
ENDING THE SUSPECT TARGET MANAGEMENT PLAN

SIGNIFICANCE



The case study found that the decision to end the STMP was of high significance

CONTRIBUTION



The case study found that PIAC likely made a significant contribution to the campaign

In October 2023, NSW Police announced their decision to end the Suspect Target Management Plan (STMP) after the Law Enforcement Conduct Commission found that the STMP was discriminatory, particularly against Aboriginal and Torres Strait Islander young people. This followed an eight-year campaign by the Youth Justice Coalition (YJC), a coalition of legal organisations and academics. The Public Interest Advocacy Centre (PIAC) was a key player in the YJC, and provided **long-term commitment, leadership and strategic advocacy expertise to the campaign**, making a significant contribution to the NSW Police’s decision to end the STMP. **Without the involvement of PIAC, it is reasonable to assume that the campaign would not have had as much success.**

What was the change?

On 30 October 2023, NSW Police announced the end of the Suspect Target Management Plan (STMP). This follows a six-year campaign by the Youth Justice Coalition (YJC), a coalition of legal organisations and academics, calling for the end of the STMP on the basis that it was oppressive and discriminatory, disproportionately harming Aboriginal and Torres Strait Islander young people.¹ The decision by NSW Police to end the STMP allowed them to avoid formal findings by the Law Enforcement Conduct Commission (LECC) in its 5-year Operation Tepito investigation report released on 30 October 2023. The report found that NSW Police use of the STMP against young people ‘amounted to agency maladministration’ and ‘could possibly meet the threshold for serious misconduct.’²

Why is it significant?

The abolition of the STMP is a significant outcome for young people in NSW. The findings of a 2017 report by the YJC, cited by the LECC as having informed its decision commence Operation Tepito, included that the STMP: was disproportionately used on young Aboriginal people; encouraged poor police practice, including unlawful use of power, and led to young people being subject to patterns of ‘oppressive policing’ that damaged relationships between police, young people and their families.³ In 2022 PIAC acted for one young Aboriginal man who was stopped and searched over 68 times while subject to the STMP in circumstances which were arguably unlawful.⁴ Abolishing the STMP presents an opportunity for NSW Police to develop a new approach to engaging with young people.

¹ YJC media release

² LECC report

³ YJC report

⁴ Case reference

What's next?

YJC members interviewed by Clear Horizon and PIAC raised concern that police may respond to the abolition of the STMP by developing 'new' policing approaches or tools that 'could easily just be STMP rebadged'. They noted that 'external input and oversight' from the LECC, legal and community groups – particularly Aboriginal and Torres Strait Islander communities - will be necessary to avoid a repeat of the harmful effects of the STMP.⁵

What was PIAC's contribution?

Clear Horizon (an independent evaluator) and PIAC interviewed four members of the YJC STMP working group to further understand PIAC's contribution to the campaign. Clear Horizon found that PIAC's contribution was likely significant and included:

- Leadership in collaborating with and coordinating other actors,
- Advocacy expertise, and
- Having strategic and sustained priorities.

The beginning of the campaign

As early as 2012, PIAC became aware of clients who were being subjected to home attendances, and stopped and searched because they 'were on the STMP'. Other organisations including the Aboriginal Legal Service NSW/ACT (ALS), Redfern Legal Centre and Shopfront also raised concerns with PIAC about police searching young people without a lawful basis under the *Law Enforcement (Powers and Responsibilities) Act 2002* who were being told they were on the 'STMP'.

PIAC, together with other legal organisations and academics, established an STMP working group within the Youth Justice Coalition (YJC).

Key contribution: leadership in collaborating with and coordinating other actors

Forming a coalition of actors through the YJC was central to the success of the campaign. Interviewees noted that PIAC was crucial in enabling collaboration between the stakeholders on the YJC:

"PIAC were **absolutely central to coordination and leadership** and keeping things going over the years."

"PIAC was clearly a **critical partner** in making this happen... they took a lot of leadership in terms of coordinating the other agencies as part of their campaign... PIAC really did a great job in terms of tying together the engagement with all stakeholders."

Stakeholders also noted that PIAC collaborated well with other organisations in the YJC:

"[PIAC] also capacity built the YJC's work... that was the core contribution of PIAC... **really expanding and adding value to the work of the YJC**"

⁵ YJC media release

“I think PIAC if anything is **quite humble** in terms of their approach... [they] do a lot of that unsexy coordination... without saying ‘we’ve done this alone’ or ‘we’ve done this as an independent organisation.’”

Making the STMP known

There was initially no information publicly available about the STMP. Over 2015-16, PIAC and the working group obtained information from NSW Police about the STMP through the *Government Information (Public Access) Act 2009* (NSW). This required multiple applications to several Local Area Commands, and challenging the withholding of certain information, including in the NSW Civil and Administrative Tribunal.

Dr Vicki Sentas, a member of the YJC STMP working group, led a research project to interview lawyers who had acted for clients who were known or suspected to be on the STMP. In late 2017, PIAC was a lead author (alongside Sentas) of the YJC report *Policing Young People in NSW: A Study of the Suspect Targeting Management Plan* (YJC Report).

