

Operation Tepito – an investigation into the application of the NSW Police Force STMP policy on children and young people

The Law Enforcement Conduct Commission (Commission) completed a 5-year review looking at how the NSW Police Force used the Suspect Targeting Management Plan (STMP) on children and young people, aged under 18 years.

The Commission released an interim report in January 2020, and a final report in October 2023. Both reports set out our concerns about the use of the STMP on young people.

In October 2023 the NSW Police Force told us:

- that it has discontinued using the STMP on young people.
- by December 2023 the NSW Police Force will discontinue the STMP for adults.

The NSW Police Force is developing a replacement program that it says will improve outcomes for young people who are engaged in, or at risk of, repeat offending.

What is the STMP?

The STMP is a policy designed by the NSW Police Force to prevent crime before it occurs. It encourages police to use proactive policing strategies. This means doing things like:

- consistently monitoring and observing STMP targets in the community
- stopping and searching STMP targets when police see them
- visiting STMP targets at their home
- conducting bail compliance checks and issuing consorting warnings.

The STMP policy does not provide police with any additional legal powers.

The NSW Police Force introduced the STMP in 2000 and applied it to young people until October 2023.

How we did our review

Our interim report (January 2020) considered the use of STMP on 429 young people, who were all those placed on the STMP between 1 August 2016 and 1 August 2018.

Following our interim report, the NSW Police Force changed the STMP policy, introducing new measures to try to address the specific needs of young people managed under the STMP, such as a specialised ‘youth toolkit.’

Our final report (October 2023) analysed how the STMP was used on all the young people managed under the updated policy during its first 6 months – a total of 133 young people.

We looked at records showing how police selected STMP targets, assessed their risk of reoffending, and decided which strategies to use to manage that risk.

We reviewed records of police interactions with young people when using STMP strategies and records of how police evaluated the success of these strategies.

What did our review show?

The Commission concluded that the revised STMP policy did not address the issues we identified in our previous reports, nor did it deal with young people in a way that properly addressed their needs, as distinct from adult offenders.

Our analysis showed:

- Aboriginal and Torres Strait Islander young people were consistently over-represented as targets, suggesting the ongoing discriminatory effect of the policy

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- most young STMP targets had complex needs, but police mostly ignored these needs when they applied the STMP to them
- police used strategies that were highly intrusive and disruptive in the life of the young person, and which increased the likelihood of a young person's interactions with the criminal justice system
- police were confused about whether they were acting under the law or acting under the policy - which might have encouraged officers to act beyond their statutory powers
- inaccurate or incomplete records of police interactions with young STMP targets
- police had a poor understanding of the basis for conducting STMP home visits; yet police commonly used this strategy to manage young STMP targets
- the STMP review and evaluation process did not robustly evaluate whether the program helped to reduce a young person's offending.

Dealing with young offenders

Some young people are involved in serious or ongoing criminal activity.

Young people's offending is often influenced by their social and emotional development.

To help protect community safety, police need to be able to respond to young people who are involved in criminal activity and investigate crime.

However, police interactions should always occur in a lawful and appropriate way.

In NSW, there is a legal framework specifically designed for interactions with young people.

This framework recognises that young people:

- should, as far as possible, be prevented from entering the criminal justice system
- are vulnerable and should not be treated the same as adult offenders
- have a high likelihood of rehabilitation and therefore, alternatives to incarceration should be considered.

The future of policing youth recidivism

The Commission is interested to see how the NSW Police Force will balance its new approach to preventing repeat offending with appropriate recognition of the unique characteristics of young offenders.

While police have stopped using the STMP on young people, we hope that our report will help guard against a repetition of the inadequacies we observed.

We hope the new approach being developed by the NSW Police Force will:

- not disproportionately impact First Nations youths
- remedy past problems with selection bias
- reduce police's reliance on heavy-handed and oppressive policing strategies to intervene on young people's lives
- introduce robust record keeping and evaluation processes to ensure accountability of policing actions.