single officer with a drug dog stopped a person, many police then surrounded an individual for questioning. Observers' incident reports show that it was common for three to five police to cluster around an individual during questioning. This conduct directly led to people making admissions, like in an incident where an officer with a dog regarded a party-goer as avoiding him. The officer stepped close to the party-goer, shouting:

'Don't lie to me. Are you avoiding me?' This prompted additional police officers to walk towards us and began to surround me. ... I began to be scared of the situation and answered, 'Yes.' The initial officer asked if I was concealing anything. I said that, 'I have a bag of four capsules I believe to be MDMA.' (P1)

Police procedures, which recommend a minimum of 10 police officers for each drug dog detection handler (NSW Police, 2016, p. 11) foster the menacing clustering of police.

Third, police used 'dubious tactics to get people to fess up' (P12). Police lied to party-goers, asserting police had 'this new infrared technology' which could detect 'if you are secreting something' (P1, see also P12, P5). Clients attending Inner City Legal Centre advice sessions following the event also reported police telling them that 'thermal imaging technology' had picked up that they possessed drugs (P1). A police narrative records an instance where police told the party-goer that 'the dog indicat[ed] on an illicit substance', when the most that could be factually known by a drug dog indication was the possibility of an illicit drug.

Coercive and unethical questioning at WorldPride should be understood within the longer genealogy of coercing admissions, which include police 'verballing' and the infamous historical use of the phonebook or other means to beat admissions from suspects (Queensland Fitzgerald Commission of Inquiry, 1989; Wood, 1997).

General searches and strip searches

For observers, police searches were 'one of the biggest problems, if not the biggest problem' (P2) with the policing of WorldPride. Observers witnessed police tactics that intimidated and distressed them, those searched and their friends, and documented a lack of legal justification for general and strip searches in their incident reports. The police power of search is highly contested—it represents the clash between competing legal and police interpretations of the limits of police authority. Whether police power is legally justifiable turns on available evidence that police met their statutory thresholds to act. Understood as sources of evidence, Fair Play observations and police records paint a compelling picture of a contest over police power.

Police search powers in NSW

The power to search is legally constrained to protect the fundamental rights of the person from arbitrary state interference (Grewcock & Sentas, 2019). In NSW, personal searches are divided into 'general searches'—a pat search by police of the person's outer clothed body—and 'strip searches'—a visible inspection of the bare body where police direct the person to remove some/all of their clothing (LEPRA Div 1, 4). Police can only conduct a general search of a person if they have a 'reasonable suspicion' that they possess drugs, a dangerous weapon or stolen goods (LEPRA s 21).

For a strip search in the field, police must also have a reasonable suspicion that the strip search is necessary because it is ‘serious and urgent’ (LEPRA s 31(b)). How police (mis)understand reasonable suspicion is fundamentally contested in courts and scholarship in Australia (Grewcock & Sentas, 2021) and internationally (Weber & Bowling, 2012). At its core, reasonable suspicion is an objective determination of what factual information about the person the officer had in their subjective mind (*R v Rondo*; see Grewcock & Sentas, 2021). We discuss below how police practice is often in stark contrast with key legal principles about what can ground officers’ reasonable suspicion.

Police search data

Table 1 shows 350 general searches and 33 strip searches were conducted for all events police coded as ‘WorldPride’. This data likely under-reports searches; police keep notoriously poor records, and under-record the incidence of strip searches (LECC, 2020). Table 1 shows 40% of all searches found ‘adverse objects’, which includes pharmaceutical drugs and drug implements. We refer to these as ‘find rates’, also referred elsewhere as ‘hit rates’, and a reliable proxy for whether police have met thresholds for the lawful exercise of search (Alpert et al., 2005). A low find rate indicates a likely unlawful pattern of search. Across NSW the average find rates for general searches is around 11% (LECC, 2020, p. 13). Whilst the 40% find rates at WorldPride were higher, the vast majority of searches found nothing and raise questions about the lawfulness of police searches.

