

Inadequate safeguards against misuse of coerced information: study

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Individual rights may be coming second to a notion of 'collective security' as agencies ramp up their use of information obtained through coercive means, a University of Melbourne study has warned.

Some [law enforcement](#) and integrity authorities have coercive powers to compel a person to provide evidence or produce documents.

The report, 'Has accountability kept up with the use of coercive powers information?' analyses three cases:

- The matter of Mohammed Haneef, an Indian national wrongly accused by Australian authorities of providing support to a terrorist organization in 2007.
- The Victorian Office of Police Integrity's handling of a 2011 complaint by the then Police Chief Commissioner, Simon Overland, against his deputy, Sir Ken Jones.
- A 2011/12 Commission of Inquiry into the New South Wales Crime Commission.

"These case studies highlight some of the recent deficiencies in effective accountability," lead researcher Chris Bonnici said.

"In some instances individual rights weren't given due regard, as authorities sought to achieve 'collective security'."

The report also highlights the inability of judges to properly test the veracity of information obtained through coercive means when it is used as ‘intelligence’.

It argues strong policies and procedures are necessary to minimize the risk of the illegal or inaccurate use of coercive powers information and to provide an adequate foundation for oversight and review.

“In many instances, accountability has not kept up with significant changes in the use of information from coercive powers by law enforcement agencies,” the report reads.

The report doesn’t propose a specific model to address the identified shortcomings, but recommends a “multi-faceted and inter-related” accountability regime with “routine, independent and properly informed oversight”.

“If [accountability](#) for the use of coercive powers information does not adapt to these changes then there is a continuing risk to [individual rights](#),” Mr Bonnici said.

Provided by University of Melbourne

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