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Ombudsman reports drop in undercover operations

The Ombudsman reported to Parliament today a 10% decrease in authorities granted by law enforcement agencies in NSW to conduct controlled operations. NSW Police Force, the NSW and Australian Crime Commissions, the ICAC and the Police Integrity Commission conduct these undercover operations. Participants get approval to technically break the law in order to investigate and deter crime and corrupt conduct. A total of 364 operations were authorised and 336 completed during the past financial year.

“Controlled operations are an extremely important and useful investigatory tool” the Ombudsman 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.

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

The NSW Police Force continues to be the agency responsible for the vast majority of controlled operations. 80% of the NSW Police Force operations targeted drug related criminal activities. Most operations authorised undercover police or civilians to engage in conversations and negotiations involving the supply of prohibited drugs and their purchase and possession.

Other operations conducted by the NSW Police Force targeted serious offences including armed robbery, murder, fraud, firearms and explosives offences, arson, illegal gaming, prostitution, stalking, perverting the course of justice and child prostitution offences.

Over 12,000 police officers were authorised to take part in controlled operations during the year. Only 634 law enforcement participants and 125 civilians actually took part.

The NSW Crime Commission completed 12 controlled operation during the year, the Independent Commission Against Corruption six, the Professional Standards Command of NSW Police Force three, the Police Integrity Commission two and the Australian Crime Commission one. 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.