The report was the first public analysis of the STMP. It was a ground-breaking report, finding that the STMP was disproportionately used on young Aboriginal people; encouraged poor police practice, including unlawful use of power; led to young people being subject to patterns of ‘oppressive policing’ that damaged relationships between police, young people and their families; lacked transparency and was not open to scrutiny; and was not supported by publicly available evidence that it was effective in reducing youth crime.

A key recommendation of the YJC Report was that the Law Enforcement Conduct Commission (LECC), which has oversight of NSW Police, investigate the STMP. The report also recommended that police cease to use the STMP on children.

Key contribution: advocacy expertise

PIAC organised for the report to be launched at a public event with media and a range of legal and government stakeholders present, including the recently appointed Law Enforcement Conduct Commissioner. The report generated significant media coverage, including in the Sydney Morning Herald, ABC, SBS, the Guardian and news.com.au.

Interviewees noted that PIAC’s advocacy expertise was an important part of the campaign:

“PIAC... is probably the **most expert in terms of the public relations** slash political aspect. Because most of the other, if you look at those other organisations, we’re mostly lawyers, aside from perhaps Dr. Sentas, who also had a different frame. So I think that PIAC did have a real strength there, they were able to bring along everyone else in that direction as well and be able to have interventions that, if PIAC weren’t there, I think we would have struggled to do in the same way.”

The LECC commences their investigation

In mid-2018, the LECC commenced an investigation into use of the STMP on young people under the age of 18, citing the report by the YJC as having partly informed its decision to commence the investigation (and indeed had asked the YJC to provide additional supporting evidence, which was coordinated by Dr Sentas). That investigation was named ‘Operation Tepito’. Interviewees explained that it was a significant achievement to encourage the LECC to investigate as it was the first time they had conducted an agency maladministration investigation.

“Our decision to investigate was partly informed by the work of the Youth Justice Coalition Policing Young People in NSW: A Study of the Suspect Targeting Management Plan published by the Youth Justice Coalition (YJC) in October 2017.” (p.9)

In January 2020, the LECC published the Operation Tepito Interim Report, which confirmed many of the concerns detailed in the YJC Report and made 15 recommendations for how the STMP could be improved for young people.

The working group continues to apply pressure

The YJC STMP working group did not support the LECC’s recommendations to reform the STMP, asserting that the STMP should be abolished instead. Interviewees explained that PIAC was central to coordinating a collective response from the YJC working group to the LECC’s interim report.

In November 2020, as a result of PIAC briefings with parliamentarians, policy documents were made publicly available through the NSW Parliament Standing Order 52 process. This process allows for parliamentarians to require the production of documents by government agencies. This made possible public scrutiny of NSW Police policy documents concerning the third iteration of the STMP. This resulted in further media coverage of the issues, including in the Guardian.

In February 2022, PIAC and the STMP working group provided a further submission to the LECC. In May 2022 additional documents were required to be produced under Standing Order 52, allowing for ongoing scrutiny and advocacy. In particular, the documents supported further engagement by PIAC with the LECC in relation to the STMP.

Key contribution: continued leadership in coordinating actors

Interviewees noted that PIAC’s leadership in coordinating members of the YJC working group was particularly important in this later stage of the campaign:

“I think **the involvement of PIAC and the tenacity in just keeping this on the agenda got LECC interested** and... [the coalition]... in recent years I would have to say probably led by PIAC or coordinated by PIAC, was able to keep up the dialogue with LECC, keep LECC interested, keep providing further information and case studies to them as needed.”

“Towards the latter parts of the campaign... [PIAC was] **taking the lead role** in terms of coordinating everybody, coordinating meetings, being the repository for the case studies, being the people who will draft the media releases and, you know, being the sort of the public face of the campaign. I think that’s been that’s been going on for a long time. I mean, Vicky Sentas has also been very much a driver of it, and she’s been a public face of it, too.... but... **without PIAC being able to keep coordinating the campaign her voice perhaps would not have been heard as much.**”

NSW Police announces they will cease using the STMP

A final report into Operation Tepito was tabled in NSW Parliament in October 2023. The report found that the NSW Police use of the STMP against young people would have amounted to agency maladministration had it not been discontinued. NSW Police announced that they stopped using the STMP against young people from October 2023 and would cease using it against adults from December 2023. This was a significant achievement for the campaign.

Interviewees agreed that the campaign would have been significantly less effective without PIAC.

“They would not have made the decision if PIAC was not involved”

Key contribution: strategic and sustained priorities

Interviewees noted that PIAC’s way of working, where it undertakes strategic litigation with clients which informs broader advocacy work, was important to the long-term success of the campaign.

“PIAC has that kind of structure and expertise to devote time to policy work and also to combine that with more public facing campaigns... **PIAC is in a really good position to lead these sorts of campaigns**”

“That’s where I think **PIAC has been so instrumental in this campaign**. They actually do have the resources and time to devote to doing [this] sort of long-term work that does eventually bear fruit”

“PIAC is **quite clear about its mission and what its priorities are**. It identifies priority areas that they want to work on in terms of law reform.”

Overall, what was the contribution of PIAC?

While this work was the collective effort of the YJC working group (and notably Dr Vicki Sentas), PIAC provided long-term commitment, leadership and strategic advocacy expertise to the campaign, making a **significant contribution** to the NSW Police’s decision to end the STMP. Without the involvement of PIAC, it is reasonable to assume that the campaign would not have had as much success.