How and what did legal observers see?

Legal observers constantly saw people intercepted by police and taken away to the tents to be searched. Police told observers they could not interact with people before they were searched—they were relegated by police to helping people only after a police interaction:

Those of us who were at the table, just outside the tents, would go up to the person and just say, very briefly, ‘When you’re done, if you need any information, support, you can come and talk to us.’ And that was it. That was really all we could say. (P2)

Legal observers also supported and resourced the friends of the person policed. Chatting while waiting alongside friends and partners gave many observers a keen sense of the long time that people were detained for, and the distress of policing for those left behind. Strip searches in particular lasted a ‘really, really long time’, some up to an hour, leaving observers to console increasingly distraught and panicked companions. Observers constructed an understanding of police search practices through debrief with policed people. Legal observers also saw and heard how police used dogs and

Table 1. Searches conducted during WorldPride 2023, Sydney (NSW Police, 2023a).

| Police power | Number of people searched | Number of people with adverse detection | Percentage detection |
|----------------|---------------------------|---|----------------------|
| General Search | 350 | 126 | 36 |
| Strip Search | 33 | 26 | 79 |
| Total | 383 | 152 | 40 |

Note: The number of people with ‘adverse detection’ for both general and strip searches includes people found with pharmaceutical drugs.

questioned people in real time (above). Whether police had a lawful basis for conducting the searches was a major theme.

Reasonable suspicion

We described earlier how police overwhelmingly used dogs to presumptively intervene against a person. Drug dog indications formed the initial basis for reasonable suspicion both with and without the strategic use of questioning. As explained, a drug dog detection alone cannot legally form the required reasonable suspicion to authorise a police search. Of the 20 police COPS event narratives we analysed, 13 involved a drug dog indication. Of these 13 reports, five disclose the drug dog detection as the only reason for the search. Eight of the reports were accompanied with at least one or more of these three reasons, in addition to the drug dog detection:

- The person appeared drug affected (n = 4)
- The person confessed to having consumed drugs previously (n = 6)
- The person appeared nervous or was avoiding the dog or police (n = 3)

NSW courts are generally satisfied with the police justification that the person appeared ‘drug affected’. Notably, none of the four police records that cited ‘drug affected’ as a reason for the search resulted in a find of drugs. As discussed above, observers reported that after a dog had indicated a person, police questioned whether they had consumed drugs before arriving at the party. This is borne out in 6 out of 20 event narratives as grounds for reasonable suspicion to search. This number includes reports where the person’s admission is redacted, but surrounding text supports a clear inference that an admission was made. Police found nothing in any of the six incidents where prior consumption was listed as a reason.

In other festival contexts, police leadership has justified drug dog and search practices where a person has admitted to prior drug use, though the search does not yield a find (McLeod, 2023). We argue that such police reasoning dangerously misunderstands the limits of the police power to search—it is for reasonable suspicion of possession or supply only, not for consumption of drugs that has occurred in the past. Policing the consumption of drugs as ‘saving lives’ at Mardi Gras not only corrodes the concept of harm minimisation—police fabricate unsubstantiated ‘moral’ yet unlawful justifications for search.

Observers noted a trigger for police search was the person’s demeanour, including looking nervous, talking on the phone or walking away from police; that most police ‘were very suspicious of everyone’. Critically, observers saw that people were shaken by intimidating police interaction, which police in turn took to be oppositional and suspicious. NSW courts consistently find that being nervous, avoidant or challenging police is not reasonable grounds for police suspicion (see Grewcock & Sentas, 2019). The Law Enforcement Conduct Commission found police formed suspicions and conducted searches on the basis of people’s responses to dogs and concluded this was an unreliable and unreasonable justification (LECC, 2020). As a result of the strip search inquiries, NSW Police developed its (then draft) Music Festival Guidelines which instruct that signs of nervousness may be because the person is ‘nervous at the sight of police’ (cited in LECC, 2020, p. 37). The guidelines direct officers to ‘interact with individuals

displaying these signs to try to determine a reason for these behaviours’ and that ‘searching police should make notes indicating why they think the person’s behaviour was suspicious of them being in possession of drugs or other illegal items’ (LECC, 2020, p. 37). Whilst one reading of the new festival guidelines is to encourage police to substantiate their suspicions, an effect is the coercive questioning outlined above.

