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NSW Ombudsman

2007-2008 Controlled Operations Annual Report

The Ombudsman Bruce Barbour reported to Parliament today a slight increase in the number of authorities granted by law enforcement agencies in NSW to conduct controlled operations; when participants get approval to technically break the law in order to investigate and deter crime and corrupt conduct.

“Controlled operations are an extremely important and useful investigatory tool”, Mr Barbour said. **“The sophistication of many criminal and corrupt enterprises means they cannot be penetrated by traditional investigation measures. Only by infiltrating them through undercover operations is it possible to gather the necessary evidence to arrest and prosecute offenders”** Mr Barbour said.

The Ombudsman is notified of all authorities. He ensures that each agency complies with the controlled operation’s legislation and provides an important check and accountability function.

“My inspections found on the whole that all the agencies continue to use these powers in a responsible and effective way” said Mr Barbour.

A total of 383 operations were authorised and 313 completed during the past financial year. The largest increase was for the NSW Crime Commission who conducted 30 operations compared to 12 in the previous reporting period.

The NSW Police Force continues to be the agency responsible for the vast majority of controlled operations. 71% of the operations targeted drug related criminal activities; others targeted serious offences including armed robbery, murder, fraud, firearms and explosives offences, arson, stolen motor vehicles and vehicle re-birthing, extortion and blackmail, prostitution, perverting the course of justice and child prostitution offences, kidnapping, sexual assault and the bribery of a public official. Several operations during the APEC leader’s week targeted conspiracy to commit public order offences.

Over 10,000 police officers were authorised to take part in controlled operations during the year. Only 465 law enforcement participants and 114 civilians actually took part.

The Independent Commission Against Corruption completed six controlled operations during the year and the Australian Crime Commission two.