

NSW police may be investigated for ‘secret blacklist’ used to target children

Police watchdog chief says new intelligence-gathering tool used to target people suspected of being likely to commit crime is potentially ‘problematic’



The NSW police’s Suspect Target Management Plan identifies people who are suspected of being likely to commit repeat offences.

Michael McGowan
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The New South Wales law enforcement watchdog will consider investigating a “hidden” blacklist used by the state’s police force to target children as young as 10 for monitoring despite them not having committed any crime.

Details of the the secretive intelligence-gathering tool were revealed on Wednesday in a joint study by lawyers from the Public Interest Advocacy Centre and the University of New South Wales, which found it was used to target children as young as 10, was overwhelmingly aimed at Aboriginal people, and resulted in “oppressive policing”.

Michael Adams, the chief commissioner of the NSW police watchdog, has voiced his concerns, saying the new tool is potentially “problematic”.

Adams, who was appointed as the first commissioner of the new Law Enforcement Conduct Commission in February, said the use by police of what's called the Suspect Target Management Plan – or STMP – could justify further investigation.

He said so-called “risk assessment” tools in law enforcement often contained “disguised personal subjective assessments which are not truly objective” and that “on the face of it one would have to question its reliability for predicting behaviour”.

“Sometimes you’ve just got to work with what you’ve got, but that means the level of your interference with people has to be correspondingly moderated because otherwise what you’re doing is acting on gut feeling and you can’t really have a policy that says that’s what you do,” he said.

“Where it’s not subject to self-examination, it’s problematic. The trouble ... is we don’t know whether it’s subject to any self-examination or any checking or any internal controls.

“One hopes it is but who knows.”

The LECC was formed as a replacement to the Police Integrity Commission, the Ombudsman and the NSW Crime Commission.

It has complete responsibility for investigating serious police misconduct and corruption, and overseeing complaints handling.

Asked if the LECC would investigate the STMP as a result of the report, Adams said he would discuss it with the other four commissioners.

“I can’t make that decision myself because there are commissioners but we will certainly seriously consider whether we ought to examine it,” he said.

“On examination you might find [that] the whole thing is well done and well organised [but] all one can say is that this material seems to me to justify some work.”

The report was co-authored by Vicki Sentas, the convenor of the Redfern Legal Centre Police Powers Clinic and a lecturer at UNSW and PIAC senior solicitor Camilla Pandolfini, and details an opaque system of “preventative policing” so closely guarded by the NSW police force that individuals are often not aware they’re a target.

The purpose of the STMP is to “identify, assess and target people” who are suspected of being likely to commit repeat offences, or who are seen as “responsible for emerging crime problems”.

But police won't reveal what criteria results in someone being placed on an STMP, and sample data from 10 Local Area Commands revealed the program "disproportionately targets" young people and Indigenous Australians.

The report's authors also detailed a number of instances in which police appeared to use STMP's inappropriately, including as cause to search someone as a substitute for having reasonable grounds to suspect they had committed or intended to commit a crime.

In one case, a 16-year-old who the report called Dean with a history of mostly minor graffiti-related offences, was stopped and searched 23 times in 10 months.

Police records justifying the searches included that he was wearing Nautica brand clothing, and that people who wear Nautica "are known to commit criminal damage".

In another, what the author's call "constant police harassment" of three siblings of Aboriginal heritage, led to one of the brothers appearing at the local police station "asking to be tasered and shot by police, asking 'Why won't you leave my family alone?'"

In a third case, a 14-year-old from a regional NSW town who the report called Kieran, was stopped 28 times. During one search police found a small amount of cannabis in his underpants and he was charged with possession.

However his lawyer successfully challenged the legality of the search in court because police claimed his being on an STMP was sufficient grounds for the search.

"The STMP is a very invasive police policy that has significant detrimental impact on the lives of young people who are subject to it, and their families," Pandolfini said.

"Some young people, as young as 13, report being stopped and searched in public, including on the train, sometimes several times a week, and visited at home by police, late at night, for no specific reason.

"We know that children as young as 10 have been placed on an STMP."

In a statement to the ABC, NSW police described the program as a "crime-prevention strategy" which is overseen by a senior police officer in every case.

It said STMP nominees are treated with "respect and tolerance" and that a risk-management framework is used to make sure the right people are being targeted.