Police list nervous or avoidant demeanour as a reason for search alongside a dog detection in 3 of the 20 police event narratives, yet, contrary to police festival guidelines, there is no explanation of why. For example, a person was ‘observed to stop at the sight of the drug dog and turn around to walk an alternative route’. In this instance, the police search found 0.75 grams of cocaine, and the person was given a criminal infringement notice (CIN) for possession. In another incident, police recorded: ‘POI appeared nervous to police and was searched for those reasons’. A redacted reason potentially related to an admission by the person. No drugs were found.

Case study: policing a nervous young person

We share at length the reflections of an experienced lawyer in her own words, who observed a young girl stopped by police, without a dog, because of her nervous demeanour. The police search found nothing:

And this was the most heart wrenching ... A really, really young looking girl ... she would have had to be at least 18 to get into the party, but incredibly young. And she was wearing the kind of outfit that young people who are really still awkward in their body, and kind of embarrassed about themselves dress. You know, she had these long sleeves, and she had this fringe down in her eyes, and she was wearing a skirt over a pair of pants and had an awkward big backpack. And she just reminded me of an awkward kind of geeky kid in high school; that kind of trope ... not a regular at one of these events. It kind of really looked like it was one of her first outings at something of this nature. And she had a friend with her who was equally young and entirely innocent looking. Like there was nothing about these kids that suggested ... they didn’t even look dorky but just smoked pot, they like just looked dorky and completely green, and vulnerable, and young. But like young, and queer, and going to this big event that was so exciting. (P1)

The observer saw police stop the girl and the girl give police her passport:

And I’m like, ‘Who takes passports to events in the first place? Like kids that don’t have driver’s licences I guess. So she’s taken her passport with her. And of course I go over to the police and I say, ‘Why are you asking this person to show you her passport?’ And they said, ‘We’ve got reasonable suspicion.’ And I’m like, ‘But that doesn’t give you grounds to ask for her ID.’ And again it was like completely pointless because at that point they were just like, ‘Go away. Stop interfering with our investigation.’ And they took this young girl – and she was just – she was shaking, she was white, she was shaking like a leaf. She was absolutely petrified. And they’ve dragged her off in there and she spent 20 minutes in there. And she’s come out and she was just in pieces on the other side. And she was saying things to me like, ‘I must seem nervous because I’m just a naturally anxious kind of person.’ And saying things to me like this, to kind of justify why she thought the police would have identified her as somebody in the first place.

[S]he was just so upset about the whole thing – I don’t know why, like she wasn’t really treated any differently to the others. But she certainly reacted very differently to the others. She just was so apparently vulnerable. And it was just so unnecessary for her ... I still wonder how this day had impacted her.

For me, it just really reminded me of when I was young and finding my people for the first time. And had I had really bad interactions with authorities like that – you know? I didn't really think of this exercise in policing as kind of gatekeeping access to the queer community as such. I hadn't thought of it. But for that young person, potentially it did. If this was one of her first big outings as a young GLBTQ identifying person. I don't know what her story was, but – or whether she got out that much. She certainly, by appearances, didn't – you know? She was just finding herself and then – so does that deter young people?

This lawyer's reflections on the excessive policing of this queer young person speaks to the impact of policing as gatekeeping belonging to community. Queer parties like Mardi Gras are an important form of collective identity formation and connection through public and visible expressions of sexuality. Policing agendas that normalise over-policing of Mardi Gras normalise the disruption of belonging to queer community (Boon-Kuo et al., 2019; Russell, 2018).

