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## **NSW Ombudsman's 2004-2005 Controlled Operations Annual Report**

There was a 25% increase during the past financial year in authorities granted by law enforcement agencies in NSW to conduct controlled operations. These undercover operations in which participants technically break the law are carried out by NSW Police, the NSW and Australian Crime Commissions, the ICAC and the Police Integrity Commission. A total of 454 operations were authorised and 324 completed.

**“Controlled operations are a powerful tool to investigate and thwart serious criminal activity and corrupt conduct,”** said the Ombudsman, Bruce Barbour. **“However it is important that there be strict accountability for these operations”** he said after his Annual Report was tabled in Parliament today.

The Ombudsman is notified of all authorities and ensures that each agency complies with the controlled operations legislation.

The Ombudsman's report reveals that NSW Police granted 414 authorities during 2004-05 and completed 287 controlled operations. 83% of these operations targeted criminal activities associated with the supply, possession, cultivation or manufacture of prohibited drugs. The majority of operations authorised law enforcement officers or civilians to engage in conversations and negotiations involving the supply of prohibited drugs and the purchase and possession of prohibited drugs.

Other operations conducted by NSW Police targeted serious offences including armed robbery, murder, fraud, terrorist activities, arson, female genital mutilation and motor vehicle re-birthing.

45% of the controlled operations conducted by NSW Police resulted in arrests and charges. Other evidence and intelligence was gathered in 4% of the operations, but 51% produced a nil result.

The Ombudsman said the fact that so many operations did not proceed was not a cause for concern. **“The ability to carry out controlled operations is often dependent upon opportunities arising over which the law enforcement agency has no direct control,”** said Mr Barbour. The Ombudsman said this also explained why a larger number of law enforcement officers were authorised to take part in operations than actually do end up taking part. **“It is sometimes necessary to authorise all potential officers who might be called upon to take part because it is unknown who will actually be on duty at the time the operation can proceed”** said Mr Barbour.

NSW Police authorised over 11,000 officers to take part in controlled operations during the year but only 547 law enforcement participants and 87 civilians were involved in the 283 operations completed by NSW Police by end June 2005.

The NSW Crime Commission completed 20 controlled operation during the year, the Police Integrity Commission 10, the Australian Crime Commission 4 and the ICAC three. The Australian Federal Police and Australian Customs Service are able to conduct controlled operations under the NSW law but neither agency has done so to date.