Strip searches

The unlawful and excessive use of strip searches in NSW at festivals is, in part, an effect of drug policing (Grewcock & Sentas, 2021). The vast majority of strip searches in NSW are in breach of the law because police strip search to detect drug possession offences, which does not meet the legal requirement that strip search only be used in 'serious and urgent' circumstances (Grewcock & Sentas, 2019). Most of the strip searches at WorldPride 2023 are highly likely to be unlawful, given 50 out of 57 drug charges were for possession (see Table 2).

Of the 20 narrative police reports analysed, two records disclosed the use of strip searches at WorldPride. Neither record met the lawful threshold for a strip search. In one record, the person was apprehended by a drug dog outside the entrance to the Domain Dance Party. The reason given for the strip search was: the person turned around once sighting the dog ('attempt to avoid police') and the indication of the dog. The strip search found 'a small resealable bag containing four MDMA capsules, one small resealable bag of ketamine and one small resealable bag of cocaine, concealed in the accused's underwear'. None of the stated reasons specify the urgency or seriousness that necessitated this strip search. However, part of the brief record outlining the reasons is redacted.

In the second record, a person we presume was travelling to WorldPride on the train was observed by police entering the train without tapping on. While questioning the person about their fare, police recorded their reasons for a general search to be that the person appeared to be under the influence of drugs. The general search produced a capped syringe and a glass pipe in the groin area of the person's pants. Police conducted a strip search on the basis of the items found. Nothing was found after the strip search.

Table 2. Charges issued, WorldPride 2023, Sydney (NSW Police, 2023a).

| Offence description | No. of charges |
|--|----------------|
| Possess prohibited drug | 47 |
| Possess/attempt to, prescribed restricted substance | 3 |
| Supply prohibited drug <= small quantity (Table 2 offence) | 1 |
| Supply prohibited drug > indictable & < commercial quality (Table 1 offence) | 4 |
| Supply prohibited drug > small & < commercial quantity (Table 1 offence) | 2 |
| Non-drug offences | 36 |
| Total | 93 |

Again, finding drug implements does not meet the legal criteria that the reasons for the strip search be urgent and serious.

Strip search as assault and strip search after police assault

Strip searches are a manifold state-sanctioned violence, palpable at WorldPride. Observers saw and felt the after-effects of police forcing a person to remove their clothing, under detention, separated from friends: they saw people ‘distressed’, ‘completely shaken’, ‘fall to pieces’, ‘reduced to tears’ and ‘beside themselves’:

I spoke to a young woman who was strip searched ... I can't remember what she had on her, but it was quite a bit. And she came out really distressed. She was stripped, she had to take her clothes off. She was asked to squat. It was very invasive for her. And she was really distressed, because I think, it was her first time being asked to attend court. She might have been someone who worked with kids. So yeah, that was a really confronting experience for her. (P1)

The disassembling of self by strip search is a punishment using sexualised humiliation like the highly contentious ‘squat and cough’ to exercise control—a ‘gratuitous display of police authority and power’ (Race, 2023b, p. 844) for the ‘forcible production of violable subjects’ (Race, 2023b, p. 843). Squat and cough has no legislative basis, and it remains an open debate whether it is unlawful (Grewcock & Sentas, 2019) or, according to lawyers for police, permissible (LECC, 2020). In contrast, a strip search could factually meet the elements of an offence of sexual assault by the state (Grewcock & Sentas, 2019). In police policy, the practical object of squat and cough is to circumvent the prohibition on police touching a person as part of a strip search, by directing someone to contort their body for full exposure of their genitals. In this sense, squat and cough should be understood as a humiliation technique for enabling impunity for state violence.

Observers reported at least one instance of a strip search inflicted after a person was assaulted and injured by police. An observer saw two masculine-presenting people exit a taxi, possibly international visitors. They exchanged something indiscernible between them, ‘it could have been anything’ (P4). Two plainclothes police officers also observed them and tackled one of the men to the ground; the person that had something passed to him. Police injured him, blood ran down his leg. Yet he was taken away by police, hobbling and unable to walk properly, to be strip searched. The observer arranged for the person to get attention at the medical tent after he was strip searched: ‘But that was a long time after he’d been through the whole strip search, challenging, et cetera. Emotional and just horrified.... The international guests were absolutely in shock’ (P4). Police data shows police used force in four instances, however we were unable to obtain particulars.

The collective experiences of police violence, coercion and intimidation reveal the role of searches as ‘strategy’. Legal observers described the police objective in searching people as ‘to retrieve as many drugs as possible’ (P2); and as deterrence, that is, to ‘stop people from entering the party with drugs’ (P2). Observers saw that the large police presence and aggressive tactics shaped how and why police searched. Some police had a genuine belief that they were ‘saving lives’ but most were ‘utter pricks ... horrible, horrible, aggressive people’ (P1). Regardless of individual police intent, the punishment and intimidation

Table 3. Fines issued, WorldPride 2023, Sydney (NSW Police, 2023a).

| Offence description | No. of notices |
|-------------------------------|----------------|
| Possess prohibited drug | 95 |
| Transport regulatory offences | 62 |
| Disorderly conduct | 5 |
| Liquor offences | 2 |
| Total | 164 |

constantly described by observers in this study gives weight to Race's argument that police are 'scarcely concerned with drug crime or its deterrence' but with displays of sovereign power 'through the deliberate humiliation of those it produces as suspect' (Race, 2023b, p. 844).

Outcomes: fines and charges

Table 2 provides a breakdown of drug charges and Table 3 sets out infringement notices issued at WorldPride events 2023.

The outcomes data overwhelmingly demonstrates the police operation criminalised drug possession, leaving the broader issue of supply unaddressed, and representing 88% of all drug-related charges, 54% of all total charges and 58% of all fines. Almost 38% of all fines issued were in relation to transport offences, most of which relate to not having a ticket. Non-drug charges comprised 25 separate offences, spanning an array of minor property offences, offences against police (failure to comply with direction, offensive language, resist arrest, intimidate police, assault police) and assault offences. Whilst the offences are not on the whole in the serious range of offending, the consequences of public order and drug possession policing for LGBTIQ+ communities serves to entrench Mardi Gras as a naturalised object of police criminalisation.

Conclusion

Contemporary police strategy at WorldPride 2023 emerges from a longer history of police violence at Mardi Gras from the 1970s, which again intensified from 2006 with growing drug operations, including invasive strip searches and intimidation. Through triangulating community volunteer eyewitness accounts and police records, we have contextualised the use of police powers as a contest over police authority to question, intimidate, sniff, search, humiliate, assault, fine and charge party-goers. Our findings confirm and extend previous scholarship and advocacy around policing at festivals: police use of drug detection dogs and searches at WorldPride are presumptive and categorical expressions of authority that exceed legal parameters and speak to the nature of sovereign police power. But after a period of intense scrutiny and findings of systemically unlawful police search practices in NSW, police have incorporated 'lessons' on how to perfect their use of drug dogs as legitimate reasonable suspicion. Our findings show intensive police questioning coerces admissions against a legal right to leave, instantiates nervous demeanour as suspicious and 'collects facts' to justify police searches. Police records are congruent with legal observer accounts. The policing of drug consumption and possession at WorldPride is not only inconsistent with harm minimisation because of the recognised risks police operations

pose to the health of ‘drug users’. Our findings confirm broader insights from critical studies that policing criminalises and gatekeeps belonging to sexual and gender-diverse communities. Police harm and punish through physical assault, the violence and humiliation of strip searches, drug dog intimidation and fines and charges.

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